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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Christie signs measure on in-state tuition rate," The Record, 12-21-13

"Christie signs in-state tuition bill to help students in U.S. illegally," The Star-Ledger, 12-21-13

"Gov. signs bill giving immigrants in-state tuition," Asbury Park Press, 12-21-13

"Dreamers' welcome tuition law," The Philadelphia Inquirer, 12-21-13

LAW/RWH

P.L.2013, CHAPTER 170, *approved December 20, 2013*
Senate, No. 2479 (*Third Reprint*)

1 AN ACT concerning tuition rates ³**[and financial aid]**³ for certain
2 students and supplementing chapter 62 ³**[and chapter 71B]**³ of
3 Title 18A of the New Jersey Statutes.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7

8 1. a. Notwithstanding the provisions of any law or regulation
9 to the contrary, a student, other than a nonimmigrant alien within
10 the meaning of section 101 (a)(15) of the "Immigration and
11 Nationality Act," (8 U.S.C. s.1101(a)(15)), shall be exempt from
12 paying ²**[nonresident]** out-of-State² tuition at a public institution of
13 higher education if the student:

14 (1) attended high school in this State for three or more years;

15 (2) graduated from a high school in this State or received the
16 equivalent of a high school diploma in this State;

17 (3) registers as an entering student or is currently enrolled in a
18 public institution of higher education not earlier than the fall
19 semester of the 2013-2014 academic year; ¹**and**¹

20 (4) in the case of a person without lawful immigration status,
21 files an affidavit with the institution of higher education stating that
22 the student has filed an application to legalize his immigration
23 status or will file an application as soon as he is eligible to do so ¹**;**
24 **and**

25 (5) in the case of a person without lawful immigration status,
26 meets the eligibility criteria, and has submitted a request to the
27 United States Citizenship and Immigration Services, for
28 consideration of the United States Department of Homeland
29 Security's deferred action for childhood arrivals process¹.

30 b. Student information obtained in the implementation of this
31 section shall be confidential.

32 c. The Secretary of Higher Education shall adopt rules and
33 regulations pursuant to the "Administrative Procedure Act,"
34 P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the
35 provisions of this section.

36

37 ³**[2. a.** Notwithstanding the provisions of N.J.S.18A:71B-2 or
38 any other law or regulation to the contrary, a student who meets the

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SHI committee amendments adopted June 27, 2013.

²Senate SBA committee amendments adopted November 14, 2013.

³Senate amendments adopted in accordance with Governor's
recommendations December 19, 2013.

1 requirements of section 1 of P.L. , c. (C.) (pending before
2 the Legislature as this bill) is eligible to apply for, and participate
3 in, any student financial aid program administered by the Higher
4 Education Student Assistance Authority ¹or the Secretary of Higher
5 Education¹ to the full extent permitted by federal law. The
6 Legislature finds and declares that this section is a state law within
7 the meaning of section 411(d) of the "Personal Responsibility and
8 Work Opportunity Reconciliation Act of 1996" (8 U.S.C.
9 s.1621(d)).

10 b. The Higher Education Student Assistance Authority ¹and the
11 Secretary of Higher Education¹ shall establish procedures and forms
12 that enable students who meet the requirements of section 1 of
13 P.L. , c. (C.) (pending before the Legislature as this bill) to
14 apply for, and participate in, all student financial aid programs
15 administered by the Higher Education Student Assistance Authority
16 ¹ and the Secretary of Higher Education¹ to the full extent permitted
17 by federal law.

18 c. The Higher Education Student Assistance Authority ¹and the
19 Secretary of Higher Education¹ shall adopt rules and regulations
20 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
21 (C.52:14B-1 et seq.), necessary to effectuate the provisions of this
22 section.】³

23
24 ³【3. ²【This】 Section 1 of this² act shall take effect immediately
25 and section 2 of this act shall take effect in the 2014-2015
26 academic year².】 2. This act shall take effect immediately.³

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30

31 _____
32 Allows certain students including undocumented immigrants
33 who meet certain criteria to qualify for in-State tuition at public
institutions of higher education.

