

**HIGHER EDUCATION TUITION AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ronald M. Winterton**

House Sponsor: Michael L. Kohler

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**LONG TITLE**

**General Description:**

This bill amends when resident student status for tuition purposes can be given.

**Highlighted Provisions:**

This bill:

- ▶ extends resident tuition status to immediate family members of military service members under certain circumstances; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53B-8-102**, as last amended by Laws of Utah 2023, Chapters 44, 50

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

Section 1. Section **53B-8-102** is amended to read:

**53B-8-102. Definitions -- Resident student status -- Exceptions.**

(1) As used in this section:

(a) "Eligible person" means an individual who is entitled to post-secondary educational



28 benefits under Title 38 U.S.C., Veterans' Benefits.

29 (b) "Immediate family member" means an individual's spouse or dependent child.

30 (c) "Military service member" means an individual who:

31 (i) is serving on active duty in the United States Armed Forces within the state of Utah;

32 (ii) is a member of a reserve component of the United States Armed Forces assigned in  
33 Utah;

34 (iii) is a member of the Utah National Guard; or

35 (iv) maintains domicile in Utah, as described in Subsection (9)(a), but is assigned

36 outside of Utah pursuant to federal permanent change of station orders.

37 (d) "Military veteran" has the same meaning as veteran in Section [68-3-12.5](#).

38 (e) "Parent" means a student's biological or adoptive parent.

39 (2) The meaning of "resident student" is determined by reference to the general law on  
40 the subject of domicile, except as provided in this section.

41 (3) (a) Institutions within the state system of higher education may grant resident  
42 student status to any student who has come to Utah and established residency for the purpose of  
43 attending an institution of higher education, and who, prior to registration as a resident student:

44 (i) has maintained continuous Utah residency status for one full year;

45 (ii) has signed a written declaration that the student has relinquished residency in any  
46 other state; and

47 (iii) has submitted objective evidence that the student has taken overt steps to establish  
48 permanent residency in Utah and that the student does not maintain a residence elsewhere.

49 (b) Evidence to satisfy the requirements under Subsection (3)(a)(iii) includes:

50 (i) a Utah high school transcript issued in the past year confirming attendance at a Utah  
51 high school in the past 12 months;

52 (ii) a Utah voter registration dated a reasonable period prior to application;

53 (iii) a Utah driver license or identification card with an original date of issue or a  
54 renewal date several months prior to application;

55 (iv) a Utah vehicle registration dated a reasonable period prior to application;

56 (v) evidence of employment in Utah for a reasonable period prior to application;

57 (vi) proof of payment of Utah resident income taxes for the previous year;

58 (vii) a rental agreement showing the student's name and Utah address for at least 12

59 months prior to application; and

60 (viii) utility bills showing the student's name and Utah address for at least 12 months  
61 prior to application.

62 (c) A student who is claimed as a dependent on the tax returns of a person who is not a  
63 resident of Utah is not eligible to apply for resident student status.

64 (4) Except as provided in Subsection (8), an institution within the state system of  
65 higher education may establish stricter criteria for determining resident student status.

66 (5) If an institution does not have a minimum credit-hour requirement, that institution  
67 shall honor the decision of another institution within the state system of higher education to  
68 grant a student resident student status, unless:

69 (a) the student obtained resident student status under false pretenses; or

70 (b) the facts existing at the time of the granting of resident student status have changed.

71 (6) Within the limits established in Title 53B, Chapter 8, Tuition Waiver and  
72 Scholarships, each institution within the state system of higher education may, regardless of its  
73 policy on obtaining resident student status, waive nonresident tuition either in whole or in part,  
74 but not other fees.

75 (7) In addition to the waivers of nonresident tuition under Subsection (6), each  
76 institution may, as athletic scholarships, grant full waiver of fees and nonresident tuition, up to  
77 the maximum number allowed by the appropriate athletic conference as recommended by the  
78 president of each institution.

