

STATE PROPOSED OR ENACTED LEGISLATION REGARDING IMMIGRANT ACCESS TO HIGHER EDUCATION
NATIONAL IMMIGRATION LAW CENTER

ST	BILL NO.	PURPOSE	PRINCIPAL SPONSOR	BILL STATUS	FIND BILL TEXT AT:	COMMENTS
AK	H.B. 39	Would permit only U.S. citizens and lawful permanent residents (LPRs) who have resided in AK for at least 1 year to obtain resident tuition rates.	Rep. Bob Lynn (R), District 31	Referred to the Committee on Education Jan. 21, 2003.	www.legis.state.ak.us/basis/start.asp	
AZ	H.B. 2256, 45 th Leg., 2d Session (Arizona 2002)	Would allow AZ high school immigrant graduates (having attended an AZ HS for at least 3 years) who are willing to file an affidavit promising to initiate the process of legalization as soon as they are eligible to do so to qualify for in-state tuition rates in AZ universities.	Sen. Richard Miranda (D), District 22	"Held in committee."	www.azleg.state.az.us/Bills.asp	
CA	A.B. 540, 2001-02 Cal. Sess. (Cal. 2001) Enacted	The law permits immigrant students to qualify for in-state tuition rates if the student attended a California HS for 3 or more years, graduated from a California HS or attained the equivalent to a HS diploma, registers as a student after the fall of the 2001-02 school year, and files an affidavit promising to become an LPR at the earliest possible opportunity.	<ul style="list-style-type: none"> ♦ Assemblyman Marco Firebaugh (D), District 50 ♦ Assemblyman Abel Maldonado (R), District 33 	Signed into law on Oct. 12, 2001.	www.leginfo.ca.gov/bilinfo.html	
CO	H.B. 03-1178	Would permit students, regardless of immigration status, to qualify for resident tuition rates if the student graduated from a CO HS or received a G.E.D from CO, attended a CO HS for at least 3 years immediately prior to the graduation date, and the student provides the institute with an affidavit promising to take the proper steps to attain lawful status.	<ul style="list-style-type: none"> ♦ Rep. Valentin Vigil (D), District 32 ♦ Sen. Abel Tapia (D), District 3 	House Committee on Education referred amended bill to Appropriations on Feb. 10, 2003.	www.leg.state.co.us/2003a/inetcbill.nsf/billcontainers/	

ACRONYMS: GED: General Education Degree • HS: high school • LPR: lawful permanent resident

LAST UPDATED Apr. 8, 2003.

STATE PROPOSED OR ENACTED LEGISLATION REGARDING IMMIGRANT ACCESS TO HIGHER EDUCATION NILC PAGE 2

ST	BILL NO.	PURPOSE	PRINCIPAL SPONSOR	BILL STATUS	FIND BILL TEXT AT:	COMMENTS
FL	H.B. 119	Would permit all students, regardless of immigration status, to be classified as residents for tuition purposes if the student has resided in FL for at least 3 consecutive years immediately preceding the date that the student received a HS diploma or equivalent thereof, and provides the state or community college with an affidavit promising to take proper steps towards lawful status as soon as eligible to do so.	Rep. Juan Carlos Zapata (R), Kendall	Introduced in the House on Feb. 25, 2003.	www.leg.state.fl.us/	Rep. Zapata has support from Governor Bush for H.B. 119.
	H.B. 27	Would permit all students, regardless of immigration status, to be classified as residents for tuition purposes if the student has resided in FL for at least 2 years, has attended and graduated from an accredited FL HS or achieved the equivalent thereof, and has filed an affidavit with the institute of higher learning promising to take the proper measures towards becoming a lawful resident as soon eligible to do so.	Rep. Yolly Roberson (D), Miami	Referred to Education Appropriations on Jan. 9, 2003.	www.leg.state.fl.us/	
GA	H.B. 1810, 146 th Leg., 2001-02	Would permit all GA students who have lived in GA for at least 1 year prior to registering at a GA university or college to be considered as an in-state resident and as such to be eligible for the HOPE scholarship, which covers tuition, fees and provides a partial book allowance.	Rep. Barbara Mobley (D), District 69	Second read Apr. 1, 2002.	www.legis.state.ga.us/legis/2003_04/leg/legislation.htm	
HI	H.C.R. 128, 21 st Leg 2002 Haw. Sess.	Would permit the University of HI to study feasibility of permitting certain immigrants to qualify for in-state tuition rates if they have graduated from HI HSs, have lived in HI for at least 3 years, and are willing to sign affidavits promising to adjust to lawful status as soon as eligible.	Dennis Arakaki (D), District 30	On Apr. 22, 2002, the bill was reported and adopted by EDU and referred to JDC. Plans to reintroduce during the next session.	www.capitol.hawaii.gov/site1/archives/archives.asp?press1=archives	

ACRONYMS: GED: General Education Degree • HS: high school • LPR: lawful permanent resident

LAST UPDATED Apr. 8, 2003.

