

IN THE SENATE

SENATE BILL NO. 1367

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-3717B, IDAHO CODE, TO PROVIDE
RESIDENT STUDENT STATUS TO CERTAIN VETERANS AND CERTAIN OF THEIR
DEPENDENTS.

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 public institution of
higher education in Idaho, a "resident student" is:

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

(b) Any student, who receives less than fifty percent (50%) of the
student'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 next preceding the opening day of the term during which the
student proposes to attend the college or university.

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

(d) The spouse of a person who is classified, or is eligible for
classification, as a resident of the state of Idaho for the purposes of
attending a college or university.

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

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

(g) A student whose parent or guardian is a member of the armed forces
and stationed in the state of Idaho on military orders and who receives
fifty percent (50%) or more of support from parents or legal guardians.

The student, while in continuous attendance, shall not lose that

1 residence when the student's parent or guardian is transferred on
2 military orders.

3 (h) A person separated, under honorable conditions, from the United
4 States armed forces after at least two (2) years of service, who at
5 the time of separation designates the state of Idaho as his intended
6 domicile or who has Idaho as the home of record in service and enters
7 a college or university in the state of Idaho within one (1) year
8 of the date of separation, or who moves to Idaho for the purpose of
9 establishing domicile; provided however, to maintain status as a
10 resident student, such person must actively establish domicile in
11 Idaho within one (1) year of matriculation in a public institution of
12 higher education in Idaho. The dependent of a person who qualifies as a
13 resident student under this paragraph and who receives at least fifty
14 percent (50%) support from such person shall also be a resident student.

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

26 (j) A student who is a member of any of the following Idaho Native
27 American Indian tribes, regardless of current domicile, shall be
28 considered an Idaho state resident for purposes of fees or tuition
29 at institutions of higher education: members of the following Idaho
30 Native American Indian tribes, whose traditional and customary tribal
31 boundaries included portions of the state of Idaho, or whose Indian
32 tribe was granted reserved lands within the state of Idaho: (i) Coeur
33 d'Alene tribe; (ii) Shoshone-Paiute tribes; (iii) Nez Perce tribe; (iv)
34 Shoshone-Bannock tribes; (v) Kootenai tribe.

35 (2) A "nonresident student" shall mean any student who does not qualify
36 as a "resident student" under the provisions of subsection (1) of this
37 section, and shall include:

38 (a) A student attending an institution in this state with the aid of
39 financial assistance provided by another state or governmental unit or
40 agency thereof, such nonresidency continuing for one (1) year after the
41 completion of the semester for which such assistance is last provided.

42 (b) A person who is not a citizen of the United States of America, who
43 does not have permanent or temporary resident status or does not hold
44 "refugee-parolee" or "conditional entrant" status with the United
45 States immigration and naturalization service or is not otherwise
46 permanently residing in the United States under color of the law and who
47 does not also meet and comply with all applicable requirements of this
48 section.

49 (3) The establishment of a new domicile in Idaho by a person formerly
50 domiciled in another state has occurred if such person is physically

1 present in Idaho primarily for purposes other than educational and can show
2 satisfactory proof that such person is without a present intention to return
3 to such other state or to acquire a domicile at some other place outside
4 of Idaho. A student who is enrolled for more than eight (8) hours in any
5 semester or quarter during a twelve (12) month period shall be presumed to
6 be in Idaho for primarily educational purposes. Such period of enrollment
7 shall not be counted toward the establishment of a bona fide domicile in
8 this state unless the student proves, in fact, establishment of a bona
9 fide domicile in this state primarily for purposes other than educational.
10 Institutions determining whether a student is domiciled in the state of
11 Idaho primarily for purposes other than educational shall consider, but
12 shall not be limited to, the following factors:

13 (a) Any of the following, if done for at least twelve (12) months
14 before the term in which the student proposes to enroll as a resident
15 student, proves the establishment and maintenance of domicile in Idaho
16 for purposes other than educational and supports classification of a
17 student as an Idaho resident:

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

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

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

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

30 (i) Registration and payment of Idaho taxes or fees on a motor
31 vehicle, mobile home, travel trailer or other item of personal
32 property for which state registration and the payment of a state
33 tax or fee is required;

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

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

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

38 (v) Presence of household goods in Idaho;

39 (vi) Establishment of accounts with Idaho financial
40 institutions; and

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

43 (4) The state board of education and the board of regents of the
44 university of Idaho shall adopt uniform and standard rules applicable to all
45 state colleges and universities now or hereafter established to determine
46 resident status of any student and to establish procedures for review of that
47 status.

48 (5) Appeal from a final determination denying resident status may be
49 initiated by the filing of an action in the district court of the county

1 in which the affected college or university is located; an appeal from the
2 district court shall lie as in all civil actions.

3 (6) Nothing contained herein shall prevent the state board of education
4 and the board of regents of the university of Idaho from establishing quotas,
5 standards for admission, standards for readmission, or other terms and
6 requirements governing persons who are not residents for purposes of higher
7 education.

8 (7) For students who apply for special graduate and professional
9 programs including, but not limited to, the WWAMI (Washington, Wyoming,
10 Alaska, Montana, Idaho) regional medical program, the WICHE student
11 exchange programs, Creighton university school of dental science, the
12 university of Utah college of medicine, and the Washington, Oregon, Idaho
13 (WOI) regional program in veterinary medical education, no applicant shall
14 be certified or otherwise designated as a beneficiary of such special
15 program who has not been a resident of the state of Idaho for at least one (1)
16 calendar year previous to the application date.