

EXEMPTION FROM NONRESIDENT TUITION

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: David Ure

This act modifies the State System of Higher Education code to allow a student who meets certain requirements to be exempt from paying nonresident tuition at institutions of higher education. This act requires the State Board of Regents to make rules. This act takes effect on July 1, 2002.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

53B-8-106, Utah Code Annotated 1953

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

Section 1. Section **53B-8-106** is enacted 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.

(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 2. **Effective date.**

This act takes effect on July 1, 2002.