

B-Engrossed
Senate Bill 553

Ordered by the Senate June 21
Including Senate Amendments dated March 23 and June 21

Sponsored by Senators DEMBROW, HANSELL; Senators BEYER, FREDERICK, GELSER, GIROD, KENNEMER, THOMSEN, WAGNER, Representatives CLEM, FAHEY, NERON, POST, REARDON, SCHOUTEN, WILDE (Presession 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.

Provides that student who legally entered United States under Compact of Free Association treaty between United States and Republic of Palau, Republic of the Marshall Islands or Federated States of Micronesia and who has not previously established residence in any state or territory of United States other than Oregon qualifies for exemption from nonresident tuition and fees at public universities and is eligible to receive state and university scholarships or other financial aid.

Provides that student who is refugee or special immigrant visa holder and who has not previously established residence in any state or territory of United States other than Oregon qualifies for exemption from nonresident tuition and fees at public universities and is eligible to receive state and university scholarships or other financial aid.

Directs Higher Education Coordinating Commission to allocate to Eastern Oregon University difference between resident tuition and fees and nonresident tuition and fees for each eligible COFA islander enrolled at university through 2024-2025 academic year.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to higher education tuition; creating new provisions; amending ORS 350.240, 352.287 and
3 353.123; 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 as an undergraduate student and as a graduate student in
9 a degree program at a public university listed in ORS 352.002 if the student:

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

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

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

19 (d) Shows intention to become a citizen or a lawful permanent resident of the United States by
20 submitting to the public university the student attends or plans to attend an official copy of the

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 student's application to register with a federal immigration program or federal deportation deferral
2 program or a statement of intent that the student will seek to obtain citizenship as permitted under
3 federal law.

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

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

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 and resided with the person upon whom
16 the student is dependent;

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

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

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

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

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

41 [(4)] (6) The governing board shall adopt standards to implement the provisions of this section.

42 [(5)] (7) Not later than July 1 of each year, the Higher Education Coordinating Commission shall
43 report to the Speaker of the House of Representatives, the President of the Senate and the interim
44 committees of the Legislative Assembly with subject matter authority over higher education, for the
45 preceding academic year:

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

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

5 [(6)] (8) A student who is not a citizen or a lawful permanent resident of the United States, **or**
6 **who is a refugee, special immigrant visa holder or COFA islander**, is eligible to receive schol-
7 arships and other financial aid from public universities listed in ORS 352.002.

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

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

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

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

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

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

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

20 (A) **Section 1059(a) of the National Defense Authorization Act for Fiscal Year 2006, P.L.**
21 **109-163, 119 Stat. 3444;**

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

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

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

26 353.123. (1) The Oregon Health and Science University Board of Directors may exempt a student
27 who is not a citizen or a lawful permanent resident of the United States, **or who is a refugee,**
28 **special immigrant visa holder or COFA islander**, from paying nonresident tuition and fees for
29 enrollment at Oregon Health and Science University consistent with policies adopted by the board
30 or by university officials acting under authority of the board.

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

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

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

38 350.240. (1) A student at a post-secondary institution of education in this state who is not a
39 citizen or a lawful permanent resident of the United States, **or who is a refugee, special immi-**
40 **grant visa holder or COFA islander**, is eligible to receive scholarships, grants and other financial
41 aid from the Higher Education Coordinating Commission.

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

44 **SECTION 4.** The amendments to ORS 350.240, 352.287 and 353.123 by sections 1 to 3 of this
45 **2021 Act first apply to enrollment as an undergraduate student or a graduate student in a**

1 degree program during the 2021-2022 academic year.

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

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

10 **SECTION 6.** In addition to and not in lieu of any other appropriation, there is appropri-
11 ated to the Higher Education Coordinating Commission, for the biennium beginning July 1,
12 2021, out of the General Fund, the amount of \$1,071,544 for the purpose of carrying out sec-
13 tion 5 of this 2021 Act and the amendments to ORS 350.240, 352.287 and 353.123 by sections
14 1 to 3 of this 2021 Act.

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

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