

Senate Bill 1563

Sponsored by Senator DEMBROW, Representatives HERNANDEZ, ALONSO LEON, Senator COURTNEY; Senators BURDICK, FREDERICK, GELSER, HASS, MANNING JR, MONNES ANDERSON, MONROE, PROZANSKI, RILEY, ROBLAN, STEINER HAYWARD, Representatives FAHEY, GREENLICK, HELM, HOLVEY, SANCHEZ, SOLLMAN (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Removes requirement that students who are not citizens or lawful permanent residents apply for official federal identification document to be eligible for exemption from paying nonresident tuition at public universities.

Permits public universities, Oregon Health and Science University and community colleges to provide scholarships and other financial aid to students who are not citizens or lawful permanent residents.

Permits Oregon Health and Science University and community colleges to exempt from paying nonresident tuition students who are not citizens or lawful permanent residents.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to state benefits for undocumented individuals; creating new provisions; amending ORS
3 352.287; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 352.287 is amended to read:

6 352.287. (1) The governing board of a public university listed in ORS 352.002 shall exempt a
7 student who is not a citizen or a lawful permanent resident of the United States from paying non-
8 resident tuition and fees for enrollment in a public university listed in ORS 352.002 if the student:

9 (a) During each of the three years immediately prior to receiving a high school diploma or a
10 modified diploma or leaving school before receiving a high school diploma or a modified diploma,
11 attended an elementary or a secondary school in this state;

12 (b) During each of the five years immediately prior to receiving a high school diploma or a
13 modified diploma or leaving school before receiving a high school diploma or a modified diploma,
14 attended an elementary or a secondary school in any state or territory of the United States, the
15 District of Columbia or the Commonwealth of Puerto Rico;

16 (c) Received a high school diploma or a modified diploma from a secondary school in this state
17 or received the equivalent of a high school diploma; and

18 (d) Shows intention to become a citizen or a lawful permanent resident of the United States by
19 submitting to the public university the student attends or plans to attend[:]

20 [(A)] an official copy of the student's application to register with a federal immigration program
21 or federal deportation deferral program or a statement of intent that the student will seek to obtain
22 citizenship as permitted under federal law.[: and]

23 [(B) *An affidavit stating that the student has applied for a federal individual taxpayer identifica-*
24 *tion number or other official federal identification document.*]

25 (2) The governing board shall exempt a student who is financially dependent upon a person who

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 is not a citizen or a lawful permanent resident of the United States from paying nonresident tuition
2 and fees for enrollment in a public university listed in ORS 352.002 if the student:

3 (a) During each of the three years immediately prior to receiving a high school diploma or a
4 modified diploma or leaving school before receiving a high school diploma or a modified diploma,
5 attended an elementary or a secondary school in this state and resided in this state with the person
6 upon whom the student is dependent;

7 (b) During each of the five years immediately prior to receiving a high school diploma or a
8 modified diploma or leaving school before receiving a high school diploma or a modified diploma,
9 attended an elementary or a secondary school in any state or territory of the United States, the
10 District of Columbia or the Commonwealth of Puerto Rico and resided with the person upon whom
11 the student is dependent;

12 (c) Received a high school diploma or a modified diploma from a secondary school in this state
13 or received the equivalent of a high school diploma; and

14 (d) For a student who is not already a citizen or lawful permanent resident of the United States,
15 shows intention to become a citizen or a lawful permanent resident of the United States by submit-
16 ting to the public university the student attends or plans to attend[:]

17 [(A)] an official copy of the student's application to register with a federal immigration program
18 or federal deportation deferral program or a statement of intent that the student will seek to obtain
19 citizenship as permitted under federal law.[: and]

20 [(B) *An affidavit stating that the student has applied for a federal individual taxpayer identifica-*
21 *tion number or other official federal identification document.*]

22 (3) A student who is a citizen or a lawful permanent resident of the United States and who has
23 resided outside of Oregon for more than three years while serving in the Armed Forces of the
24 United States, but who otherwise meets the requirements of subsection (1) or (2) of this section, shall
25 qualify for exemption from nonresident tuition and fees for enrollment in a public university listed
26 in ORS 352.002 without having to reestablish residency in Oregon.

27 (4) The governing board shall adopt standards to implement the provisions of this section.

28 **(5) A student who is not a citizen or a lawful permanent resident of the United States is**
29 **eligible to receive scholarships and other financial aid from public universities listed in ORS**
30 **352.002.**

31 [(5)] **(6)** Not later than July 1 of each year, the Higher Education Coordinating Commission shall
32 report to the Speaker of the House of Representatives, the President of the Senate and the interim
33 committees of the Legislative Assembly with subject matter authority over higher education, for the
34 preceding academic year:

35 (a) The number of students that applied and were accepted into public universities under this
36 section; and

37 (b) The financial impact of this section on public universities listed in ORS 352.002.

38 **SECTION 2. Section 3 of this 2018 Act is added to and made a part of ORS chapter 353.**

39 **SECTION 3. (1) The Oregon Health and Science University Board of Directors may ex-**
40 **empt a student who is not a citizen or a lawful permanent resident of the United States from**
41 **paying nonresident tuition and fees for enrollment at Oregon Health and Science University**
42 **consistent with policies adopted by the board or by university officials acting under authority**
43 **of the board.**

44 **(2) A student who is not a citizen or a lawful permanent resident of the United States is**
45 **eligible to receive scholarships and other financial aid from the university consistent with**

1 policies adopted by the board or university officials acting under the authority of the board.

2 **SECTION 4.** Section 5 of this 2018 Act is added to and made a part of ORS chapter 341.

3 **SECTION 5.** (1) The board of education of a community college district may exempt a
4 student who is not a citizen or a lawful permanent resident of the United States from paying
5 nonresident tuition and fees for enrollment at a community college within the district con-
6 sistent with rules adopted by the board of the district in which the community college is lo-
7 cated.

8 (2) A student who is not a citizen or a lawful permanent resident of the United States is
9 eligible to receive scholarships and other financial aid from a community college consistent
10 with rules adopted by the board of the district in which the community college is located.

11 **SECTION 6.** This 2018 Act being necessary for the immediate preservation of the public
12 peace, health and safety, an emergency is declared to exist, and this 2018 Act takes effect
13 on its passage.

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