SENATE, No. 2479

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED JANUARY 14, 2013

Sponsored by:

Senator M. TERESA RUIZ

District 29 (Essex)

Senator NELLIE POU

District 35 (Bergen and Passaic)

Senator SANDRA B. CUNNINGHAM

District 31 (Hudson)

Co-Sponsored by:

Senators Lesniak, Stack, Buono, Gill and Sweeney

SYNOPSIS

Allows certain students including undocumented immigrants who meet certain criteria to qualify for in-State tuition at public institutions of higher education and State financial aid.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/25/2013)

1 AN ACT concerning tuition rates and financial aid for certain
2 students and supplementing chapter 62 and chapter 71B of Title
3 18A of the New Jersey Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. a. Notwithstanding the provisions of any law or regulation
9 to the contrary, a student, other than a nonimmigrant alien within
10 the meaning of section 101 (a)(15) of the "Immigration and
11 Nationality Act," (8 U.S.C. s.1101(a)(15)), shall be exempt from
12 paying nonresident tuition at a public institution of higher education
13 if the student:

14 (1) attended high school in this State for three or more years;

15 (2) graduated from a high school in this State or received the
16 equivalent of a high school diploma in this State;

17 (3) registers as an entering student or is currently enrolled in a
18 public institution of higher education not earlier than the fall
19 semester of the 2013-2014 academic year;

20 (4) in the case of a person without lawful immigration status,
21 files an affidavit with the institution of higher education stating that
22 the student has filed an application to legalize his immigration
23 status or will file an application as soon as he is eligible to do so;
24 and

25 (5) in the case of a person without lawful immigration status,
26 meets the eligibility criteria, and has submitted a request to the
27 United States Citizenship and Immigration Services, for
28 consideration of the United States Department of Homeland
29 Security's deferred action for childhood arrivals process.

30 b. Student information obtained in the implementation of this
31 section shall be confidential.

32 c. The Secretary of Higher Education shall adopt rules and
33 regulations pursuant to the "Administrative Procedure Act,"
34 P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the
35 provisions of this section.

36
37 2. a. Notwithstanding the provisions of N.J.S.18A:71B-2 or
38 any other law or regulation to the contrary, a student who meets the
39 requirements of section 1 of P.L. , c. (C.) (pending before
40 the Legislature as this bill) is eligible to apply for, and participate
41 in, any student financial aid program administered by the Higher
42 Education Student Assistance Authority to the full extent permitted
43 by federal law. The Legislature finds and declares that this section
44 is a state law within the meaning of section 411(d) of the "Personal
45 Responsibility and Work Opportunity Reconciliation Act of 1996"
46 (8 U.S.C. s.1621(d)).

47 b. The Higher Education Student Assistance Authority shall
48 establish procedures and forms that enable students who meet the

1 requirements of section 1 of P.L. , c. (C.) (pending before
2 the Legislature as this bill) to apply for, and participate in, all
3 student financial aid programs administered by the Higher
4 Education Student Assistance Authority to the full extent permitted
5 by federal law.

6 c. The Higher Education Student Assistance Authority shall
7 adopt rules and regulations pursuant to the "Administrative
8 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to
9 effectuate the provisions of this section.

10

11 3. This act shall take effect immediately.

12

13

14

STATEMENT

15

16 This bill allows a student, including a student without lawful
17 immigration status, to pay in-State tuition at the State's public
18 institutions of higher education if the student meets the following
19 requirements: (1) attended high school in this State for three or
20 more years; (2) graduated from a high school in this State or
21 attained the equivalent of a high school diploma in the State; (3)
22 registers as an entering student or is currently enrolled in a public
23 institution of higher education not earlier than the fall semester of
24 the 2013-2014 academic year; (4) in the case of a person without
25 lawful immigration status, files an affidavit with the institution of
26 higher education stating that the student has filed an application to
27 legalize his immigration status or will file an application as soon as
28 he is eligible to do so; and (5) in the case of a person without lawful
29 immigration status, meets the eligibility criteria, and has submitted
30 a request to the United States Citizenship and Immigration Services,
31 for consideration of the United States Department of Homeland
32 Security's deferred action for childhood arrivals process. The latter
33 requirement is based on a June 15, 2012 memorandum from the
34 Secretary of Homeland Security describing a process whereby
35 certain individuals who came to the United States as children and
36 meet several specified criteria could request consideration of
37 deferred action, a determination to defer removal action of an
38 individual as an act of prosecutorial discretion.

