

# Enrolled Senate Bill 553

Sponsored by Senators DEMBROW, HANSELL; Senators BEYER, FREDERICK, GELSER, GIROD, KENNEMER, THOMSEN, WAGNER, Representatives CAMPOS, CLEM, DEXTER, FAHEY, GRAYBER, KOTEK, LEVY, NERON, OWENS, POST, REARDON, SCHOUTEN, SMITH WARNER, WILDE, ZIKA (Presession filed.)

CHAPTER .....

## AN ACT

Relating to higher education tuition; creating new provisions; amending ORS 350.240, 352.287 and 353.123; and declaring an emergency.

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

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

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

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

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

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

(d) Shows intention to become a citizen or a lawful permanent resident of the United States by submitting to the public university the student attends or plans to attend an official copy of the student's application to register with a federal immigration program or federal deportation deferral program or a statement of intent that the student will seek to obtain citizenship as permitted under federal law.

(2) The governing board shall exempt a student who is financially dependent upon a person who is not a citizen or a lawful permanent resident of the United States from paying nonresident tuition and fees for enrollment as an undergraduate student and as a graduate student in a degree program at a public university listed in ORS 352.002 if the student:

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

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

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

(d) For a student who is not already a citizen or lawful permanent resident of the United States, shows intention to become a citizen or a lawful permanent resident of the United States by submitting to the public university the student attends or plans to attend an official copy of the student's application to register with a federal immigration program or federal deportation deferral program or a statement of intent that the student will seek to obtain citizenship as permitted under federal law.

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

**(4) A student who is a COFA islander and who has not previously established residence in any state or territory of the United States or the District of Columbia other than Oregon shall qualify for exemption from nonresident tuition and fees for enrollment as an undergraduate student and a graduate student in a degree program at a public university listed in ORS 352.002.**

**(5) A student who is a refugee or special immigrant visa holder and who has not previously established residence in any state or territory of the United States or the District of Columbia other than Oregon shall qualify for exemption from nonresident tuition and fees for enrollment as an undergraduate student and a graduate student in a degree program at a public university listed in ORS 352.002.**

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

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

(a) The number of students that applied and were accepted into public universities under subsections (1) to [(3)] (5) of this section; and

(b) The financial impact of subsections (1) to [(3)] (5) of this section on public universities listed in ORS 352.002.

[(6)] (8) A student who is not a citizen or a lawful permanent resident of the United States, **or who is a refugee, special immigrant visa holder or COFA islander**, is eligible to receive scholarships and other financial aid from public universities listed in ORS 352.002.

**(9) As used in this section:**

(a) **“COFA islander” means an individual who legally entered the United States under a Compact of Free Association treaty between the United States and any of the following countries:**

**(A) The Republic of Palau;**

**(B) The Republic of the Marshall Islands; or**

**(C) The Federated States of Micronesia.**

(b) **“Refugee” means an individual who is granted refugee status for admission to the United States by the United States Citizenship and Immigration Services.**

(c) “Special immigrant visa holder” means an individual from Iraq or Afghanistan who was provided with the status of special immigrant by the United States Department of Homeland Security under:

(A) Section 1059(a) of the National Defense Authorization Act for Fiscal Year 2006, P.L. 109-163, 119 Stat. 3444;

(B) Section 1244(b) of the Refugee Crisis in Iraq Act of 2007, P.L. 110-181, 122 Stat. 397; or

(C) Section 602(b) of the Afghan Allies Protection Act of 2009, P.L. 111-8, 123 Stat. 807.

**SECTION 2.** ORS 353.123 is amended to read:

353.123. (1) The Oregon Health and Science University Board of Directors may exempt a student who is not a citizen or a lawful permanent resident of the United States, **or who is a refugee, special immigrant visa holder or COFA islander**, from paying nonresident tuition and fees for enrollment at Oregon Health and Science University consistent with policies adopted by the board or by university officials acting under authority of the board.

(2) A student who is not a citizen or a lawful permanent resident of the United States, **or who is a refugee, special immigrant visa holder or COFA islander**, is eligible to receive scholarships and other financial aid from the university consistent with policies adopted by the board or university officials acting under the authority of the board.

(3) **As used in this section, “COFA islander,” “refugee” and “special immigrant visa holder” have the meanings given those terms in ORS 352.287.**

**SECTION 3.** ORS 350.240 is amended to read:

350.240. (1) A student at a post-secondary institution of education in this state who is not a citizen or a lawful permanent resident of the United States, **or who is a refugee, special immigrant visa holder or COFA islander**, is eligible to receive scholarships, grants and other financial aid from the Higher Education Coordinating Commission.

(2) **As used in this section, “COFA islander,” “refugee” and “special immigrant visa holder” have the meanings given those terms in ORS 352.287.**

**SECTION 4.** The amendments to ORS 350.240, 352.287 and 353.123 by sections 1 to 3 of this 2021 Act first apply to enrollment as an undergraduate student or a graduate student in a degree program during the 2021-2022 academic year.

**SECTION 5.** (1) For each academic year, the Higher Education Coordinating Commission shall allocate to Eastern Oregon University an amount equal to the difference between resident tuition and fees and nonresident tuition and fees for each COFA islander who is enrolled at Eastern Oregon University and who qualifies for exemption from nonresident tuition and fees under ORS 352.287.

(2) The allocation made to Eastern Oregon University under subsection (1) of this section is in lieu of moneys the commission would otherwise allocate to the university for the same student under the public university support fund distribution formula.

**SECTION 6.** In addition to and not in lieu of any other appropriation, there is appropriated to the Higher Education Coordinating Commission, for the biennium beginning July 1, 2021, out of the General Fund, the amount of \$1,071,544 for the purpose of carrying out section 5 of this 2021 Act and the amendments to ORS 350.240, 352.287 and 353.123 by sections 1 to 3 of this 2021 Act.

**SECTION 7.** Section 5 of this 2021 Act is repealed on July 2, 2025.

**SECTION 8.** This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect on its passage.

**Passed by Senate June 23, 2021**

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

**Passed by House June 25, 2021**

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Tina Kotek, Speaker of House

**Received by Governor:**

.....M,....., 2021

**Approved:**

.....M,....., 2021

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2021

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Shemia Fagan, Secretary of State