

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 527

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO COMMUNITY COLLEGES; AMENDING SECTION 33-2110A, IDAHO CODE,  
2 TO REVISE PROVISIONS REGARDING TUITION OF OUT-OF-DISTRICT STUDENTS,  
3 COUNTY TAXES AND OTHER FINANCIAL SUPPORT AND TO MAKE TECHNICAL CORREC-  
4 TIONS; AMENDING SECTION 33-2110B, IDAHO CODE, TO REVISE TERMINOLOGY;  
5 AND AMENDING SECTION 33-2117, IDAHO CODE, TO DEFINE TERMS.  
6

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

8 SECTION 1. That Section 33-2110A, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10 33-2110A. TUITION OF OUT-OF-DISTRICT IDAHO STUDENTS, COUNTY TAXES AND  
11 OTHER FINANCIAL SUPPORT. (1) Any student residing in the area of a county  
12 outside of a community college district or in a county without a community  
13 college district, who has been a resident of the county and state as defined  
14 by section 33-2110B, Idaho Code, immediately prior to the date of his first  
15 enrollment in a community college, which residence may not be acquired while  
16 attending and enrolled in a community college, may enroll in any community  
17 college in the state, and the county of his residence shall pay that portion  
18 of his tuition as hereinafter set out. The tuition which shall be paid by the  
19 resident county shall be that portion of the tuition uniformly established  
20 by a community college district for all out-of-district students, both in  
21 state as well as out of state, pursuant to section 33-2110, Idaho Code, after  
22 deducting therefrom the amount of tuition paid by a resident student at the  
23 community college; however, the liability of the resident county shall not  
24 exceed two-thirds (2/3) of the total tuition and fees charged and in no in-  
25 stance shall it exceed five hundred dollars (\$500) each semester for a two  
26 (2) semester year for a full-time student. The student shall pay the tu-  
27 ition and fees charged a student resident in the district, and the balance,  
28 if any, of the ~~nonresident~~ out-of-district student tuition above the max-  
29 imum liability of the county of his residence. No county shall be liable  
30 for out-of-district tuition unless the board of county commissioners of that  
31 county has first verified to the community college in writing the fact that  
32 the student is a resident of the county. Upon verification, the county shall  
33 thereafter be liable for the out-of-district tuition so long as the student  
34 is duly enrolled and attending the college subject to the following limita-  
35 tions:

36 (a) Liability shall be the term of the curriculum for which the student  
37 is enrolled, with a maximum lifetime liability of three thousand dol-  
38 lars (\$3,000). The three thousand dollar (\$3,000) maximum is exclusive  
39 of any reimbursement to counties for county tuition from the state or  
40 other funds.

41 (b) Liability shall terminate if the student's domiciliary residence  
42 changes and that change continues for twelve (12) months.

1           (2) ~~The nonresident~~ tuition shall be established annually not later  
2 than August 1 and shall be forthwith filed with the state board of education,  
3 together with a statement supporting the computation thereof. ~~Each commu-~~  
4 ~~nity college, by October 15 and March 15 of each year, shall bill the county~~  
5 ~~of residence of each nonresident student enrolled at the commencement of~~  
6 ~~each semester, and each board of county commissioners shall allow and order~~  
7 ~~paid any bill for tuition at the first regular meeting following receipt of~~  
8 ~~the bill, but not exceeding forty-five (45) days after receipt. Upon failure~~  
9 ~~of a county to pay the tuition, a community college district may commence~~  
10 ~~action in the district court of the state of Idaho for the county to collect~~  
11 ~~the same.~~

12           (3) To receive county payment of tuition, each out-of-district student  
13 taking community college courses shall complete a certificate of residency  
14 form and submit it to the county clerk of their resident county on or before  
15 December 1 of each year for classes taken during that fall semester, and on  
16 or before May 1 of each year for classes taken during that spring semester.  
17 Failure by a student to submit the certificate of residency form by these  
18 deadlines is sufficient grounds for denial of the certificate of residency  
19 by the county.