79 (8) Notwithstanding Subsection (3), an institution within the state system of higher  
80 education shall grant resident student status for tuition purposes to:

81 (a) a military service member, if the military service member provides:

82 (i) the military service member's current United States military identification card; and

83 (ii) (A) a statement from the military service member's current commander, or  
84 equivalent, stating that the military service member is assigned in Utah; or

85 (B) evidence that the military service member is domiciled in Utah, as described in  
86 Subsection (9)(a);

87 (b) a military service member's immediate family member, if the military service  
88 member's immediate family member provides:

89 (i) (A) the military service member's current United States military identification card;

90 or

91 (B) the immediate family member's current United States military identification card;

92 and

93 (ii) (A) a statement from the military service member's current commander, or

94 equivalent, stating that the military service member is assigned in Utah; ~~or~~

95 (B) evidence that the military service member is domiciled in Utah, as described in

96 Subsection (9)(a); or

97 (C) evidence that the immediate family member completed at least one year of grades 9

98 through 12 at a local education agency, as defined in Section 53E-1-102, within the state while

99 the military service member was assigned in Utah, regardless of the service member's current

100 assignment.

101 (c) a military veteran, regardless of whether the military veteran served in Utah, if the

102 military veteran provides:

103 (i) evidence of an honorable or general discharge;

104 (ii) a signed written declaration that the military veteran has relinquished residency in

105 any other state and does not maintain a residence elsewhere;

106 (iii) objective evidence that the military veteran has demonstrated an intent to establish

107 residency in Utah, which may include any one of the following:

108 (A) a Utah voter registration card;

109 (B) a Utah driver license or identification card;

110 (C) a Utah vehicle registration;

111 (D) evidence of employment in Utah;

112 (E) a rental agreement showing the military veteran's name and Utah address; or

113 (F) utility bills showing the military veteran's name and Utah address;

114 (d) a military veteran's immediate family member, regardless of whether the military

115 veteran served in Utah, if the military veteran's immediate family member provides:

116 (i) evidence of the military veteran's honorable or general discharge;

117 (ii) a signed written declaration that the military veteran's immediate family member

118 has relinquished residency in any other state and does not maintain a residence elsewhere; and

119 (iii) objective evidence that the military veteran's immediate family member has

120 demonstrated an intent to establish residency in Utah, which may include any one of the items

121 described in Subsection (8)(c)(iii); or

122 (e) an eligible person who provides:

123 (i) evidence of eligibility under Title 38 U.S.C., Veterans' Benefits;

124 (ii) a signed written declaration that the eligible person will use the G.I. Bill benefits;

125 and

126 (iii) objective evidence that the eligible person has demonstrated an intent to establish  
127 residency in Utah, which may include any one of the items described in Subsection (8)(c)(iii).

128 (f) an alien who provides:

129 (i) evidence that the alien is a special immigrant visa recipient;

130 (ii) evidence that the alien has been granted refugee status, humanitarian parole,  
131 temporary protected status, or asylum; or

132 (iii) evidence that the alien has submitted in good faith an application for refugee  
133 status, humanitarian parole, temporary protected status, or asylum under United States  
134 immigration law.

135 (9) (a) The evidence described in Subsection (8)(a)(ii)(B) or (8)(b)(ii)(B) includes:

136 (i) a current Utah voter registration card;

137 (ii) a valid Utah driver license or identification card;

138 (iii) a current Utah vehicle registration;

139 (iv) a copy of a Utah income tax return, in the military service member's or military  
140 service member's spouse's name, filed as a resident in accordance with Section 59-10-502; or

141 (v) proof that the military service member or military service member's spouse owns a  
142 home in Utah, including a property tax notice for property owned in Utah.

143 (b) Aliens who are present in the United States on visitor, student, or other visas not  
144 listed in Subsection (8)(f) or (9)(c), which authorize only temporary presence in this country,  
145 do not have the capacity to intend to reside in Utah for an indefinite period and therefore are  
146 classified as nonresidents.

147 (c) Aliens who have been granted or have applied for permanent resident status in the  
148 United States are classified for purposes of resident student status according to the same  
149 criteria applicable to citizens.

150 (10) Any American Indian who is enrolled on the tribal rolls of a tribe whose  
151 reservation or trust lands lie partly or wholly within Utah or whose border is at any point

152 contiguous with the border of Utah, and any American Indian who is a member of a federally  
153 recognized or known Utah tribe and who has graduated from a high school in Utah, is entitled  
154 to resident student status.

