

# ASSEMBLY, No. 3162

## STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED JUNE 25, 2012

**Sponsored by:**

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**District 36 (Bergen and Passaic)**

**Assemblyman LOUIS D. GREENWALD**

**District 6 (Burlington and Camden)**

**Co-Sponsored by:**

**Assemblywoman Watson Coleman**

**SYNOPSIS**

“Higher Education Citizenship Equality Act;” defines domicile for dependent students for the purpose of eligibility for State student loans, grants, or scholarships and in-State tuition rate.

**CURRENT VERSION OF TEXT**

As introduced.

(Sponsorship Updated As Of: 6/18/2013)

1 AN ACT concerning higher education and supplementing chapter 62  
2 and chapter 71B of Title 18A of the New Jersey Statutes.

3

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

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7 1. This act shall be known and may be cited as the “Higher  
8 Education Citizenship Equality Act.”

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10 2. a. A dependent student shall be considered domiciled in this  
11 State for the purposes of determining eligibility for a State student  
12 loan, grant, or scholarship if the student meets the following  
13 criteria:

14 (1) the student is a United States citizen;

15 (2) the student has resided in the State for a period of not less  
16 than 12 consecutive months immediately prior to the academic  
17 period for which State student assistance is being requested; and

18 (3) the student’s parent or guardian provides the Higher  
19 Education Student Assistance Authority with documentation that  
20 the parent or guardian has filed a New Jersey and federal income  
21 tax return, or with evidence of withholding of income tax, for the  
22 most recent tax year.

23 b. A dependent student may not establish eligibility for a State  
24 student loan, grant, or scholarship pursuant to subsection a. of this  
25 section if the student’s parent has not lived in this State for a period  
26 of at least 12 consecutive months immediately prior to the initial  
27 academic period for which State student assistance is being  
28 requested.

29 c. Nothing in this section shall be construed to affect the  
30 eligibility for a State student loan, grant, or scholarship of any  
31 student who does not meet the requirements of this section but is  
32 otherwise eligible for State student assistance in accordance with  
33 law or regulation.

34

35 3. a. A dependent student shall be considered domiciled in this  
36 State for the purposes of determining eligibility for the in-State  
37 undergraduate tuition rate at a public institution of higher education  
38 if the student meets the following criteria:

39 (1) the student is a United States citizen;

40 (2) the student has resided in the State for a period of not less  
41 than 12 consecutive months before first enrolling in a public  
42 institution of higher education; and

43 (3) the student’s parent or guardian provides the public  
44 institution of higher education with copies of any New Jersey and  
45 federal income tax return filed by the parent or guardian, or with  
46 evidence of withholding of income tax, for the most recent tax year.

47 b. A dependent student may not establish eligibility for the in-  
48 State undergraduate tuition rate pursuant to subsection a. of this

1 section if the student's parent has not lived in this State for a period  
2 of at least 12 consecutive months immediately prior to the student's  
3 initial enrollment in a public institution of higher.

4 c. Nothing in this section shall be construed to affect the  
5 eligibility for the in-State undergraduate tuition rate of any student  
6 who does not meet the requirements of this section but is otherwise  
7 eligible for the in-State undergraduate tuition rate at a public  
8 institution of higher education in accordance with law or regulation.

9  
10 4. This act shall take effect immediately and shall first be  
11 applicable to the determination of State student assistance for the  
12 2012-2013 academic year.

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STATEMENT

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17 The purpose of this bill is to address the difficult and unfair  
18 situation that faces some students who were born in the United  
19 States and are therefore citizens of this country, and are residents of  
20 the State of New Jersey but are unable to qualify for State student  
21 tuition assistance programs or the in-State undergraduate tuition  
22 rate upon enrollment in a public institution of higher education.  
23 This inability to qualify is due to the fact that the student is  
24 considered a dependent student because he or she is under 24 years  
25 of age, and eligibility for State student assistance or the in-State  
26 tuition rate for dependent students is determined by the domicile  
27 status of their parents. The parents of these students are unable to  
28 establish domicile in New Jersey either because they do not have  
29 legal status in this country or they entered the country on a  
30 nonimmigrant visa.

31 This bill provides that a dependent student will be domiciled in  
32 the State for the purposes of determining eligibility for a State  
33 student loan, grant, or scholarship and eligibility for the in-State  
34 undergraduate tuition rate if the student:

35 (1) is a United States citizen;

36 (2) has resided in New Jersey for a period of not less than 12  
37 consecutive months immediately prior to the academic period for  
38 which State student assistance is being requested or, in the case of  
39 the undergraduate tuition rate, 12 consecutive months before first  
40 enrolling in a public institution; and

41 (3) the student's parent or guardian provides the Higher  
42 Education Student Assistance Authority with documentation that  
43 the parent or guardian has filed a New Jersey and federal income  
44 tax return, or with evidence of withholding of income tax, in the  
45 case of determining eligibility for a State student loan, grant, or  
46 scholarship. In the case of determining eligibility for the in-State  
47 undergraduate tuition rate, the student's parent or guardian must  
48 provide the public institution of higher education with copies of any

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- 1 New Jersey and federal income tax return filed by the parent or
- 2 guardian, or evidence of withholding of income tax for the most
- 3 recent tax year.