

**A-Engrossed**  
**House Bill 2787**

Ordered by the House February 19  
Including House Amendments dated February 19

Sponsored by Representatives DEMBROW, HUFFMAN, JENSON, KOMP, Senator COURTNEY; Representatives GALLEGOS, GELSER, HARKER, VEGA PEDERSON, Senators HASS, MONROE, THOMSEN

**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 certain students are entitled to exemption from nonresident tuition and fees at public universities. **Directs Oregon University System to make annual report to specified members of Legislative Assembly on impact of Act.** Allows for direct Supreme Court review of challenge to Act.

Declares emergency, effective July 1, 2013.

**A BILL FOR AN ACT**

1  
2 Relating to exemption from nonresident status for higher education; and declaring an emergency.

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

4 **SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS chapter 351.**

5 **SECTION 2. (1) The State Board of Higher Education shall exempt a student who is not**  
6 **a citizen or a lawful permanent resident of the United States from paying nonresident tuition**  
7 **and fees for enrollment in 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**  
9 **or leaving school before receiving a high school diploma, attended an elementary or a sec-**  
10 **ondary school in this state;**

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

15 (c) **No more than three years before initially enrolling in a public university listed in ORS**  
16 **352.002, received a high school diploma from a secondary school in this state or received the**  
17 **equivalent of a high school diploma; and**

18 (d) **Shows intention to become a citizen or a lawful permanent resident of the United**  
19 **States by 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**  
21 **program or federal deportation deferral program or a statement of intent that the student**  
22 **will seek to obtain citizenship as permitted under federal law; and**

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

25 (2) **The board shall exempt a student who is financially dependent upon a person who is**  
26 **not a citizen or a lawful permanent resident of the United States from paying nonresident**

**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 tuition and fees for enrollment in a public university listed in ORS 352.002 if the student:

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

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

11 (c) No more than three years before initially enrolling in a public university listed in ORS  
12 352.002, received a high school diploma from a secondary school in this state or received the  
13 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  
15 States, shows intention to become a citizen or a lawful permanent resident of the United  
16 States by submitting 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  
18 program or federal deportation deferral program or a statement of intent that the student  
19 will seek to obtain citizenship as permitted under federal law; and

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

22 (3) A student continues to qualify for exemption from nonresident tuition and fees under  
23 subsection (1) or (2) of this section for five years after initial enrollment under the exemption  
24 in a public university listed in ORS 352.002.

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

31 (5) The board shall adopt rules to implement the provisions of this section.

32 (6) Not later than July 1 of each year, the Oregon University System shall report to the  
33 Speaker of the House of Representatives, the President of the Senate and the interim com-  
34 mittees of the Legislative Assembly with subject matter authority over higher education, for  
35 the preceding academic year:

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

38 (b) The financial impact of this section on the Oregon University System.

39 **SECTION 3.** (1) Jurisdiction is conferred on the Oregon Supreme Court to determine in  
40 the manner provided by this section whether section 2 of this 2013 Act violates federal law  
41 codified at 8 U.S.C. 1623.

42 (2) A person who is adversely affected by section 2 of this 2013 Act, or who will be ad-  
43 versely affected by section 2 of this 2013 Act, may institute a proceeding for review by filing  
44 with the Supreme Court a petition that meets the following requirements:

45 (a) The petition must be filed within 60 days after the effective date of this 2013 Act.

- 1       **(b) The petition must include the following:**  
2       **(A) A statement of the basis of the challenge; and**  
3       **(B) A statement and supporting affidavit showing how the petitioner is adversely af-**  
4       **ected.**  
5       **(3) The petitioner shall serve a copy of the petition by registered or certified mail upon**  
6       **the Attorney General and the Governor.**  
7       **(4) Proceedings for review under this section shall be given priority over all other mat-**  
8       **ters before the Supreme Court.**  
9       **(5) In the event the Supreme Court determines that there are factual issues in the peti-**  
10       **tion, the Supreme Court may appoint a special master to hear evidence and to prepare re-**  
11       **commended findings of fact.**  
12       **SECTION 4.** **Section 2 of this 2013 Act first applies to the 2013-2014 school year.**  
13       **SECTION 5.** **This 2013 Act being necessary for the immediate preservation of the public**  
14       **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**  
15       **July 1, 2013.**

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