

1                                   **HIGHER EDUCATION TUITION AMENDMENTS**  
2                                   2024 GENERAL SESSION  
3                                   STATE OF UTAH  
4                                   **Chief Sponsor: Ronald M. Winterton**  
5                                   House Sponsor: Michael L. Kohler

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7 **LONG TITLE**

8 **General Description:**

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

10 **Highlighted Provisions:**

11       This bill:

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

15 **Money Appropriated in this Bill:**

16       None

17 **Other Special Clauses:**

18       None

19 **Utah Code Sections Affected:**

20 AMENDS:

21       **53B-8-102**, as last amended by Laws of Utah 2023, Chapters 44, 50

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

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

24       **53B-8-102 . Definitions -- Resident student status -- Exceptions.**

25 (1) As used in this section:

- 26 (a) "Eligible person" means an individual who is entitled to post-secondary educational
- 27       benefits under Title 38 U.S.C., Veterans' Benefits.
- 28 (b) "Immediate family member" means an individual's spouse or dependent child.
- 29 (c) "Military service member" means an individual who:
  - 30 (i) is serving on active duty in the United States Armed Forces within the state of
  - 31       Utah;

- 29 (ii) is a member of a reserve component of the United States Armed Forces assigned  
30 in Utah;
- 31 (iii) is a member of the Utah National Guard; or
- 32 (iv) maintains domicile in Utah, as described in Subsection (9)(a), but is assigned  
33 outside of Utah pursuant to federal permanent change of station orders.
- 34 (d) "Military veteran" has the same meaning as veteran in Section 68-3-12.5.
- 35 (e) "Parent" means a student's biological or adoptive parent.
- 36 (2) The meaning of "resident student" is determined by reference to the general law on the  
37 subject of domicile, except as provided in this section.
- 38 (3) (a) Institutions within the state system of higher education may grant resident student  
39 status to any student who has come to Utah and established residency for the purpose  
40 of attending an institution of higher education, and who, prior to registration as a  
41 resident student:
- 42 (i) has maintained continuous Utah residency status for one full year;
- 43 (ii) has signed a written declaration that the student has relinquished residency in any  
44 other state; and
- 45 (iii) has submitted objective evidence that the student has taken overt steps to  
46 establish permanent residency in Utah and that the student does not maintain a  
47 residence elsewhere.
- 48 (b) Evidence to satisfy the requirements under Subsection (3)(a)(iii) includes:
- 49 (i) a Utah high school transcript issued in the past year confirming attendance at a  
50 Utah high school in the past 12 months;
- 51 (ii) a Utah voter registration dated a reasonable period prior to application;
- 52 (iii) a Utah driver license or identification card with an original date of issue or a  
53 renewal date several months prior to application;
- 54 (iv) a Utah vehicle registration dated a reasonable period prior to application;
- 55 (v) evidence of employment in Utah for a reasonable period prior to application;
- 56 (vi) proof of payment of Utah resident income taxes for the previous year;
- 57 (vii) a rental agreement showing the student's name and Utah address for at least 12  
58 months prior to application; and
- 59 (viii) utility bills showing the student's name and Utah address for at least 12 months  
60 prior to application.
- 61 (c) A student who is claimed as a dependent on the tax returns of a person who is not a  
62 resident of Utah is not eligible to apply for resident student status.

- 63 (4) Except as provided in Subsection (8), an institution within the state system of higher  
64 education may establish stricter criteria for determining resident student status.
- 65 (5) If an institution does not have a minimum credit-hour requirement, that institution shall  
66 honor the decision of another institution within the state system of higher education to  
67 grant a student resident student status, unless:
- 68 (a) the student obtained resident student status under false pretenses; or  
69 (b) the facts existing at the time of the granting of resident student status have changed.
- 70 (6) Within the limits established in Title 53B, Chapter 8, Tuition Waiver and Scholarships,  
71 each institution within the state system of higher education may, regardless of its policy  
72 on obtaining resident student status, waive nonresident tuition either in whole or in part,  
73 but not other fees.
- 74 (7) In addition to the waivers of nonresident tuition under Subsection (6), each institution  
75 may, as athletic scholarships, grant full waiver of fees and nonresident tuition, up to the  
76 maximum number allowed by the appropriate athletic conference as recommended by  
77 the president of each institution.
- 78 (8) Notwithstanding Subsection (3), an institution within the state system of higher  
79 education shall grant resident student status for tuition purposes to:
- 80 (a) a military service member, if the military service member provides:
- 81 (i) the military service member's current United States military identification card;  
82 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  
86 in 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  
90 card; or  
91 (B) the immediate family member's current United States military identification  
92 card; 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  
96 in Subsection (9)(a); or

97                    (C) evidence that the immediate family member completed at least one year of  
98                    grades 9 through 12 at a local education agency, as defined in Section  
99                    53E-1-102, within the state while the military service member was assigned in  
100                    Utah, regardless of the service member's current 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  
107            establish 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  
119            elsewhere; and
- 120            (iii) objective evidence that the military veteran's immediate family member has  
121            demonstrated an intent to establish residency in Utah, which may include any one  
122            of the items described in Subsection (8)(c)(iii); or

123            (e) an eligible person who provides:

- 124            (i) evidence of eligibility under Title 38 U.S.C., Veterans' Benefits;
- 125            (ii) a signed written declaration that the eligible person will use the G.I. Bill benefits;  
126            and
- 127            (iii) objective evidence that the eligible person has demonstrated an intent to establish  
128            residency in Utah, which may include any one of the items described in  
129            Subsection (8)(c)(iii).