STATE PROPOSED OR ENACTED LEGISLATION REGARDING IMMIGRANT ACCESS TO HIGHER EDUCATION NILC PAGE 3

ST	BILL NO.	PURPOSE	PRINCIPAL SPONSOR	BILL STATUS	FIND BILL TEXT AT:	COMMENTS
	H.R. 87, 21 st Leg., 2002 Haw. Sess.	Would allow the University of HI to study the feasibility of permitting all students, regardless of immigration status that are graduates from HI HSs, lived in HI for at least 3 years, and are willing to sign affidavits promising to adjust to lawful status to achieve in-state tuition rates.	Dennis Arakaki (D), District 30	Transferred to Public after being deleted from an April 19 hearing for the committee on Education on May 7, 2002. Plans to reintroduce during the next session	www.capitol.hawaii.gov/site1/archives/archives.asp?press1=archives	
IL	HB 0060	Would qualify an individual who is not a citizen or permanent resident of the U.S. to be classified as an IL resident for tuition purposes if the individual resided with his or her guardian while attending an IL HS, graduated from an accredited IL HS or achieved the equivalent thereof, attended such HS for 3 years preceding the graduation, registers as an entering student no sooner than Fall 2003 and provides an affidavit stating that the individual will file an application to become an LPR as soon as eligible to do so.	<ul style="list-style-type: none"> ♦ Rep. Edward Acevedo (D), District 2 ♦ Rep. Mark H. Beaubien, Jr. (R), District 52 ♦ Sen. Antonio Muñoz (D), District 1 	Passed the House Mar 5, 2003, 112-4. Mar. 6, 2003 referred to Senate Rules Committee.	www.legis.state.il.us/legislation/default.asp	
KS	H.B. 2145	Would permit students, regardless of immigration status, to obtain in-state tuition rates if they attended and graduated from a KS HS or received a GED certificate issued within KS, and have lived in KS for a period of at least 3 years immediately preceding the acceptance to an institution of higher learning.	Representative Sue Storm (D) – Overland Park	Passed the House.	www.kslegislature.org/cgi-bin/bills/index.cgi	
MA	S.B. 237	Would allow immigrant students graduating from HS (or attained the equivalent thereof) to access resident tuition when they attend higher education institutions, provided that they have resided in MA for 3 or more years.	<ul style="list-style-type: none"> ♦ Rep. Marie St. Fleure (D), Fifth Suffolk ♦ Sen. Jarrett Barrios (D), Middlesex, Suffolk & Essex 	House concurred on Jan. 1, 2003.	www.state.ma.us/legis/legis.htm	There is bipartisan support for the bill.

ACRONYMS: GED: General Education Degree • HS: high school • LPR: lawful permanent resident

LAST UPDATED Apr. 8, 2003.

STATE PROPOSED OR ENACTED LEGISLATION REGARDING IMMIGRANT ACCESS TO HIGHER EDUCATION NILC PAGE 4

ST	BILL NO.	PURPOSE	PRINCIPAL SPONSOR	BILL STATUS	FIND BILL TEXT AT:	COMMENTS
MD	H.B. 253	Would permit students, regardless of immigration status, who have not yet attained lawful residence to qualify for in-state tuition rates if the student attended a Maryland high school for at least 3 years and graduated from such high school or attained the equivalent thereof, registers in a public university no sooner than Fall 2003, provides that university with an affidavit stating to file an application to become a legal resident within 30 days of becoming eligible to do so- provided that the student applies to a higher institute of learning within 5 yrs of the date of graduation from high school.	Delegate Sheila Hixson (D), District 20	Passed the House 82-51, and passed the Senate 33-14. Governor Ehrlich is reviewing the bill.	mlis.state.md.us/#bill	
	Md. Reg. Code tit. 13B, § 07.02.03 (Nov. 15, 2002)	This law allows certain students to pay in-county rates if they can establish legal domicile within the same county or a nearby county that supports the community college that they attend (regardless of immigration status).		Active Law	mlis.state.md.us/#bill	
MN	S.B. 3027, 82d Leg., 2001-02 Minn. Sess. (Minn. 2002)	Would redefine the term "resident student" to include all students, regardless of immigration status, of MN HSs, or those who have received the equivalent of a HS diploma, a year before they apply for resident tuition and covering at least 67% of the college cost for students that have been migrant farmworkers in MN for at least 2 years.	Senator Sandra Pappas (D), District 65	Plans to re-introduce during the next session.	www.leg.state.mn.us/leg/legis.asp	
NC	S 987	Would provide all students, regardless of immigration status, with resident tuition rates if the student has attended school in NC for at least 4 consecutive years, and has received a diploma from a NC HS or a GED issued in NC.	Sen. Eric Reeves (D), District 16	Referred to Committee on Education/Higher Education on Apr. 4, 2003	www.ncga.state.nc.us/	

