

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 330

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO THE WWAMI, WICHE OR WOI PROGRAMS; AMENDING SECTION 33-3717B,
2 IDAHO CODE, TO PROVIDE THAT THE STATE BOARD OF EDUCATION SHALL CAUSE ALL
3 STUDENTS, WHO ARE ADMITTED TO THE WWAMI (WASHINGTON, WYOMING, ALASKA,
4 MONTANA, IDAHO) REGIONAL MEDICAL PROGRAM, THE WICHE STUDENT EXCHANGE
5 PROGRAMS, CREIGHTON UNIVERSITY SCHOOL OF DENTAL SCIENCE, THE UNIVER-
6 SITY OF UTAH COLLEGE OF MEDICINE, AND THE WASHINGTON, OREGON, IDAHO
7 (WOI) REGIONAL PROGRAM IN VETERINARY MEDICAL EDUCATION PROGRAMS TO SIGN
8 A CONTRACT PROVIDING FOR REPAYMENT OF MONEYS PAID FROM PUBLIC FUNDS ON
9 BEHALF OF SUCH IDAHO STUDENT, TO PROVIDE THAT THE STUDENT SHALL ACTIVELY
10 ENGAGE IN PROFESSIONAL PRACTICE OR OTHER PROFESSIONAL PURSUITS IN IDAHO
11 FOR A PERIOD NOT TO EXCEED THREE YEARS AS THE BOARD REQUIRES OR REPAY ALL
12 AMOUNTS EXPENDED BY THE STATE OF IDAHO, TO PROVIDE PROCEDURES FOR SUCH
13 REPAYMENT AND TO MAKE TECHNICAL CORRECTIONS.
14

15 Be It Enacted by the Legislature of the State of Idaho:

16 SECTION 1. That Section 33-3717B, Idaho Code, be, and the same is hereby
17 amended to read as follows:

18 33-3717B. RESIDENCY REQUIREMENTS. (1) For any public institution of
19 higher education in Idaho, a "resident student" is:

20 (a) Any student who has one (1) or more parent or parents or court-ap-
21 pointed guardians who are domiciled in the state of Idaho, and the par-
22 ent, parents or guardians provide at least fifty percent (50%) of the
23 student's support. Domicile, as used in this section, means that indi-
24 vidual's true, fixed and permanent home and place of habitation. It is
25 the place where that individual intends to remain, and to which that in-
26 dividual expects to return when that individual leaves without intend-
27 ing to establish a new domicile elsewhere. To qualify under this sec-
28 tion, the parent, parents or guardians must have maintained a bona fide
29 domicile in the state of Idaho for at least twelve (12) months prior to
30 the opening day of the term for which the student matriculates.

31 (b) Any student, who receives less than fifty percent (50%) of the stu-
32 dent's support from a parent, parents or legal guardians and who has
33 continuously resided and maintained a bona fide domicile in the state
34 of Idaho primarily for purposes other than educational for twelve (12)
35 months next preceding the opening day of the term during which the stu-
36 dent proposes to attend the college or university.

37 (c) Subject to subsection (2) of this section, any student who is a
38 graduate of an accredited secondary school in the state of Idaho, and
39 who matriculates at a college or university in the state of Idaho during
40 the term immediately following such graduation regardless of the resi-
41 dence of the student's parent or guardian.

1 (d) The spouse of a person who is classified, or is eligible for classi-
2 fication, as a resident of the state of Idaho for the purposes of attend-
3 ing a college or university.

4 (e) A member of the armed forces of the United States, stationed in the
5 state of Idaho on military orders.

6 (f) An officer or an enlisted member of the Idaho national guard.

7 (g) A student whose parent or guardian is a member of the armed forces
8 and stationed in the state of Idaho on military orders and who receives
9 fifty percent (50%) or more of support from parents or legal guardians.
10 The student, while in continuous attendance, shall not lose that resi-
11 dence when the student's parent or guardian is transferred on military
12 orders.