39 Under the bill, a student who meets the above requirements for
40 in-State tuition eligibility is also eligible to apply for, and
41 participate in, any student financial aid program administered by the
42 Higher Education Student Assistance Authority. The bill directs the
43 authority to establish procedures and forms that enable these
44 students to apply for, and participate in, the State student assistance
45 programs. Existing federal law, 8 U.S.C. s.1621(d), permits a state
46 to make an alien without lawful immigration status eligible for a
47 state or local public benefit for which the alien would otherwise be
48 ineligible under federal law only through the enactment of a state

S2479 RUIZ, POU

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1 law that affirmatively provides for such eligibility. The bill
2 declares that the section concerning financial aid eligibility is a
3 state law within the meaning of this federal provision.

SENATE HIGHER EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 2479

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 27, 2013

The Senate Higher Education Committee reports favorably Senate Bill No. 2479 with committee amendments.

This bill, as amended, allows a student, including a student without lawful immigration status, to pay the resident tuition 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 attained 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.

Under the bill, a student who meets the above requirements for resident tuition eligibility is also 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. The 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 assistance programs. Existing federal law, 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 the section concerning financial aid eligibility is a state law within the meaning of this federal provision.

The committee amended the bill to remove a provision requiring a person without lawful immigration status to submit a request to the United States Citizenship and Immigration Services for consideration of the United States Department of Homeland Security's deferred action for childhood arrivals process in order to qualify for resident tuition and State financial aid. The committee also amended the bill to

clarify that the bill would also apply to student financial aid programs administered by the Secretary of Higher Education, such as the Educational Opportunity Fund.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 2479

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 14, 2013

The Senate Budget and Appropriations Committee favorably reports Senate Bill No. 2479 (1R), with committee amendments.

As amended, the bill allows a student, including a student without lawful immigration status, to pay in-State tuition 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 attained 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. It is the intention of the committee that, when appropriate, a county college would charge the in-county tuition rate in the case of a student who meets the requirements of subsection a. of section 1 of the bill.

Under the bill, a student who meets the above requirements for in-State tuition eligibility is also 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. The 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 assistance programs. Existing federal law, 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 the section concerning financial aid eligibility is a state law within the meaning of this federal provision.

COMMITTEE AMENDMENTS:

The committee amendments substitute the phrase “out-of-State” for “nonresident” in referring to the tuition rate that the eligible student will be exempt from paying. The committee also amended the bill to provide that the second section of the bill regarding eligibility for student financial aid programs will take effect in the 2014-2015 academic year, rather than immediately.

FISCAL IMPACT:

The Office of Legislative Services (OLS) believes that this bill, as amended, will result in an indeterminate increase in State expenditures and have an indeterminate fiscal impact on the public institutions of higher education. There is insufficient information to determine the bill’s fiscal impact, primarily due to the fact that the number of students who meet the requirements under the bill cannot be ascertained.

The OLS notes that higher education tuition revenues are not part of State budgeted expenditures, and thus the bill’s provision concerning in-State tuition would have no impact on the State. Any cost impact associated with this provision would be a reduction in tuition paid to the public institutions of higher education. Information on the number of undocumented students enrolled in the public institutions is not collected on a Statewide basis, nor does the OLS have authoritative information on the tuition they may be paying. Thus, the OLS is not able to project the potential reduction in tuition revenue if these students were paying in-State tuition rather than out-of-State tuition rates. The provision may increase the number of undocumented students who apply for admission to the public institutions and the likelihood of a greater number of such students attending the public institutions. The OLS notes that the institutions may make adjustments to their admission policies to offset any potential reduction in revenue that may result from the bill’s enactment. For example, an institution may decide to admit a greater number of out-of-State students to realize increased tuition revenues. Therefore, the fiscal impact on the public institutions is indeterminate.

The bill would increase the number of students eligible for State financial aid programs administered by the Higher Education Student Assistance Authority and the Secretary of Higher Education. Grant and scholarship programs such as the Tuition Aid Grant Program, the Educational Opportunity Fund, and the New Jersey Student Tuition Assistance Reward Scholarship Programs would require additional funding to accommodate the students newly-eligible under the bill’s provisions. The OLS cannot estimate the increase in State expenditures that would be necessary to support these students because there is insufficient information on the number of undocumented students who would meet the varying requirements of the State financial aid programs. The OLS also notes that if the appropriations

for any of these programs is insufficient to meet the statutory or other benefit level, the amount of financial aid awarded to each student would be reduced.

