

Senator Margaret Dayton proposes the following substitute bill:

**MODIFICATION 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:

- ▶ limits an exemption from the nonresident portion of total tuition at a state institution of higher education to students who are not employed or do not earn income in the United States during the year without federal authorization; and
- ▶ makes technical corrections.

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

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

28 **53B-8-106. Resident tuition -- Requirements -- Rules.**

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

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

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

35 (c) registers as an entering student at an institution of higher education not earlier than  
36 the fall of the 2002-03 academic year.

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

41 (3) (a) A student may not be employed or earn income in the United States during a  
42 year that the student claims the exemption under Subsection (1) unless the student's  
43 employment is authorized by an appropriate federal agency.

44 (b) If a student is employed or earns income in the United States during a year that the  
45 student claims the exemption in violation of the provisions under Subsection (3)(a), the student  
46 shall be permanently ineligible for the exemption under Subsection (1).

47 [~~(3)~~] (4) The State Board of Regents shall make rules for the implementation of this  
48 section.

49 [~~(4)~~] (5) Nothing in this section limits the ability of institutions of higher education to  
50 assess nonresident tuition on students who do not meet the requirements under this section.