ACRONYMS: GED: General Education Degree • HS: high school • LPR: lawful permanent resident

LAST UPDATED Apr. 8, 2003.

STATE PROPOSED OR ENACTED LEGISLATION REGARDING IMMIGRANT ACCESS TO HIGHER EDUCATION NILC PAGE 5

ST	BILL NO.	PURPOSE	PRINCIPAL SPONSOR	BILL STATUS	FIND BILL TEXT AT:	COMMENTS
NE	L.B. 152	Would permit all students, regardless of immigration status, who have not yet attained lawful status to receive in-state tuition rates if the student graduated from a NE HS or received the equivalent of a HS diploma, registers as an entering student at a state institution of higher learning no sooner than Fall Semester 2003 and provides the institution with an affidavit stating the student's intent to file an application to become a lawful resident as soon as eligible to do so.	Sen. Dianna Schimek (D), District 27	Referred to the Education Committee on Jan.13, 2003	www.unicam.state.ne.us/scripts/InfoRon.asp	
NJ	A 2633 210 th Leg., 2002 N.J. Assembly Sess. (N.J. 2002)	Would allow NJ HS graduates, regardless of immigration status, to qualify for in-state tuition, if the student attended a NJ HS for at least 3 years, provided that the student is willing to sign an affidavit attesting that they will take the necessary steps towards legalization as soon as eligible to do so.	Assemblyman Upendra Chivukula (D), District 17	Plans to re-introduce during the next session.	www.njleg.state.nj.us/	Verbal commitment by Governer McCreery that he supports the bill.
NM	S.B. 909	Would have redefined "resident student" to include those students who have attended an accredited NM HS for 3 or more years.	Sen. Cynthia Nava (D), District 31	Withdrawn on March 18, 2003.	legis.state.nm.us/BillFinder.asp	
NY	S.B. 7784, 225 th Leg., 2001 NY Sess. (NY 2002) Enacted	This law permits all students, regardless of immigration status, to have in-state tuition rates if the student attended a NY HS for 2 or more years, applied to attend a NY city or NY state college/university within 5 years of receiving a HS diploma or the equivalent thereof (issued in NY) and if the student signs an affidavit promising to file an application to become an LPR as soon as possible.		Signed into law on June 25, 2002.	assembly.state.ny.us/leg/	

ACRONYMS: GED: General Education Degree • HS: high school • LPR: lawful permanent resident

LAST UPDATED Apr. 8, 2003.

STATE PROPOSED OR ENACTED LEGISLATION REGARDING IMMIGRANT ACCESS TO HIGHER EDUCATION NILC PAGE 6

ST	BILL NO.	PURPOSE	PRINCIPAL SPONSOR	BILL STATUS	FIND BILL TEXT AT:	COMMENTS
OK	H.B. 1559	Would permit immigrant students, regardless of status, to be eligible for enrollment at an OK institute of higher learning and be eligible for classification as an OK resident if the student attended an OK HS for at least 2 consecutive years and graduated from such HS.	Rep. Kevin Calvey (R), District 94	Has cleared the state house, is on its way to the senate.	www.lsb.state.ok.us/	The governor is likely to sign in to this bill.
	S.B. 596	Would permit immigrant students, regardless of status, to be eligible for enrollment at an OK institute of higher learning and be eligible for classification as an OK resident if the student attended an OK HS for at least 2 consecutive years and graduated from such HS. Would also make financial aid and scholarships accessible for such students.	Sen. Keith Leftwich (D), District 44.	Referred to Appropriations and Budget, Mar. 3, 2003.		
OR	S.B. 10	Would consider immigrant students, regardless of status, as residents of OR for the purpose of determining tuition and fees at a state institution of higher education if the student resided in OR with a parent or legal guardian for at least 3 consecutive years while attending a secondary school, the student received a HS diploma or its equivalent from a secondary school in OR and the student plans to become a citizen or an LPR.	Sen. Peter Courtney (D), District 11	Referred to Education with subsequent referral to Ways and Means, Mar.21, 2003.	www.leg.state.or.us/billsset.htm	
RI	H.B. 5802	Would permit all students, regardless of immigration status, to pay in-state tuition rates if the student has attended an approved RI HS for 2 or more years, has graduated from such HS or has received a diploma that is the equivalent thereof, has registered in a Rhode Island institution of higher learning and has signed an affidavit promising to legalize their status as soon as eligible to do so.	Rep. Leon Tejada (D), District 11	Initially introduced on Feb 11, 2003. However, the special board suggested that a study commission be set up this session and that this bill be reintroduced next session based on results of such study. Bill is still alive.	dirac.rilin.state.ri.us/BillStatus/webclass1.asp	

