

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 631

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 (~~6~~8) 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 (~~6~~8)
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 matriculating at and attending a public institution of
 30 higher education in Idaho in a graduate or professional program who:

31 (i) Graduated from an institution of higher education located in
 32 Idaho that:

33 1. Is public;

34 2. Is private and holds a certificate of registration with
 35 the board pursuant to section 33-2402, Idaho Code; or

36 3. Is private, nonprofit and exempt from registration with
 37 the board pursuant to section 33-2402, Idaho Code;

38 (ii) Physically resided in Idaho for at least the final twelve
 39 (12) months of undergraduate studies;

40 (iii) Earned a baccalaureate degree from the undergraduate in-
 41 stitution sufficient to meet the standards for admission into the
 42 graduate or professional program; and

43 (iv) Enrolls in the graduate or professional program no later than
 44 thirty-six (36) months after receiving a baccalaureate degree
 45 from the undergraduate institution.

46 (2) The establishment of a new domicile in Idaho by a person formerly
 47 domiciled in another state has occurred if such person has resided in Idaho
 48 for the prior twelve (12) months and:

49 (a) ±Is physically present in Idaho primarily for purposes other than
 50 educational. A An undergraduate student who is enrolled as a full-time

1 student in any term during the prior twelve (12) month period shall be
2 presumed to be in Idaho for primarily educational purposes. Such period
3 of enrollment shall not be counted toward the establishment of a domi-
4 cile in this state unless the student can provide proof of full-time em-
5 ployment in Idaho for twelve (12) months before the term in which the
6 student proposes to enroll as a resident student and the filing of an
7 Idaho state resident income tax return for the prior tax year; or

8 (b) Is a full-time student in a graduate or professional program at an
9 institution of higher education in Idaho.

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

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

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

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

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

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

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