



House of Representatives

File No. 859

General Assembly

January Session, 2007

(Reprint of File Nos. 283 and 635)

Substitute House Bill No. 5656
As Amended by House
Amendment Schedule "A"

Approved by the Legislative Commissioner
May 21, 2007

AN ACT CONCERNING ACCESS TO POSTSECONDARY EDUCATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10a-29 of the general statutes is amended by
2 adding subdivision (9) as follows (*Effective July 1, 2007*):

3 (NEW) (9) A person, other than a nonimmigrant alien as described
4 in 8 USC 1101(a)(15), shall be entitled to classification as an in-state
5 student for tuition purposes, (A) if such person (i) resides in this state,
6 (ii) attended any educational institution in this state and completed at
7 least four years of high school level education in this state, (iii)
8 graduated from a high school in this state, or the equivalent thereof,
9 and (iv) is registered as an entering student, or is enrolled at a public
10 institution of higher education in this state, and (B) if such person is
11 without legal immigration status, such person files an affidavit with
12 the institution of higher education stating that he or she has filed an
13 application to legalize his or her immigration status, or will file such an
14 application as soon as he or she is eligible to do so.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2007</i>	10a-29

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
UConn	TF - Revenue Loss	Potential	Potential
CT State Univ.	TF - Revenue Gain	Potential	Potential
Colleges, Regional Comm.-Tech.	TF - Revenue Gain	Potential	Potential

Note: TF=Tuition Fund

Municipal Impact: None

Explanation

This bill results in a potential revenue loss to the University of Connecticut and a potential revenue gain to the other constituent units of higher education.

The potential revenue loss to the University of Connecticut is due to the university being at or near capacity in terms of enrollment. Providing in-state tuition rates to students that would not otherwise pay such rates would result in lost revenue if these students would have gone to the university regardless of the tuition rate or if they replaced an out-of-state student

The other constituent units would potentially accrue a revenue gain if additional students chose to attend school as result of lower tuition rates. Such units are not at full capacity and would not be replacing out-of-state students. There may be students currently paying out-of-state rates at these units that would pay lower rates as a result of this bill, however any revenue loss from these students would be minimal in the scope of each units Tuition Fund.

House "A" struck the original bill eliminating the fiscal impact

associated with it and resulting in the impact stated above.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 5656 (as amended by House "A")******AN ACT CONCERNING FINANCIAL ASSISTANCE PROVIDED BY THE DEPARTMENT OF CHILDREN AND FAMILIES TO INDIVIDUALS TO PURSUE POST SECONDARY SCHOOL EDUCATIONAL OPPORTUNITIES.*****SUMMARY:**

This bill extends in-state tuition status to undocumented immigrants residing in Connecticut who meet certain criteria. Under current law, determination of in-state tuition status is based on an applicant's domicile, that is, his "true, fixed and permanent home" and the place where he intends to remain and return to when he leaves. Anyone whose domicile is outside Connecticut is not currently eligible for in-state tuition. Undocumented immigrants are not considered to be domiciled in Connecticut.

Under the bill, anyone qualifies for in-state tuition, except a nonimmigrant alien (someone with a visa permitting temporary entrance to the country for a specific purpose), if he or she:

1. resides in Connecticut;
2. attended any educational institution in the state and completed at least four years of high school here;
3. graduated from a high school in Connecticut, or the equivalent; and
4. is registered as an entering student, or is currently a student at, UConn, a Connecticut State University, a community-technical college, or Charter Oak State College.

By law, "resides" means continuous and permanent physical presence within the state. The establishment of residence is not affected by temporary absence for short periods of time.

If the individual is an undocumented immigrant, he or she must file an affidavit with the college stating that he or she has applied to legalize his or her immigration status or will do so as soon as he or she is eligible to apply. (Currently, undocumented immigrants who apply for student visas or lawful permanent resident status are subject to deportation.)

*House Amendment "A" substitutes the in-state tuition provision for the original bill, which concerned the Department of Children and Families' financial assistance for post-secondary school education.

EFFECTIVE DATE: July 1, 2007

BACKGROUND

In-State Tuition Status

Under current law, anyone whose domicile is outside Connecticut is not eligible for in-state tuition. An unemancipated person's domicile is that of his or her parent, except in limited situations. An emancipated person must live in Connecticut for at least one year before his or her domicile here is established. By law, the spouse of anyone eligible for in-state tuition status is also eligible for it.

COMMITTEE ACTION

Human Services Committee

Joint Favorable

Yea 17 Nay 0 (03/20/2007)

Higher Education and Employment Advancement Committee

Joint Favorable Substitute

Yea 13 Nay 1 (04/17/2007)

Appropriations Committee

Joint Favorable

Yea 36 Nay 0 (05/04/2007)