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

SENATE, No. 2479

STATE OF NEW JERSEY 215th LEGISLATURE

DATED: NOVEMBER 25, 2013

SUMMARY

- Synopsis:** Allows certain students including undocumented immigrants who meet certain criteria to qualify for in-State tuition at public institutions of higher education and State financial aid.
- Type of Impact:** Indeterminate increase in State expenditures. Indeterminate impact on public institutions of higher education.
- Agencies Affected:** Public institutions of higher education; Higher Education Student Assistance Authority; Office of the Secretary of Higher Education.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Expenditures	Indeterminate expenditure increase.		
Public Institutions of Higher Education	Indeterminate.		

- The Office of Legislative Services (OLS) estimates that Senate Bill No. 2479 (2R) will result in an indeterminate increase in State expenditures and have an indeterminate impact on the public institutions of higher education. There is insufficient information to determine the bill's fiscal impact, primarily due to the fact that the number of students who meet the requirements under the bill cannot be ascertained.
- Higher education tuition revenues are not part of State budgeted expenditures. Any changes in tuition revenues as a result of this bill would only impact the public institutions. Information on the number of undocumented students enrolled in the public institutions is not collected on a Statewide basis, nor does the OLS have authoritative information on the tuition they may be paying. Thus, the OLS is not able to project the potential reduction in tuition revenue if students were paying in-State tuition rather than out-of-State tuition.
- The bill would most likely lead to a modest increase in State costs, due to the number of additional students who would now be eligible for State financial aid. However, the increase in expenditures is indeterminate because the OLS is not able to determine the number of

students who meet the requirements under the bill and also would meet the varying requirements of the State's financial aid programs.

BILL DESCRIPTION

Senate Bill No. 2479 (2R) of 2013 allows a student, including a student without lawful immigration status, to pay the in-State 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 this 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 he has filed an application to legalize his immigration status or will file an application as soon as he is eligible to do so.

In addition, a student who meets the above requirements 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.

The bill's provisions do not apply to persons defined as "nonimmigrant aliens" within the meaning of section 101 (a)(15) of the federal "Immigration and Nationality Act." In very general terms, a "nonimmigrant alien" is a person who has been admitted to the United States on a temporary basis for employment, education, or personal reasons and who maintains his permanent residence outside of this country.

The bill's provision relating to the tuition rate will be effective immediately, while the provision relating to financial aid will take effect in the 2014-2015 academic year.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS believes that this bill will result in an indeterminate increase in State expenditures and have an indeterminate impact on the public institutions of higher education. There is insufficient information to determine the bill's fiscal impact, primarily due to the fact that the number of students who meet the requirements under the bill cannot be ascertained.

The OLS notes that higher education tuition revenues are not part of State budgeted expenditures, and thus the bill's provision concerning in-State tuition would have no impact on the State. Any cost impact associated with this provision would be a reduction in tuition paid to the public institutions of higher education. Information on the number of undocumented students enrolled in the public institutions is not collected on a Statewide basis, nor does the OLS have authoritative information on the tuition they may be paying. Thus, the OLS is not able to project

the potential reduction in tuition revenue if these students were paying in-State tuition rather than out-of-State tuition rates. The bill's enactment may increase the number of undocumented students who apply for admission to the public institutions and attend those institutions. The OLS notes that the institutions may make adjustments to their admission policies to offset any potential reduction in revenue that may result from the bill's enactment. For example, an institution may determine to admit a greater number of out-of-State students to realize increased tuition revenues. Therefore, the fiscal impact on the public institutions is indeterminate.