13 (h) A person separated, under honorable conditions, from the United
14 States armed forces after at least two (2) years of service, who at
15 the time of separation designates the state of Idaho as his intended
16 domicile or who has Idaho as the home of record in service and enters
17 a college or university in the state of Idaho within one (1) year of
18 the date of separation, or who moves to Idaho for the purpose of estab-
19 lishing domicile; provided however, to maintain status as a resident
20 student, such person must actively establish domicile in Idaho within
21 one (1) year of matriculation in a public institution of higher educa-
22 tion in Idaho. The dependent of a person who qualifies as a resident
23 student under this paragraph and who receives at least fifty percent
24 (50%) support from such person shall also be a resident student.

25 (i) Any individual who has been domiciled in the state of Idaho, has
26 qualified and would otherwise be qualified under the provisions of this
27 statute and who is away from the state for a period of less than thirty
28 (30) months and has not established legal residence elsewhere provided
29 a twelve (12) month period of continuous residence has been established
30 immediately prior to departure; provided however, time spent away from
31 the state while enrolled in a postsecondary education program shall not
32 be included in the thirty (30) months. Such time spent away from the
33 state while enrolled shall include normal academic year breaks, such as
34 summer breaks or breaks between semesters or quarters, that occur prior
35 to the receipt of the postsecondary degree.

36 (j) A student who is a member of any of the following Idaho Native Ameri-
37 can Indian tribes, regardless of current domicile, shall be considered
38 an Idaho state resident for purposes of fees or tuition at institutions
39 of higher education: members of the following Idaho Native American
40 Indian tribes, whose traditional and customary tribal boundaries in-
41 cluded portions of the state of Idaho, or whose Indian tribe was granted
42 reserved lands within the state of Idaho: (i) Coeur d'Alene tribe; (ii)
43 Shoshone-Paiute tribes; (iii) Nez Perce tribe; (iv) Shoshone-Bannock
44 tribes; (v) Kootenai tribe.

45 (2) A "nonresident student" shall mean any student who does not qualify
46 as a "resident student" under the provisions of subsection (1) of this sec-
47 tion, and shall include:

48 (a) A student attending an institution in this state with the aid of
49 financial assistance provided by another state or governmental unit or

1 agency thereof, such nonresidency continuing for one (1) year after the
2 completion of the semester for which such assistance is last provided.

3 (b) A person who is not a citizen of the United States of America, who
4 does not have permanent or temporary resident status or does not hold
5 "refugee-parolee" or "conditional entrant" status with the United
6 States immigration and naturalization service or is not otherwise per-
7 manently residing in the United States under color of the law and who
8 does not also meet and comply with all applicable requirements of this
9 section.

10 (3) The establishment of a new domicile in Idaho by a person formerly
11 domiciled in another state has occurred if such person is physically present
12 in Idaho primarily for purposes other than educational and can show sat-
13 isfactory proof that such person is without a present intention to return
14 to such other state or to acquire a domicile at some other place outside
15 of Idaho. A student who is enrolled for more than eight (8) hours in any
16 semester or quarter during a twelve (12) month period shall be presumed to
17 be in Idaho for primarily educational purposes. Such period of enrollment
18 shall not be counted toward the establishment of a bona fide domicile in
19 this state unless the student proves, in fact, establishment of a bona fide
20 domicile in this state primarily for purposes other than educational. In-
21 stitutions determining whether a student is domiciled in the state of Idaho
22 primarily for purposes other than educational shall consider, but shall not
23 be limited to, the following factors:

24 (a) Any of the following, if done for at least twelve (12) months before
25 the term in which the student proposes to enroll as a resident student,
26 proves the establishment and maintenance of domicile in Idaho for pur-
27 poses other than educational and supports classification of a student
28 as an Idaho resident:

29 (i) Filing of Idaho state income tax returns covering a period of
30 at least twelve (12) months before the term in which the student
31 proposes to enroll as a resident student;

32 (ii) Permanent full-time employment or the hourly equivalent
33 thereof in the state of Idaho; or

34 (iii) Ownership by the student of the student's living quarters.

