

CHAPTER 121

EDUCATION - POSTSECONDARY

SENATE BILL 18-087

BY SENATOR(S) Fenberg, Aguilar, Court, Fields, Guzman, Jones, Kagan, Kefalas, Kerr, Merrifield, Moreno, Todd, Williams A., Baumgardner, Cooke, Crowder, Donovan, Garcia, Gardner, Hill, Jahn, Lundberg, Marble, Martinez Humenik, Priola, Sonnenberg, Tate, Zenzinger, Grantham;
 also REPRESENTATIVE(S) Michaelson Jenet and Winter, Becker K., Benavidez, Buckner, Coleman, Esgar, Exum, Foote, Garnett, Ginal, Gray, Hansen, Herod, Jackson, Kennedy, Lee, Lontine, Melton, Pabon, Pettersen, Roberts, Rosenthal, Salazar, Singer, Weissman, Young, Duran.

AN ACT
CONCERNING IN-STATE TUITION AT INSTITUTIONS OF HIGHER EDUCATION FOR CERTAIN FOREIGN NATIONALS LEGALLY SETTLED IN COLORADO.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. The general assembly hereby finds and declares that:

(1) Countless people have been displaced as a result of ongoing wars in Afghanistan and Iraq, including those who stepped forward to support the United States military and United States government operations in conjunction with those wars, and who subsequently experienced persecution as a result of their service to the United States;

(2) Certain Afghan and Iraqi nationals have been granted special immigrant status in the United States under congressional authorization, and many of these individuals have made Colorado their home;

(3) The global refugee crisis has forced historic numbers of individuals and families who have experienced persecution to flee their homes to seek safety elsewhere;

(4) Refugees approved for resettlement by the United States government have been rigorously vetted and lawfully admitted to the United States under the federal "Refugee Act of 1980", and many thousands of refugees have made Colorado their

Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

home;

(5) After escaping war and persecution, and fleeing their homes to live in peace and improve their lives, special immigrants and refugees seek to integrate in the United States and contribute to the communities that welcome them;

(6) Special immigrants and refugees make vital contributions to Colorado's economy, supplying a reliable, diverse, and motivated workforce that is needed to ensure our state's continued economic vibrancy;

(7) Education opens doors to economic opportunity and increases the contributions people are able to make to their communities;

(8) Special immigrants and refugees who wish to advance their skills and careers encounter prohibitive costs when they pursue higher education; and

(9) Access to in-state tuition at institutions of higher education will put opportunities in reach that would otherwise be inaccessible for special immigrants and refugees.

SECTION 2. In Colorado Revised Statutes, 23-7-103, **amend** (2)(o) as follows:

23-7-103. Presumptions and rules for determination of status - definition.

(2) To aid the institutions in deciding whether a student, a parent or guardian of the student, or the person who provides substantial support to the student is domiciled in Colorado, the following rules shall be applied:

(o) (I) A foreign national, notwithstanding an intention to return to his or her country of origin or ineligibility to establish domicile in the United States pursuant to federal law, ~~shall be~~ is eligible for classification as an in-state student subject to all other provisions of this section if the primary purpose of the foreign national's residence in Colorado, pursuant to federal immigration regulations, is other than for his or her education or for the education of a family member. The Colorado commission on higher education shall designate those nonimmigrant classifications under which such foreign nationals may qualify as in-state students. In no event shall said designation displace students who would otherwise qualify as Colorado residents for in-state tuition classification purposes.

(II) A FOREIGN NATIONAL ADMITTED TO THE UNITED STATES AS A REFUGEE PURSUANT TO 8 U.S.C. SEC. 1157 OR WHO WAS ADMITTED TO THE UNITED STATES AS A SPECIAL IMMIGRANT PURSUANT TO PUB.L. 110-181, SEC. 1244, AS AMENDED; PUB.L. 109-163, SEC. 1059, AS AMENDED; OR PUB.L. 111-8, DIVISION F, TITLE VI, SEC. 602, AS AMENDED, WHO SETTLED IN COLORADO UPON ENTERING THE UNITED STATES IS ELIGIBLE FOR CLASSIFICATION AS AN IN-STATE STUDENT IMMEDIATELY UPON SETTLEMENT IN COLORADO.

(III) FOR THE PURPOSE OF THIS SUBSECTION (2)(o), "SETTLE" MEANS A SPECIAL IMMIGRANT OR REFUGEE WHO, UPON ENTERING THE UNITED STATES, HAS MADE HIS OR HER HOME IN COLORADO AND PRESENTLY INTENDS TO RESIDE PERMANENTLY IN THE STATE.

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 12, 2018