

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 18-0819.01 Conrad Imel x2313

SENATE BILL 18-087

SENATE SPONSORSHIP

Fenberg, Aguilar, Court, Fields, Guzman, Jones, Kagan, Kefalas, Kerr, Merrifield, Moreno, Todd, Williams A.

HOUSE SPONSORSHIP

Michaelson Jenet and Winter,

Senate Committees

State, Veterans, & Military Affairs

House Committees

Education

A BILL FOR AN ACT

101 **CONCERNING IN-STATE TUITION AT INSTITUTIONS OF HIGHER**
102 **EDUCATION FOR CERTAIN FOREIGN NATIONALS LEGALLY**
103 **SETTLED IN COLORADO.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill contains a legislative declaration about the circumstances facing special immigrants and refugees and the benefit of access to education. The bill grants eligibility for in-state tuition status to refugees and special immigrants admitted to the United States pursuant to federal law who have settled in Colorado.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

HOUSE
3rd Reading Unamended
April 2, 2018

HOUSE
2nd Reading Unamended
March 26, 2018

SENATE
3rd Reading Unamended
February 9, 2018

SENATE
2nd Reading Unamended
February 8, 2018

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

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

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

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

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

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

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

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

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

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

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

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

11 **23-7-103. Presumptions and rules for determination of status**

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

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

27 (II) A FOREIGN NATIONAL ADMITTED TO THE UNITED STATES AS

1 A REFUGEE PURSUANT TO 8 U.S.C. SEC. 1157 OR WHO WAS ADMITTED TO
2 THE UNITED STATES AS A SPECIAL IMMIGRANT PURSUANT TO PUB.L.
3 110-181, SEC. 1244, AS AMENDED; PUB.L. 109-163, SEC. 1059, AS
4 AMENDED; OR PUB.L. 111-8, DIVISION F, TITLE VI, SEC. 602, AS
5 AMENDED, WHO SETTLED IN COLORADO UPON ENTERING THE UNITED
6 STATES IS ELIGIBLE FOR CLASSIFICATION AS AN IN-STATE STUDENT
7 IMMEDIATELY UPON SETTLEMENT IN COLORADO.

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

12 **SECTION 3. Act subject to petition - effective date.** This act
13 takes effect at 12:01 a.m. on the day following the expiration of the
14 ninety-day period after final adjournment of the general assembly (August
15 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
16 referendum petition is filed pursuant to section 1 (3) of article V of the
17 state constitution against this act or an item, section, or part of this act
18 within such period, then the act, item, section, or part will not take effect
19 unless approved by the people at the general election to be held in
20 November 2018 and, in such case, will take effect on the date of the
21 official declaration of the vote thereon by the governor.