{deleted text} shows text that was in HB0191 but was deleted in HB0191S01.

inserted text shows text that was not in HB0191 but was inserted into HB0191S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

Representative Bill Wright proposes the following substitute bill:

NONRESIDENT TUITION WAIVER AMENDMENTS

2011 GENERAL SESSION STATE OF UTAH

Chief Sponsor: Carl Wimmer Senate Sponsor:

LONG TITLE

General Description:

This bill {repeals} amends provisions related to an exemption from the nonresident portion of total tuition within the State System of Higher Education.

Highlighted Provisions:

This bill:

- \ \{\text{repeals the provision that, if allowed under federal law, a student, other than a nonimmigrant alien, is exempt\}\text{requires a student to prove that the student, or the student's parent or legal guardian, paid Utah income taxes during the prior year to qualify for an exemption from the nonresident portion of total tuition\{\text{ if the student:}}
 - attended high school in the state for three or more years; and
 - graduated from a high school or received its equivalent in the state}; and

makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on July 1, 2011.

Utah Code Sections Affected:

AMENDS:

53B-13a-102, as last amended by Laws of Utah 2004, Chapter 10

63G-11-104, as last amended by Laws of Utah 2010, Chapter 191

REPEALS:

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

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

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

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

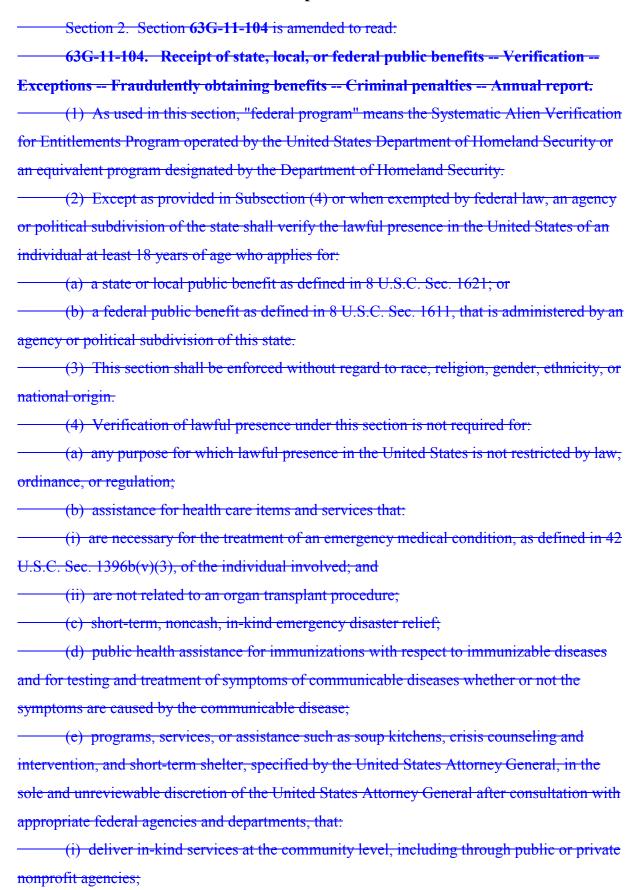
- (1) If allowed under federal law, a student, other than a nonimmigrant alien within the meaning of paragraph (15) of subsection (a) of Section 1101 of Title 8 of the United States Code, shall be exempt from paying the nonresident portion of total tuition if the student:
 - (a) attended high school in this state for three or more years;
- (b) graduated from a high school in this state or received the equivalent of a high school diploma in this state; [and]
- (c) registers as an entering student at an institution of higher education not earlier than the fall of the 2002-03 academic year $\boxed{\cdot}$

