

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 641

BY EDUCATION COMMITTEE

AN ACT

RELATING TO HIGHER EDUCATION; AMENDING SECTION 33-3717B, IDAHO CODE, TO RE-
VISE PROVISIONS REGARDING RESIDENCY REQUIREMENTS.

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

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

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

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

(b) Any student who receives less than fifty percent (50%) of the stu-
dent's support from a parent, parents or legal guardians and who has
continuously resided and maintained a bona fide domicile in the state
of Idaho primarily for purposes other than educational for twelve (12)
months preceding the opening day of the term for which the student ma-
triculates.

(c) Any student who is a graduate of an accredited secondary school in
the state of Idaho pursuant to section 33-119, Idaho Code, is domiciled
in Idaho, and ~~who~~ matriculates at an Idaho public institution of higher
education within ~~six~~ eight (68) years immediately following secondary
school graduation regardless of the domicile of the student's parent or
guardian, or any student who completes six (6) years of elementary and
secondary education in Idaho, is domiciled in Idaho, and matriculates
at an Idaho public institution of higher education within ~~six~~ eight (68)
years immediately following completion of secondary education.

(d) The spouse of a person who is classified, or is eligible for clas-
sification, as a resident of the state of Idaho for the purposes of at-
tending an Idaho public institution of higher education, except that a
student who was enrolled as a full-time student in any term during the
twelve (12) month period before the term in which the student proposes
to enroll as a resident student must independently establish domicile
under subsection (2) of this section.

1 (e) A member of the armed forces of the United States who entered ser-
2 vice as an Idaho resident and who has maintained Idaho resident status,
3 but is not stationed within the state of Idaho on military orders.

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

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

7 (h) A person separated, under honorable conditions, from the United
8 States armed forces after at least two (2) years of service, who at
9 the time of separation designates the state of Idaho as his intended
10 domicile or who has Idaho as the home of record in service and enters
11 a college or university in the state of Idaho within one (1) year of
12 the date of separation, or who moves to Idaho for the purpose of estab-
13 lishing domicile; provided however, to maintain status as a resident
14 student, such person must actively establish domicile in Idaho within
15 one (1) year of matriculation in a public institution of higher educa-
16 tion in Idaho.

17 (i) The dependent child of a person who qualifies as a resident student
18 under the provisions of paragraphs (e) through (g) of this subsection
19 and who receives at least fifty percent (50%) support from such person
20 shall also be a resident student and shall not lose that resident status
21 if, after he or she enters an Idaho public institution of higher educa-
22 tion, the parent or guardian is transferred out of the state of Idaho on
23 military orders.

24 (j) A student who is a member of an Idaho Native American Indian tribe,
25 whose traditional and customary tribal boundaries included portions
26 of the state of Idaho, or whose Indian tribe was granted reserved lands
27 within the state of Idaho. The state board of education shall maintain a
28 list of tribes ~~who~~ that meet these requirements.

29 (k) A student who matriculates at an Idaho public institution of higher
30 education as a full-time student in a graduate or professional program
31 within thirty-six (36) months of receiving a baccalaureate degree from
32 an Idaho public institution of higher education or from a private, non-
33 profit postsecondary educational institution exempt from registration
34 under section 33-2402, Idaho Code. Such student must have resided in
35 Idaho for twelve (12) months prior to receiving the baccalaureate de-
36 gree.

37 (2) The establishment of a new domicile in Idaho by a person formerly
38 domiciled in another state has occurred if such person has resided in Idaho
39 for the prior twelve (12) months and is physically present in Idaho primar-
40 ily for purposes other than educational. A student who is enrolled as a full-
41 time student in any term during the prior twelve (12) month period shall be
42 presumed to be in Idaho for primarily educational purposes. Such period of
43 enrollment shall not be counted toward the establishment of a domicile in
44 this state unless the student can provide proof of full-time employment in
45 Idaho for twelve (12) months before the term in which the student proposes to
46 enroll as a resident student and the filing of an Idaho state resident income
47 tax return for the prior tax year.

48 (3) Notwithstanding the provisions of subsections (1) and (2) of this
49 section, the following students shall be considered nonresidents for tu-
50 tion purposes:

1 (a) A student attending an Idaho public institution of higher education
2 with financial assistance provided by another country or governmental
3 unit or agency thereof. Such nonresidency shall continue for twelve
4 (12) months after the completion of the last semester for which such
5 assistance was provided.

6 (b) A student who is not a United States citizen, unless lawfully
7 present in the United States.

8 (4) The state board of education and the board of regents of the univer-
9 sity of Idaho shall adopt uniform and standard rules applicable to all Idaho
10 public institutions of higher education now or hereafter established to de-
11 termine residency status of any student and to establish procedures for re-
12 view of that status.

13 (5) Appeal from a final determination denying residency status may be
14 initiated by the filing of an action in the district court of the county in
15 which the affected public institution of higher education is located. An ap-
16 peal from the district court shall lie as in all civil actions.

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

22 (7) For students who apply for special graduate and professional pro-
23 grams including, but not limited to, the WWAMI (Washington, Wyoming, Alaska,
24 Montana, Idaho) regional medical program, the WICHE student exchange pro-
25 grams, Idaho dental education program, the university of Utah school of
26 medicine, and the Washington-Idaho regional program in veterinary medicine,
27 no applicant shall be certified or otherwise designated as a beneficiary of
28 such special program who does not meet the definition of resident student as
29 set forth in subsection (1) of this section.