20           (4) Each county shall provide information regarding which students'  
21 certificates of residency were approved to each community college on or be-  
22 fore December 20 of each year for classes taken during that fall semester,  
23 and on or before May 20 of each year for classes taken during that spring  
24 semester.

25           (5) Each community college shall submit an invoice to each county of  
26 residence of each out-of-district student on or before January 20 of each  
27 year for classes taken during that fall semester, and on or before June 20  
28 of each year for classes taken during that spring semester. Counties are  
29 not required to pay for classes that are billed past these deadlines. In-  
30 voices shall list the out-of-district tuition amount for each out-of-dis-  
31 trict student who was approved by the county of residency, and shall list  
32 only students still duly enrolled in the class past the community college's  
33 drop deadline.

34           (6) Each board of county commissioners shall allow and order paid any  
35 timely submitted and proper invoice for tuition at a regular meeting follow-  
36 ing receipt of the invoice. Upon failure of a county to pay a timely submit-  
37 ted and proper invoice, a community college district may commence action in  
38 the district court of the state of Idaho for the county to collect the same.

39           (7) For the payment of tuition of ~~nonresident~~ out-of-district students  
40 as herein provided, there shall be allocated in each county without a com-  
41 munity college district to a county community college fund, and paid to the  
42 county treasurer to be held in that fund, fifty percent (50%) of all moneys  
43 apportioned to the county out of liquor funds of the state of Idaho as set  
44 forth in chapter 4, title 23, Idaho Code, and that amount shall be deducted  
45 from the amount that would otherwise be allocated to the county; and if  
46 liquor funds are not sufficient to pay the tuition, commencing for the calen-  
47 dar year 1966, the board of county commissioners shall levy upon the taxable  
48 property within each county without a community college district, and, in  
49 a county with such a district, upon the taxable property within the county  
50 lying outside of the community college district, a property tax not to exceed

1 six hundredths percent (.06%) of market value for assessment purposes, to  
 2 be certified as set out in section 33-2111, Idaho Code. The proceeds of the  
 3 levy shall be placed in the county community college fund. ~~Apportionment of~~  
 4 ~~liquor funds herein provided shall commence for the fiscal quarter ending~~  
 5 ~~September 30, 1965, and accruing during that quarter.~~

6 (48) Based upon the enrollment established by the first semester's tu-  
 7 ~~ition bills~~ invoices received by ~~October 15~~ January 20, the board of county  
 8 commissioners shall establish immediately a total community college annual  
 9 tuition budget for two (2) semesters which shall be equal to twice the amount  
 10 of the tuition bills plus a contingency factor of ten percent (10%). This  
 11 budget shall be adjusted after ~~March 15~~ June 20 based on any change of en-  
 12 rollment shown by the second semester tuition bills. If enrollment is from  
 13 zero to not more than four (4) students, a minimum budget of five (5) students  
 14 at five hundred dollars (\$500) each shall be established. In the event all  
 15 tuition bills received have been paid, notwithstanding any other provision  
 16 hereof, (a) any liquor funds received, which in the quarter when received to  
 17 any extent are in excess of the budget, to the extent of that excess shall  
 18 not be paid over to the county treasurer to be held in the community college  
 19 fund, and (b) any funds received from the levy on taxable property, which  
 20 when received to any extent are in excess of the budget after the application  
 21 of liquor funds thereto, to the extent of that excess shall not be paid over  
 22 to the community college fund. Excess liquor funds shall be paid pursuant to  
 23 law as if this section were not applicable and excess funds shall be paid to  
 24 the general fund of the county. In the event the total liquor fund payable  
 25 hereunder to the county community college fund together with the receipts  
 26 from the levy on taxable property for each fiscal year are insufficient to  
 27 pay tuition bills, which deficiency is caused by a levy of less than the max-  
 28 imum allowed hereunder, or by enrollment in excess of the budget herein pro-  
 29 vided, the budget for each following year shall be increased to the maximum  
 30 allowed by the maximum tax levy authorized to pay any deficiency at the ear-  
 31 liest time. If the deficiency is due to the lack of funds in a fiscal year  
 32 when the maximum levy authorized shall have been made, for the next fiscal  
 33 year thereafter the number of students from that county shall be limited by  
 34 the board of county commissioners to the extent necessary to pay the defi-  
 35 ciency not later than the end of the following year. ~~Provided nevertheless,~~  
 36 ~~for the two (2) semesters commencing September, 1965, the board of county~~  
 37 ~~commissioners shall limit the community college budget and total students~~  
 38 ~~to estimated liquor funds available on quarterly disbursements through June~~  
 39 ~~30, 1966. Any limitation of students authorized shall be accomplished (a)~~  
 40 ~~on the basis of student grades and financial need, and (b) by each commu-~~  
 41 ~~nity college notifying the county of residence of each student's application~~  
 42 ~~and the county shall accept or reject the application at least five (5) days~~  
 43 ~~prior to the tuition billing dates set out herein. A community college shall~~  
 44 ~~nevertheless have a right to require any student residing outside the dis-~~  
 45 ~~trict to pay nonresident out-of-district tuition if the county of his resi-~~  
 46 ~~dence is more than twenty-five percent (25%) in arrears of a total county tu-~~  
 47 ~~ition bill for one (1) year as of the beginning of the subsequent semester,~~  
 48 ~~but tuition shall be refunded to such students when paid by the county.~~