155 (11) A Job Corps student is entitled to resident student status if the student:

156 (a) is admitted as a full-time, part-time, or summer school student in a program of  
157 study leading to a degree or certificate; and

158 (b) submits verification that the student is a current Job Corps student.

159 (12) A person is entitled to resident student status and may immediately apply for  
160 resident student status if the person:

161 (a) marries a Utah resident eligible to be a resident student under this section; and

162 (b) establishes his or her domicile in Utah as demonstrated by objective evidence as  
163 provided in Subsection (3).

164 (13) Notwithstanding Subsection (3)(c), a dependent student who has at least one  
165 parent who has been domiciled in Utah for at least 12 months prior to the student's application  
166 is entitled to resident student status.

167 (14) (a) A person who has established domicile in Utah for full-time permanent  
168 employment may rebut the presumption of a nonresident classification by providing substantial  
169 evidence that the reason for the individual's move to Utah was, in good faith, based on an  
170 employer requested transfer to Utah, recruitment by a Utah employer, or a comparable  
171 work-related move for full-time permanent employment in Utah.

172 (b) All relevant evidence concerning the motivation for the move shall be considered,  
173 including:

174 (i) the person's employment and educational history;

175 (ii) the dates when Utah employment was first considered, offered, and accepted;

176 (iii) when the person moved to Utah;

177 (iv) the dates when the person applied for admission, was admitted, and was enrolled  
178 as a postsecondary student;

179 (v) whether the person applied for admission to an institution of higher education  
180 sooner than four months from the date of moving to Utah;

181 (vi) evidence that the person is an independent person who is:

182 (A) at least 24 years old; or

183 (B) not claimed as a dependent on someone else's tax returns; and  
184 (vii) any other factors related to abandonment of a former domicile and establishment  
185 of a new domicile in Utah for purposes other than to attend an institution of higher education.

186 (15) (a) A person who is in residence in Utah to participate in a United States Olympic  
187 athlete training program, at a facility in Utah, approved by the governing body for the athlete's  
188 Olympic sport, shall be entitled to resident status for tuition purposes.

189 (b) Upon the termination of the athlete's participation in the training program, the  
190 athlete shall be subject to the same residency standards applicable to other persons under this  
191 section.

192 (c) Time spent domiciled in Utah during the Olympic athlete training program in Utah  
193 counts for Utah residency for tuition purposes upon termination of the athlete's participation in  
194 a Utah Olympic athlete training program.

195 (16) (a) A person who has established domicile in Utah for reasons related to divorce,  
196 the death of a spouse, or long-term health care responsibilities for an immediate family  
197 member, including the person's spouse, parent, sibling, or child, may rebut the presumption of a  
198 nonresident classification by providing substantial evidence that the reason for the individual's  
199 move to Utah was, in good faith, based on the long-term health care responsibilities.

200 (b) All relevant evidence concerning the motivation for the move shall be considered,  
201 including:

202 (i) the person's employment and educational history;

203 (ii) the dates when the long-term health care responsibilities in Utah were first  
204 considered, offered, and accepted;

205 (iii) when the person moved to Utah;

206 (iv) the dates when the person applied for admission, was admitted, and was enrolled  
207 as a postsecondary student;

208 (v) whether the person applied for admission to an institution of higher education  
209 sooner than four months from the date of moving to Utah;

210 (vi) evidence that the person is an independent person who is:

211 (A) at least 24 years old; or

212 (B) not claimed as a dependent on someone else's tax returns; and

213 (vii) any other factors related to abandonment of a former domicile and establishment

214 of a new domicile in Utah for purposes other than to attend an institution of higher education.

215 (17) The board, after consultation with the institutions, shall make rules not

216 inconsistent with this section:

217 (a) concerning the definition of resident and nonresident students;

218 (b) establishing procedures for classifying and reclassifying students;

219 (c) establishing criteria for determining and judging claims of residency or domicile;

220 (d) establishing appeals procedures; and

221 (e) other matters related to this section.

222 (18) A student shall be exempt from paying the nonresident portion of total tuition if

223 the student:

224 (a) is a foreign national legally admitted to the United States;

225 (b) attended high school in this state for three or more years; and

226 (c) graduated from a high school in this state or received the equivalent of a high

227 school diploma in this state.

228 Section 2. **Effective date.**

229 This bill takes effect on May 1, 2024.