The bill would increase the number of students eligible for State financial aid programs administered by the Higher Education Student Assistance Authority and the Secretary of Higher Education. While the OLS cannot forecast the increase in State expenditures that would be necessary to support these students, available data does suggest that the order of magnitude of the potential impact is modest. Using data compiled by the American Immigration Council, it is estimated that there are 28,464 undocumented immigrants in New Jersey between the ages of 15 and 30 who are immediately eligible for the President's "deferred action" initiative. If one assumes that there are 1,900 undocumented students in the age 17 cohort and one-half will graduate from high school and enroll in a public institution of higher education, and if all of these students are eligible for the Tuition Aid Grant (TAG) Program and receive the average award (\$5,466 in the 2013-2014 academic year), the cumulative award amount would total \$5.2 million, or almost 1.5 percent of the FY 2014 appropriation for the program (\$341.2 million). In each of the three subsequent years, the number of newly-eligible undocumented students eligible for a TAG award should increase but by less than the initial cohort in the 2014-2015 academic year. The impact on the Educational Opportunity Fund, the New Jersey Student Tuition Assistance Reward Scholarship Programs, and other State grant and scholarship programs should be negligible.

The OLS notes that funding for the State financial aid programs is contingent upon the annual appropriations act. For example, if State appropriations remain level, an increase in the number of students eligible for State financial aid programs under this bill would mean that the amount of financial aid awarded to each student would be reduced.

Section: Education
Analyst: Jonathan Tang
Associate Fiscal Analyst
Approved: David J. Rosen
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L. 1980, c.67 (C. 52:13B-6 et seq.).

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

[Second Reprint]
SENATE, No. 2479

STATE OF NEW JERSEY

DATED: DECEMBER 12, 2013

The Assembly Budget Committee reports favorably Senate Bill No. 2479 (2R).

This bill allows a student, including a student without lawful immigration status, to pay in-State tuition 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 attained 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 the student's immigration status or will file an application as soon as the student is eligible to do so.

The Committee intends the bill to allow a county college student meeting the four requirements summarized above to pay in-county tuition rates, as appropriate.

The bill also allows a student meeting the four requirements summarized above for in-State tuition eligibility to be eligible to apply for, and participate in, any student financial aid program administered by the Higher Education Student Assistance Authority (HESAA) or the Office of the Secretary of Higher Education (OSHE). The bill directs the HESAA and the OSHE to establish procedures and forms. Note that existing federal law permits a state to enact a law affirmatively providing eligibility for a state or local public benefit to an alien without lawful immigration status, even if the alien would otherwise be ineligible under the federal law. See 8 U.S.C. s.1621(d). The bill specifically declares its provisions affirmatively providing eligibility for student financial aid administered by the HESSA or the OSHE as such a state law.

As reported, Senate Bill No. 2479(2R) is identical to the Committee's substitute for Assembly Bill No. 4225, as also reported by the Committee.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that this bill will result in an indeterminate increase in State expenditures and have an indeterminate fiscal impact on the public institutions of higher education. There is insufficient information to determine the bill's fiscal impact, primarily because the number of students who meet the requirements under the bill cannot be ascertained.

The OLS notes that higher education tuition revenues are not part of State budgeted expenditures, and so the bill's provision concerning in-State tuition will have no impact on the State. Any cost impact associated with this provision would be a reduction in tuition paid to the public institutions of higher education. Information on the number of undocumented students enrolled in the public institutions is not collected on a Statewide basis, nor does the OLS have authoritative information on the tuition they may be paying. Thus, the OLS is not able to project the potential reduction in tuition revenue if these students were paying in-State tuition rather than out-of-State tuition rates. The provision may increase the number of undocumented students who apply for admission to the public institutions and the likelihood of a greater number of such students attending the public institutions. The OLS notes that the institutions may make adjustments to their admission policies to offset any potential reduction in revenue that may result from the bill's enactment. For example, an institution may decide to admit a greater number of out-of-State students to realize increased tuition revenues. Therefore, the fiscal impact on the public institutions is indeterminate.

The bill will increase the number of students eligible for State financial aid programs administered by the HESAA and the OSHE. Grant and scholarship programs such as the Tuition Aid Grant Program, the Educational Opportunity Fund, and the New Jersey Student Tuition Assistance Reward Scholarship Programs will require additional funding to accommodate the students newly-eligible under the bill's provisions. The OLS cannot estimate the increase in State expenditures that will be necessary to support these students because there is insufficient information on the number of undocumented students who will meet the varying requirements of the State financial aid programs. The OLS also notes that if the appropriations for any of these programs is insufficient to meet the statutory or other benefit level, the amount of financial aid awarded to each student would be reduced.

