

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### **SENATE, No. 699**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MARCH 13, 2018

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 699, with committee amendments.

As amended, this bill provides that a student who meets the requirements established under P.L.2013, c.170 (C.18A:62-4.4), or in the case of a student enrolled in an independent institution of higher education meets all of the requirements of that section except for the requirement to enroll in a public institution of higher education, is eligible to apply for, and participate in, any student financial aid program administered by the Higher Education Student Assistance Authority or the Secretary of Higher Education. Under P.L.2013, c.170, a student, including a student without lawful immigration status, is allowed to pay the resident tuition rate at the State's public institutions of higher education if the student meets the following requirements: (1) attended high school in this State for three or more years; (2) graduated from a high school in this State or received the equivalent of a high school diploma in the State; (3) registers as an entering student or is currently enrolled in a public institution of higher education not earlier than the fall semester of the 2013-2014 academic year; and (4) in the case of a person without lawful immigration status, files an affidavit with the institution of higher education stating that the student has filed an application to legalize his immigration status or will file an application as soon as he is eligible to do so.

This bill directs the authority and the secretary to establish procedures and forms that enable these students to apply for, and participate in, the State student financial assistance programs. These procedures and forms will be posted on the websites of the Higher Education Student Assistance Authority and the Office of the Secretary of Higher Education. The procedures and forms established by the authority and the secretary pursuant to the bill cannot discriminate against eligible students based on the immigration status or national origin of the student or the student's parent or guardian.

Finally, the bill provides that, except as required by State or federal law, the Higher Education Student Assistance Authority and the Secretary of Higher Education cannot request information from any

student about the citizenship or immigration status of the student or the student's parent or guardian.

Existing federal law at 8 U.S.C. s.1621(d) permits a state to make an alien without lawful immigration status eligible for a state or local public benefit for which the alien would otherwise be ineligible under federal law only through the enactment of a state law that affirmatively provides for such eligibility. The bill declares that this section concerning financial aid eligibility is a state law within the meaning of this federal provision.

#### COMMITTEE AMENDMENTS:

The amendments extend eligibility under the bill for student financial aid programs to students enrolled in independent institutions of higher education, provided that they meet all of the other requirements of the bill.

The amendments include a provision that the procedures and forms established by the Higher Education Student Assistance Authority and the Secretary of Higher Education pursuant to the bill cannot discriminate against eligible students based on the immigration status or national origin of the student or the student's parent or guardian.

The amendments include a provision that, except as required by State or federal law, the Higher Education Student Assistance Authority and the Secretary of Higher Education cannot request information from any student about the citizenship or immigration status of the student or the student's parent or guardian.

#### FISCAL IMPACT:

The Office of Legislative Services (OLS) notes that the bill may lead to an increase in State expenditures by: 1) increasing the number of students who are currently enrolled in an institution of higher education who are eligible to receive State student assistance; and 2) increasing the number of individuals who elect to enroll in an institution of higher education by reducing the out-of-pocket cost of attendance. While the OLS does not have sufficient information to determine the amount of financial assistance for which students would become eligible, existing data suggest that the fiscal impact would be small relative to current appropriations.