49 SECTION 2. That Section 33-2110B, Idaho Code, be, and the same is hereby  
 50 amended to read as follows:

1 33-2110B. RESIDENCY -- RULES -- APPEAL -- STANDARDS FOR ~~NONRESIDENTS~~  
2 IN-DISTRICT, OUT-OF-DISTRICT AND OUT-OF-STATE STUDENTS. (1) For purposes  
3 of this chapter, a an "resident in-district student" is:

4 (a) Any student whose parents or court-appointed guardians are domi-  
5 ciled in the community college district and provide more than fifty per-  
6 cent (50%) of his support. Domicile, as used in this section, means an  
7 individual's true, fixed and permanent home and place of habitation. It  
8 is the place where he intends to remain and to which he expects to return  
9 when he leaves without intending to establish a new domicile elsewhere.  
10 To qualify under this section, the parents or guardian must have resided  
11 continuously in the community college district for twelve (12) months  
12 next preceding the opening day of the term for which the student matric-  
13 ulates.

14 (b) Any student who receives less than fifty percent (50%) of his  
15 support from parents or legal guardians who are not residents of the  
16 community college district for voting purposes and who has continuously  
17 resided in the community college district for twelve (12) months next  
18 preceding the opening day of the period of instruction during which he  
19 proposes to attend the community college.

20 (c) The spouse of a person who is classified, or is eligible for clas-  
21 sification, as a resident of the community college district for the pur-  
22 poses of attending that community college.

23 (d) A member of the armed forces of the United States, stationed in the  
24 community college district on military orders or who entered service  
25 as a resident of the community college district and who has maintained  
26 resident status, but is not stationed within the community college dis-  
27 trict on military orders.

28 (e) An officer or an enlisted member of the Idaho national guard.

29 (f) A student whose parents or guardians are members of the armed forces  
30 and stationed in the community college district on military orders and  
31 who receives fifty percent (50%) or more of support from parents or le-  
32 gal guardians. The student, while in continuous attendance, shall not  
33 lose his residence when his parents or guardians are transferred on mil-  
34 itary orders.

35 (g) A person separated, under honorable conditions, from the United  
36 States armed forces after at least two (2) years of active service, who  
37 at the time of separation designates the community college district as  
38 his intended domicile or who has the district as the home of record in  
39 service and enters the community college within one (1) year of the date  
40 of separation.

41 (h) Any individual who has been domiciled in the community college dis-  
42 trict, has qualified and would otherwise be qualified under the provi-  
43 sions of this statute and who is away from the district for a period of  
44 less than one (1) calendar year and has not established legal residence  
45 elsewhere, provided a twelve (12) month period of continuous residence  
46 has been established immediately prior to departure.