SENATE BILL NO. 2479
(Second Reprint)

To the Senate:

More than two months ago, I stated my support for tuition equality. I offered to work with the Legislature on agreeing on affordable tuition equality for all students in New Jersey during the lame duck session. As the Legislature took up this issue, I emphasized the discrete, but significant, issues that must guide a new in-state tuition program. Well before this bill was passed by either House of the Legislature, I publicly and clearly stated the terms under which I would sign this bill. Regrettably, those issues were never addressed. Therefore, as I have previously advised the members of the Legislature, pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I return Senate Bill No. 2479 (Second Reprint) with my recommendations for reconsideration. I implore the Members of the General Assembly and the Senate to act immediately so that this bill may be signed into law without further delay and allow these students to avail themselves of this opportunity in January of 2014.

The concept of tuition equality springs from larger efforts to reform our Nation's immigration laws. While various approaches have been considered, those discussions have not resulted in progress. That failure is a timely reminder of the new course charted by my Administration. In New Jersey, our approach is straightforward: we confront problems, we debate solutions, we come to an agreement, and we move on to the next challenge. That simple formula for achieving compromise still eludes the leadership in Washington. As a result, our country's system of lawful immigration remains broken, with no path forward towards reform and progress.

In the vacuum created by the failed attempts at immigration reform, many states confronted a related issue: in-state college tuition for students without lawful status. These students, who typically arrived in the United States with their parents as

children, face a daunting economic impediment to reaching their full potential. Having already invested hundreds of thousands of dollars in these students' K-12 education, as mandated by existing law, it is sensible to offer these students in-state tuition. Ensuring that higher education is available to these students likewise ensures future generations of children will be able to reach their full productive potential as successful members of our communities and be able to even more fully contribute to our society.

I do not, however, support the additional provision of this bill that goes beyond tuition equality and makes students without legal status eligible for any financial aid program administered by the Higher Education Student Assistance Authority or the Secretary of Higher Education. Making New Jersey a magnet for out-of-state students is fiscally imprudent and wholly unwise. Expansions to funding programs must always be carefully calibrated, and thoughtfully balanced against the reality of limited revenues, competing priorities, and sound planning for the needs of all citizens. Expanding financial aid in the manner proposed by this bill meets none of those standards, and serves only to drive enrollment from out-of-state students, at the expense of in-state residents. Today, I once again recommend that this unnecessary provision be removed.

First and foremost, I must stand as the guardian against renewed abuse of the taxpayers in New Jersey. Making New Jersey a magnet state by offering financial aid would diminish the amount of aid available to New Jersey students or place an unacceptable burden on our taxpayers. I will not allow either to happen through enactment of this legislation.

Revising this bill to enact tuition equality without unnecessary financial burdens on the taxpayers of New Jersey is neither complicated, nor controversial. With this single change, tuition equality will become the law of our State. I ask the Legislature to

join me in this important reform, and make equal tuition for all New Jersey students a reality this year.

Accordingly, I herewith return Senate Bill No. 2479 (Second Reprint) and recommend that it be amended as follows:

- | | |
|--|--|
| <u>Page 2, Title, Line 1:</u> | Delete "and financial aid" |
| <u>Page 2, Title, Line 2:</u> | Delete "and chapter 71B" |
| <u>Page 2, Section 2, Lines 37-43:</u> | Delete in their entirety |
| <u>Page 3, Section 2, Lines 1-17:</u> | Delete in their entirety |
| <u>Page 3, Section 3, Lines 19-21:</u> | Delete in their entirety and insert "2. This act shall take effect immediately." |

Respectfully,

[seal]

/s/ Chris Christie

Governor

Attest:

/s/ Charles B. McKenna

Chief Counsel to the Governor

Video & Transcript: Governor Christie: Dreamers Don't Have To Wait Any Longer

Thursday, December 19, 2013 Tags: [Education](#)

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Governor Christie: Dreamers Don't Have To Wait Any Longer



0:09 / 1:31

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Transcript:

Governor Christie: This is what compromise looks like. Sometimes it's quiet, sometimes it's loud but you can do both at the same time. You can have public arguments about a particular piece of legislation or a policy position and at the same time be having quiet, private conversations where you say how are we going to bring people together to get this done. But here's the most important thing – the most important thing is for these young men and women of our state, who we have invested hundreds of thousands of dollars in in their K-12 education, we're now going to give them an opportunity in an affordable way to be able to continue their education. And if they do, that's going to be to the benefit, first and foremost, of themselves. Secondly, to their families. And third, to the [families] of New Jersey, who will benefit from a more educated workforce to meet the challenges of the global economy. All those are good things. That's why if it works out the way I believe it will based on my conversations with Legislative leadership, and from the comments I heard this morning from Senator Sweeney in his press availability, that this will be once again an example of New Jersey showing how you can come to bipartisan agreement. Not that we agree on everything, but that we find a way of bringing people together and come to a position that will benefit all the people of this state.

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State of New Jersey OFFICE OF THE GOVERNOR

What They Are Saying ...

“College Pathway Opens for N.J. Dreamers”

Governor Christie’s Approval Of The Tuition Equality Act Is “A Big Step Forward”

HISPANIC COMMUNITY LEADERS

Frank Argote-Freyre, President of the Latino Action Network: “This is a wonderful day for DREAMers in New Jersey and we are proud to be part of this historic moment.” (Press Release, 12/19/13)

Rev. Gabriel Salguero, President of the National Latino Evangelical Coalition: “This is a Christmas present for young promising immigrants.” (Press Release, 12/19/13)

- “Governor Christie’s endorsement of an in-state tuition bill for promising young people is just one example of what can be done when leadership is committed to laws that solve problems.”
- “[T]he leadership shown in New Jersey paves the way for a common-sense federal immigration bill.”

Martin Perez, Esq., President of the Latino Leadership Alliance of New Jersey: “We extend our gratitude to Governor Christie for keeping his word and commitment to the Latino community...” (Press Release, 12/19/13)

- “New Jersey is a better state thanks to ...you”

Carlos Medina, Esq., Chairman of the Statewide Hispanic Chamber of Commerce of New Jersey: “It is a brave move...” (Press Release, 12/19/13)

- “I would like to Thank the Governor for keeping his ...promise...”

The National Coalition of Latino Officers: “Governor Christie and the New Jersey legislature have once again shown America how to travel on the “Boulevard called Compromise” (Press Release, 12/19/13)

- “Governor Chris Christie ...is sincere when he speaks of befriending Hispanics.”

The Puerto Rican Congress of NJ, Inc.: “We praise the Governor for the foresight and commitment to making this dream come true...” (Press Release, 12/19/13)

- “Providing in state tuition ...is the ‘fair and just’ thing to do”

Rev. Joshua Rodriguez, Vice-President of the National Latino Evangelical Coalition: “The legislation ...represents real progress on an issue that Washington has left unresolved for too long.” (Press Release, 12/19/13)

Rev. Miguel Rivera, President of the National Coalition of Latino Clergy & Christian Leaders: “Governor Christie is a servant of a true democracy and leader of high integrity that always comes forward strong with the truth and in the best interest of our community.” (Press Release, 12/19/13)

- “Latino Christian Pastors around the Nation will remember Governor's Christie's actions....”

Rev. Jose C. Lopez, President of the Evangelical Pastors Association of Hudson County: “New Jersey is yet another example of a state taking the initiative to make education an accessible reality for youngsters...” (Press Release, 12/19/13)

- “This law is a measure that will benefit the state’s economy, local communities, and most importantly, the hard working and tax paying families of these young New Jerseyans.”
- “We thank Gov. Christie for his leadership and longstanding commitment to serving, empowering and honoring our communities by way of his exemplary service.”

DEMOCRATIC LEGISLATORS

Senator Teresa Ruiz (D): “I am overwhelmed with joy. When you think about opportunities and the American dream and why almost all of our parents moved to this country, you think about the possibilities that this bill will unfold for many of the ...students who are here today.” (Press Conference, 12/19/13)

- “[T]he policy that New Jersey will undertake today will open the doors for equality and fairness for children who don't know home anywhere else but in this great Garden State.”

