

77th OREGON LEGISLATIVE ASSEMBLY – 2013 Regular Session
STAFF MEASURE SUMMARY
House Committee on Higher Education & Workforce Development

MINORITY REPORT
MEASURE: HB 2787A
CARRIER: Rep. Whisnant

REVENUE: No revenue impact
FISCAL: Fiscal statement issued

Action: Do Pass as Amended and Be Printed Engrossed
Signers of the Report: Rep. Gilliam and Rep. Whisnant
Prepared By: Victoria Cox, Administrator
Meeting Dates: 2/13, 2/15, 2/18

WHAT THE MEASURE DOES: Provides certain students are entitled to exemption from nonresident tuition and fees at public universities. Specifies demonstration of intent to become citizen or lawful resident consists of notarized copy of application for citizenship or registration with deportation deferral program and evidence of application for and acquisition of taxpayer identification or other federal identification. Clarifies students absent from state for more than three years while serving in armed forces qualify for exemption from nonresident tuition. Requires annual report from Oregon University System to Legislative Assembly on number of students exempted and financial impact on system. Prohibits granting admission status to exempted student greater than resident applicant who is citizen or lawful permanent resident of the United States. Specifies that exemption applies only to students who are residents of the United States on the effective date of Act. Allows for direct Supreme Court review of challenge to Act. Sunsets on January 2, 2016.

ISSUES DISCUSSED:

- History of legislation
- Impact of similar laws in other states
- Psychological barriers to higher education for undocumented students
- Potential interface with federal immigration legislation

EFFECT OF COMMITTEE AMENDMENT: Specifies demonstration of intent to become citizen or lawful resident consists of notarized copy of application for citizenship or registration with deportation deferral program and evidence of application for and acquisition of taxpayer identification or other federal identification. Clarifies students absent from state for more than three years while serving in armed forces qualify for exemption from nonresident tuition. Adds requirement for annual report from Oregon University System to Legislative Assembly on number of students exempted and financial impact on system. Prohibits granting admission status to exempted student greater than resident applicant who is citizen or lawful permanent resident of the United States. Specifies that exemption applies only to students who are residents of the United States on the effective date of Act. Sunsets on January 2, 2016.

BACKGROUND: House Bill 2787-A directs the State Board of Higher Education to exempt students who are not citizens or lawful permanent residents from paying nonresident tuition at state universities if they meet the following criteria:

1. Attendance at an Oregon elementary or high school for three years immediately prior to receiving a high school diploma (or leaving school without receiving a diploma);
2. Attendance at a school in any U.S. state or territory during each of the five years immediately prior to receiving a high school diploma (or leaving school without receiving a diploma);
3. Receipt of a high school diploma from an Oregon school no more than three years prior to initial enrollment in a state university; and
4. Demonstration of intent to become a citizen or lawful permanent resident of the United States.

Previous versions of this measure passed the Senate in both 2003 and 2011.