130            (f) an alien who provides:

- 131 (i) evidence that the alien is a special immigrant visa recipient;
- 132 (ii) evidence that the alien has been granted refugee status, humanitarian parole,
- 133 temporary protected status, or asylum; or
- 134 (iii) evidence that the alien has submitted in good faith an application for refugee
- 135 status, humanitarian parole, temporary protected status, or asylum under United
- 136 States immigration law.
- 137 (9) (a) The evidence described in Subsection (8)(a)(ii)(B) or (8)(b)(ii)(B) includes:
- 138 (i) a current Utah voter registration card;
- 139 (ii) a valid Utah driver license or identification card;
- 140 (iii) a current Utah vehicle registration;
- 141 (iv) a copy of a Utah income tax return, in the military service member's or military
- 142 service member's spouse's name, filed as a resident in accordance with Section
- 143 59-10-502; or
- 144 (v) proof that the military service member or military service member's spouse owns
- 145 a home in Utah, including a property tax notice for property owned in Utah.
- 146 (b) Aliens who are present in the United States on visitor, student, or other visas not
- 147 listed in Subsection (8)(f) or (9)(c), which authorize only temporary presence in this
- 148 country, do not have the capacity to intend to reside in Utah for an indefinite period
- 149 and therefore are classified as nonresidents.
- 150 (c) Aliens who have been granted or have applied for permanent resident status in the
- 151 United States are classified for purposes of resident student status according to the
- 152 same criteria applicable to citizens.
- 153 (10) Any American Indian who is enrolled on the tribal rolls of a tribe whose reservation or
- 154 trust lands lie partly or wholly within Utah or whose border is at any point contiguous
- 155 with the border of Utah, and any American Indian who is a member of a federally
- 156 recognized or known Utah tribe and who has graduated from a high school in Utah, is
- 157 entitled to resident student status.
- 158 (11) A Job Corps student is entitled to resident student status if the student:
- 159 (a) is admitted as a full-time, part-time, or summer school student in a program of study
- 160 leading to a degree or certificate; and
- 161 (b) submits verification that the student is a current Job Corps student.
- 162 (12) A person is entitled to resident student status and may immediately apply for resident
- 163 student status if the person:
- 164 (a) marries a Utah resident eligible to be a resident student under this section; and

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

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

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

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

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

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

180 (iii) when the person moved to Utah;

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

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

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

186 (A) at least 24 years old; or

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

188 (vii) any other factors related to abandonment of a former domicile and establishment  
189 of a new domicile in Utah for purposes other than to attend an institution of higher  
190 education.

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

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

197 (c) Time spent domiciled in Utah during the Olympic athlete training program in Utah  
198 counts for Utah residency for tuition purposes upon termination of the athlete's

- 199 participation in a Utah Olympic athlete training program.
- 200 (16) (a) A person who has established domicile in Utah for reasons related to divorce,  
201 the death of a spouse, or long-term health care responsibilities for an immediate  
202 family member, including the person's spouse, parent, sibling, or child, may rebut the  
203 presumption of a nonresident classification by providing substantial evidence that the  
204 reason for the individual's move to Utah was, in good faith, based on the long-term  
205 health care responsibilities.
- 206 (b) All relevant evidence concerning the motivation for the move shall be considered,  
207 including:
- 208 (i) the person's employment and educational history;
- 209 (ii) the dates when the long-term health care responsibilities in Utah were first  
210 considered, offered, and accepted;
- 211 (iii) when the person moved to Utah;
- 212 (iv) the dates when the person applied for admission, was admitted, and was enrolled  
213 as a postsecondary student;
- 214 (v) whether the person applied for admission to an institution of higher education  
215 sooner than four months from the date of moving to Utah;
- 216 (vi) evidence that the person is an independent person who is:
- 217 (A) at least 24 years old; or
- 218 (B) not claimed as a dependent on someone else's tax returns; and
- 219 (vii) any other factors related to abandonment of a former domicile and establishment  
220 of a new domicile in Utah for purposes other than to attend an institution of higher  
221 education.
- 222 (17) The board, after consultation with the institutions, shall make rules not inconsistent  
223 with this section:
- 224 (a) concerning the definition of resident and nonresident students;
- 225 (b) establishing procedures for classifying and reclassifying students;
- 226 (c) establishing criteria for determining and judging claims of residency or domicile;
- 227 (d) establishing appeals procedures; and
- 228 (e) other matters related to this section.
- 229 (18) A student shall be exempt from paying the nonresident portion of total tuition if the  
230 student:
- 231 (a) is a foreign national legally admitted to the United States;
- 232 (b) attended high school in this state for three or more years; and

233 (c) graduated from a high school in this state or received the equivalent of a high school  
234 diploma in this state.

235 Section 2. **Effective date.**

236 This bill takes effect on May 1, 2024.