ACRONYMS: GED: General Education Degree • HS: high school • LPR: lawful permanent resident

LAST UPDATED Apr. 8, 2003.

STATE PROPOSED OR ENACTED LEGISLATION REGARDING IMMIGRANT ACCESS TO HIGHER EDUCATION NILC PAGE 7

ST	BILL NO.	PURPOSE	PRINCIPAL SPONSOR	BILL STATUS	FIND BILL TEXT AT:	COMMENTS
TX	H.B. 1403 , 77 th Leg., Reg. Sess. (Tex. 2001) Enacted	The law broadened state residency to include all graduates of TX HSs (or individuals that receive the equivalent thereof from TX), regardless of immigration status, who are enrolled in a state college/university, have resided in TX for 3 or more years, and who sign an affidavit promising to file an application to become a permanent resident at the earliest possible opportunity.	Rep. Rick Noriega (R), District 145	Signed into law on June 16, 2001	www.capitol.state.tx.us/	
UT	H.B. 144, 54 th Leg., Gen. Sess. (Utah 2002) Enacted	The new law allows all students to be eligible for in-state tuition rates if the student attended a UT HS for 3 or more years, graduated from a UT HS or received an equivalent degree in UT, registers as an entering student at a college/university after the fall of 2002-03, and if the student is undocumented, files an affidavit promising to file an application to become a permanent resident as early as possible.	Rep. Ure (R)	Signed into law on Mar. 6, 2002.	www.le.state.ut.us/Documents/bills.htm	
VA	H.B. 2339	Provides that an alien who is unlawfully within the U.S. shall not be eligible on the basis of residency in Virginia for any post-secondary educational benefit, including in-state tuition.	<ul style="list-style-type: none"> ♦ Delegate Thelma Drake (R), House District ♦ Sen. Harry Blevins (R), Senate District 14 	Senate passed the bill 27-13, Feb.19, 2003. Governor's recommendation received by House on Mar. 24, 2003 and was defeated.	legis.state.va.us/	

ACRONYMS: GED: General Education Degree • HS: high school • LPR: lawful permanent resident

LAST UPDATED Apr. 8, 2003.

ST	BILL NO.	PURPOSE	PRINCIPAL SPONSOR	BILL STATUS	FIND BILL TEXT AT:	COMMENTS
WA	S.B. 5158	Would redefine the definition of "resident student" for tuition purposes to include any person who has completed the full senior year of HS and obtained a HS diploma from a WA HS or has received the equivalent of a diploma, who has lived in WA for at least 3 years immediately prior to receiving the diploma or its equivalent, who has continuously lived in the state of WA after receiving the diploma or its equivalent until the date of acceptance to an institution of higher education, and who provides to the institution an affidavit indicating a willingness to file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so.	Sen. Don Carlson (R), District 49	First introduced Jan 16, 2003. First substitute bill was passed, and was made eligible for a second hearing.	www.leg.wa.gov/wsladm/billinfo/senatebillinfo.cfm	
	H.B. 1079	Would allow nonresident students to pay in-state tuition at the state's institutions of higher education if they have attended at least 3 years of HS in WA, graduated from a WA HS or received an equivalent diploma from WA, and file an affidavit with the institution of higher learning promising to file an application for permanent residency once eligible to do so.	Rep. Phyllis Kenney (D), District 46	Passed the House on Feb. 24, 2003. First reading in Senate, referred to Higher Education.	www.leg.wa.gov/pub/billinfo/2003-04/House/	

- Bills to provide in-state tuition have been enacted in 4 states: **CA, NY, TX, and UT.**
- Bills to provide in-state tuition have been or will be introduced in 18 states: **AZ, CO, FL, GA, HI, IL, KS, MA, MD, MN, NE, NJ, NM, NC, OK, OR, RI, and WA.**
- Bills to restrict immigrant access to higher education have been introduced in 2 states: **AK and VA.**

ACRONYMS: GED: General Education Degree • HS: high school • LPR: lawful permanent resident

LAST UPDATED Apr. 8, 2003.