

**A-Engrossed**  
**House Bill 4099**

Ordered by the House February 17  
Including House Amendments dated February 17

Sponsored by Representatives REARDON, CLEM, Senator HANSELL, Representatives HELT, SMITH G, Senator DEMBROW; Representatives ALONSO LEON, BARKER, BONHAM, EVANS, FAHEY, GREENLICK, HELM, HOLVEY, KENY-GUYER, LIVELY, MEEK, NEARMAN, NERON, NOSSE, PILUSO, PRUSAK, SANCHEZ, SCHOUTEN, SMITH DB, SMITH WARNER, SPRENGER, WILDE, WILLIAMS, WITT, Senators BEYER, BOQUIST, FREDERICK, GELSER, GOLDEN, LINTHICUM, MANNING JR, ROBLAN, TAYLOR, THOMSEN, WAGNER (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 provide mission differentiation funding if specified enrollment threshold is met.**

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

**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 submitting to the public university the student attends or plans to attend an official copy of the  
2 student's application to register with a federal immigration program or federal deportation deferral  
3 program or a statement of intent that the student will seek to obtain citizenship as permitted under  
4 federal law.

5 (2) The governing board shall exempt a student who is financially dependent upon a person who  
6 is not a citizen or a lawful permanent resident of the United States from paying nonresident tuition  
7 and fees for enrollment as an undergraduate student and as a graduate student in a degree program  
8 at 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 and resided in this state with the person  
12 upon whom the student is dependent;

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

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

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

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

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

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

42 [(4)] (6) The governing board shall adopt standards to implement the provisions of this section.

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

1 preceding academic year:

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

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

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

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

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

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

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

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

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

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

21 (A) **Section 1059(a) of the National Defense Authorization Act for Fiscal Year 2006, P.L.**  
22 **109-163, 119 Stat. 3444;**

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

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

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

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

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

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

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

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

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

45 **SECTION 4.** The amendments to ORS 350.240, 352.287 and 353.123 by sections 1 to 3 of this

1 2020 Act first apply to enrollment as an undergraduate student or a graduate student in a  
2 degree program during the 2020-2021 academic year.

3 **SECTION 5.** The Higher Education Coordinating Commission shall provide that any public  
4 university listed in ORS 352.002 that enrolls \_\_\_\_\_ or more COFA islanders who qualify for  
5 exemption from nonresident tuition and fees under ORS 352.287 shall receive mission differ-  
6 entiation funding in the public university support fund distribution formula.

7 **SECTION 6.** This 2020 Act being necessary for the immediate preservation of the public  
8 peace, health and safety, an emergency is declared to exist, and this 2020 Act takes effect  
9 on its passage.

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