

**REPEAL OF EXEMPTIONS FROM  
NONRESIDENT TUITION**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Glenn A. Donnelson**

Senate Sponsor: Margaret Dayton

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**LONG TITLE**

**General Description:**

This bill modifies eligibility criteria for an exemption from the nonresident portion of total tuition at a state institution of higher education.

**Highlighted Provisions:**

This bill:

► provides that an exemption from the nonresident portion of total tuition at a state institution of higher education for students who have attended high school in the state for three years and graduated from a high school in the state or received the equivalent of a high school diploma shall be restricted to those students who register as an entering student before May 1, 2008.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53B-8-106**, as enacted by Laws of Utah 2002, Chapter 230

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*Be it enacted by the Legislature of the state of Utah:*



28 Section 1. Section **53B-8-106** is amended to read:

29 **53B-8-106. Resident tuition -- Requirements -- Rules.**

30 (1) If allowed under federal law, a student, other than a nonimmigrant alien within the  
31 meaning of paragraph (15) of subsection (a) of Section 1101 of Title 8 of the United States  
32 Code, shall be exempt from paying the nonresident portion of total tuition if the student:

33 (a) attended high school in this state for three or more years;

34 (b) graduated from a high school in this state or received the equivalent of a high  
35 school diploma in this state; and

36 (c) registers as an entering student at an institution of higher education;

37 (i) not earlier than the fall of the 2002-03 academic year[-]; and

38 (ii) before May 1, 2008.

39 (2) In addition to the requirements under Subsection (1), a student without lawful  
40 immigration status shall file an affidavit with the institution of higher education stating that the  
41 student has filed an application to legalize his immigration status, or will file an application as  
42 soon as he is eligible to do so.

43 (3) The State Board of Regents shall make rules for the implementation of this section.

44 (4) Nothing in this section limits the ability of institutions of higher education to assess  
45 nonresident tuition on students who do not meet the requirements under this section.

46 (5) An institution of higher education shall continue to provide the exemption from  
47 paying the nonresident portion of total tuition for a student who entered the institution before  
48 May 1, 2008, through the time that the student remains admitted as a student at that institution  
49 of higher education in a program of study leading to a degree or certificate.

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**Legislative Review Note**  
as of **9-6-07 8:26 AM**

**Office of Legislative Research and General Counsel**

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**H.B. 241 - Repeal of Exemptions from Nonresident Tuition**

**Fiscal Note**

2008 General Session

State of Utah

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**State Impact**

Implementation of this bill would likely curtail the growth in the number of certain non-immigrant alien students, resulting in a loss of future tuition revenue at various institutions. The estimated FY 2009 loss is \$350,000 and would increase to approximately \$500,000 in FY 2010.

	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2009</u> <u>Approp.</u>	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2008</u> <u>Revenue</u>	<u>FY 2009</u> <u>Revenue</u>	<u>FY 2010</u> <u>Revenue</u>
Dedicated Credits	\$0	\$0	\$0	\$0	(\$350,000)	(\$500,000)
<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>(\$350,000)</b>	<b>(\$500,000)</b>

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**Individual, Business and/or Local Impact**

Nonimmigrant aliens who benefit from paying resident tuition would lose this benefit and would be required to pay nonresident tuition rates if they chose to pursue their education at an institution in the Utah System of Higher Education.

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