Senate President Steve Sweeney (D) and Senator Teresa Ruiz (D): “This is a victory for children who have grown up in our state, attended our schools and have asked only for the same opportunity as their peers to get a higher education, so they can do better for themselves and their families than the generations that came before them.” (Press Release, ‘Ruiz-Sweeney Statement on DREAM Act,’ 12/19/13)

Senator Sandra Cunningham (D): “This piece of legislation is important because we talk about, I talk about as well second chances for people. Well this bill gives people a chance. It gives our young people a chance to go to school and make their dreams come true ... be productive citizens and to do wonderful and great things for our state.” (Press Conference, 12/19/13)

Senator Nellie Pou (D): “We are taking a tremendous step forward in providing higher education access in New Jersey.” (Press Release, 12/19/13)

Assemblywoman Valerie Vainieri Huttle (D): “This bill is the only way we can help alleviate some of the financial burden faced by these students.” (Press Release, 12/19/13)

NEWSMAKERS

National Journal's Fusion: “College Pathway Opens for New Jersey Dreamers” (Jordan Fabian, “College Pathway Opens for New Jersey Dreamers,” *Fusion*, 12/19/13)

The Star-Ledger: “[T]his is a big step forward.” (Editorial, “Christie's half-equity on tuitions,” *The Star-Ledger*, 12/20/13)

Time's Mark Haleprin: “One thing I think people love about Chris Christie, and he did it in this case, is he really does just decide what he thinks is the right thing to do and defend and explain it. ... I just think for him, when he does what he thinks is right, he can defend it that way. He's very strong when he does that.” (MSNBC, 12/20/13)

Washington Post's Jennifer Rubin: “New Jersey Gov. Chris Christie reminded the media and conservative activists that compromise doesn't mean giving the store away.” (Jennifer Rubin, “Christie's immigration compromise,” *Washington Post – Right Turn*, 12/20/13)

- “Christie is racking up win after win in New Jersey...”

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Press Releases Public Addresses Executive Orders Press Kit Reports

Home > Newsroom > Press Releases > 2014 > Governor Christie To Dreamers: Our Job Is To Give You Opportunity





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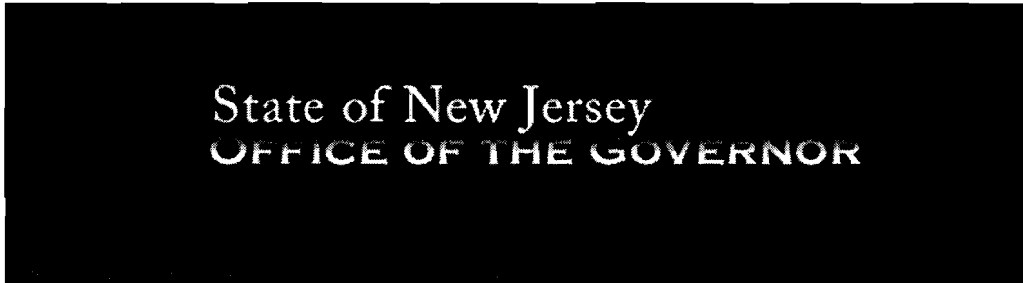
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Governor Christie To Dreamers: Our Job Is To Give You Opportunity



<http://www.youtube.com/watch?v=YmlwqQ-D-Y>

Transcript

Governor Chris Christie: The fact is that the taxpayers of this state have made an enormous investment in these young people, and the question is: do we want to maximize our investment through giving them nothing more than an opportunity? There is no guarantee of success here, and because the DREAM Act has been signed it does not mean that every student who now has the opportunity to go to college will succeed. Some will, some won't. Some will exceed beyond anyone's expectations and some not. But our job, I believe as a government, is to give every one of these children, who we have already invested hundreds of thousands of dollars in, an opportunity to maximize that investment for their own benefit, for the benefit of their families, and for the benefit of our state and our country.

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Governor Christie To Dreamers: You Are An Inspiration

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Governor Christie To Dreamers: You Are An Inspiration



<http://www.youtube.com/watch?v=YmlwqQ-D-Y>

Transcript

Governor Chris Christie: You are an inspiration to us. You're an inspiration to us because in you we see all that the future of our country can be. In you, we see the infinite possibilities that exist in a human mind that's challenged and taught and maximized. In you, most importantly, we see the infinite possibilities of the human spirit, that all of you, with a good heart, caring about not only yourselves but your neighbors, your friends, and your family, can make our country a better place.

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