47 (2) A community college board of trustees shall adopt rules and regula-  
48 tions applicable to their college now or hereafter established to determine  
49 in-district, out-of-district and out-of-state residence status of any stu-  
50 dent and to establish procedures for review of that status.

1 (3) Appeal from a final determination denying resident status may be  
 2 initiated by the filing of an action in the district court of the county in  
 3 which the affected community college is located. An appeal from the district  
 4 court shall lie as in all civil actions.

5 (4) Nothing contained herein shall prevent a community college board  
 6 of trustees from waiving tuition to be paid by ~~nonresident~~ out-of-district,  
 7 out-of-state or foreign students.

8 (5) Nothing contained herein shall prevent a community college board of  
 9 trustees from establishing quotas, standards for admission, standards for  
 10 readmission, or other terms and requirements governing persons who are not  
 11 residents for purposes of the first two (2) years of postsecondary educa-  
 12 tion.

13 SECTION 3. That Section 33-2117, Idaho Code, be, and the same is hereby  
 14 amended to read as follows:

15 33-2117. DEFINITIONS. The following terms, wherever used or referred  
 16 to in this act, shall have the following respective meanings, unless a dif-  
 17 ferent meaning clearly appears from the context:

18 (a) "Junior college housing commission" or "commission" shall mean any  
 19 public corporation created by section 33-2118.

20 (b) "District" shall mean any junior college district organized and ex-  
 21 isting under chapter 21 of title 33, Idaho Code.

22 (c) "Governing body" shall mean the board of trustees of a junior col-  
 23 lege district.

24 (d) "Chairman" shall mean the chairman of the board of trustees of a ju-  
 25 nior college district.

26 (e) "Clerk" shall mean the clerk of the board of trustees of a junior  
 27 college district.

28 (f) "Federal government" shall include the United States of America and  
 29 any agency or instrumentality, corporate or otherwise, of the United States  
 30 of America.

31 (g) "Dormitory project" shall mean the construction of dormitory or  
 32 dormitories for occupation by students attending a junior college organized  
 33 under chapter 21, title 33, Idaho Code, and shall include the construction  
 34 of buildings for occupation by students and facilities for the feeding and  
 35 recreation of students, equipment and furniture therefor and all matters  
 36 usually incidental thereto, including the furnishing of sewer, heat, water  
 37 service, landscaping, and streets or rights of ingress and egress. The term  
 38 "dormitory project" also may be applied to the planning of the buildings  
 39 and improvements, the acquisition of property, the construction, recon-  
 40 struction, alteration and repair of the improvements, and all other work in  
 41 connection therewith.

42 (h) "Students" shall mean persons duly enrolled as students in a junior  
 43 college.

44 (i) "Bonds" shall mean any bonds, notes, interim certificates, debent-  
 45 ures, or other obligations issued by a commission pursuant to this act.

46 (j) "Real property" shall include all lands, including improvements  
 47 and fixtures thereon, and property of any nature appurtenant thereto, or  
 48 used in connection therewith, and every estate, interest and right, legal or

1 equitable, therein, including terms for years and liens by way of judgments,  
2 mortgage or otherwise, and the indebtedness secured by such liens.

3 (k) "Obligee of the commission" or "Obligee" shall include any bond-  
4 holder, trustee or trustees for any bondholders, or lessors demising to the  
5 commission property used in connection with the dormitory project, or any  
6 assignee or assignees of such lessor's interest, or any part thereof, and the  
7 federal government when it is a party to any contract with the commission.

8 (l) "Drop deadline" shall mean the last date by which a student can drop  
9 a class and still receive a one hundred percent (100%) refund of tuition and  
10 fees from the college. "Drop deadline" does not mean the withdrawal dead-  
11 line.

12 (m) "Withdrawal deadline" shall mean the last date by which a student  
13 can drop a class and receive a "W" grade.

14 (n) "Out-of-district student" shall mean a student who is a resident of  
15 the state of Idaho but is not an in-district student as defined in section  
16 33-2110B, Idaho Code.