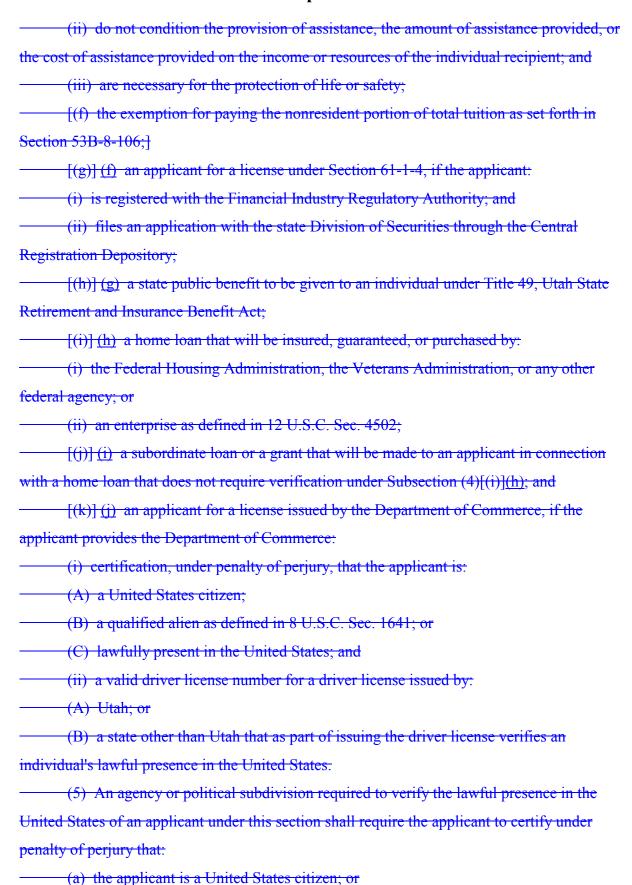
<u>}]; and</u>

- (d) provides proof that the student, or the student's parent or legal guardian, paid Utah resident income taxes for the previous year.
- (2) In addition to the requirements under Subsection (1), a student without lawful immigration status shall file an affidavit with the institution of higher education stating that the student has filed an application to legalize his immigration status, or will file an application as soon as he is eligible to do so.
 - (3) The State Board of Regents shall make rules for the implementation of this section.

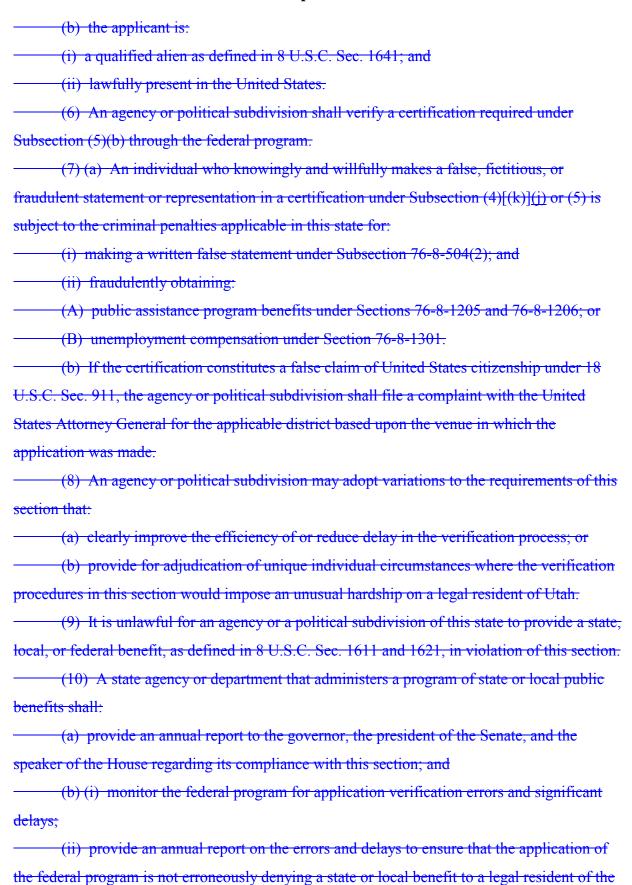
(4) Nothing in this section limits the ability of institutions of higher education to assess

nonresident tuition on students who do not meet the requirements under this section. Section {1. Section 53B-13a-102 is amended to read: 53B-13a-102. Definitions. As used in this chapter: (1) "Cost of attendance" means the total of costs payable to the institution, plus other direct educational expenses and transportation and living expenses while attending the institution, set forth in institutional cost-of-attendance budgets which meet criteria established by board rules. (2) (a) "Eligible student" means a financially needy student who is: (i) unconditionally admitted to and enrolled at a Utah postsecondary institution on at least a half-time basis, as defined by the board, in an eligible postsecondary program leading to a defined education or training objective, as defined by the board; and (ii) [(A)] a resident student under Section 53B-8-102 and rules of the board[; or]. [(B) exempt from paying the nonresident portion of total tuition under Section 53B-8-106.1 (b) "Eligible student" does not include a graduate student. (3) "Federal poverty guideline" means the federal poverty measure issued each year by the U.S. Department of Health and Human Services in the Federal Register. (4) "Financial aid" means grants or work-study stipends to financially needy students enrolled or accepted for enrollment at a Utah postsecondary institution. (5) "Financially needy student" means a student who demonstrates, on the basis of criteria established by the board, the financial inability, either through the student's parents or family, or personally, to meet all or a portion of the total cost of attendance at an institution for any period of attendance as defined by the board. (6) "Fiscal year" means the fiscal year of the state. (7) "Program" means the Utah Centennial Opportunity Program for Education. (8) "Utah postsecondary institution" or "institution" means: (a) an institution of higher education listed in Section 53B-1-102; or (b) a Utah private, nonprofit postsecondary institution that is accredited by a regional accrediting organization recognized by the board.





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state; and
(iii) report delays and errors in the federal program to the United States Department of
Homeland Security.
Section 3. Repealer.
This bill repeals:
Section 53B-8-106, Resident tuition Requirements Rules.
Section 4}2. Effective date.
This bill takes effect on July 1, 2011.
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Legislative Review Note
as of 9-28-10 7:58 AM
Office of Legislative Research and General Counsel