35 (b) The following, if done for at least twelve (12) months before the
36 term in which the student proposes to enroll as a resident student, lend
37 support to domiciliary intent and the absence of which indicates a lack
38 of domiciliary intent. By themselves, the following do not constitute
39 sufficient evidence of the establishment and maintenance of a domicile
40 in Idaho for purposes other than educational:

41 (i) Registration and payment of Idaho taxes or fees on a motor ve-
42 hicle, mobile home, travel trailer or other item of personal prop-
43 erty for which state registration and the payment of a state tax or
44 fee is required;

45 (ii) Registration to vote for state elected officials in Idaho at
46 a general election;

47 (iii) Holding an Idaho driver's license;

48 (iv) Evidence of abandonment of a previous domicile;

49 (v) Presence of household goods in Idaho;

1 (vi) Establishment of accounts with Idaho financial institu-
2 tions; and

3 (vii) Other similar factors indicating intent to be domiciled in
4 Idaho and the maintenance of such domicile.

5 (4) The state board of education and the board of regents of the uni-
6 versity of Idaho shall adopt uniform and standard rules applicable to all
7 state colleges and universities now or hereafter established to determine
8 resident status of any student and to establish procedures for review of that
9 status.

10 (5) Appeal from a final determination denying resident status may be
11 initiated by the filing of an action in the district court of the county in
12 which the affected college or university is located; an appeal from the dis-
13 trict court shall lie as in all civil actions.

14 (6) Nothing contained herein shall prevent the state board of education
15 and the board of regents of the university of Idaho from establishing quo-
16 tas, standards for admission, standards for readmission, or other terms and
17 requirements governing persons who are not residents for purposes of higher
18 education.

19 (7) For students who apply for special graduate and professional pro-
20 grams including, but not limited to, the WWAMI (Washington, Wyoming, Alaska,
21 Montana, Idaho) regional medical program, the WICHE student exchange pro-
22 grams, Creighton university school of dental science, the university of
23 Utah college of medicine, and the Washington, Oregon, Idaho (WOI) regional
24 program in veterinary medical education, no applicant shall be certified or
25 otherwise designated as a beneficiary of such special program who has not
26 been a resident of the state of Idaho for at least one (1) calendar year pre-
27 vious to the application date. The state board of education shall cause all
28 students who are admitted to the professional programs enumerated in this
29 subsection to sign a contract providing for repayment of moneys paid from
30 public funds on behalf of such Idaho student. The student shall actively
31 engage in professional practice or other professional pursuits in Idaho for
32 a period not to exceed three (3) years as the board requires or repay all
33 amounts expended by the state of Idaho pursuant to this subsection on the
34 student's education, together with interest that shall begin accruing after
35 the student's residency but in no event later than eight (8) years after
36 the student enters into an agreement, upon terms specified by the board.
37 However, interest shall begin to accrue if the board finds that the student
38 has withdrawn from medical school, dental school or veterinary college or a
39 residency program or is otherwise not making satisfactory progress toward
40 completion of the degree or program. Money expended under the provisions of
41 this subsection shall accrue at an annual interest rate equal to that charged
42 for federal Stafford loans at the time interest begins to accrue, which rate
43 shall be adjusted annually to match the federal Stafford loan rate. In no
44 event shall the interest rate be greater than eight percent (8%). The taking
45 of a family practice residency program in the state shall be credited toward
46 the practice requirements at the rate of one-third (1/3) year of practice
47 for each year of service in a family practice residency program in the state.
48 The state board of education may relieve a student of the obligation to re-
49 pay amounts expended under the provisions of this subsection, in whole or
50 in part, where repayment would cause undue hardship. Any moneys received

1 pursuant to this subsection shall be remitted to the medical education fund,
2 which is hereby created in the state treasury. Moneys in the fund shall be
3 expended pursuant to appropriation. The state board of education may pro-
4 mulgate rules to implement the provisions of this subsection.