

LEGISLATIVE COMMITTEE MINUTES

# **HB675**

# Bill as Introduced

HB 675-FN - AS INTRODUCED

2015 SESSION

15-0417  
04/10

HOUSE BILL

**675-FN**

AN ACT

relative to eligibility for in-state tuition rates at the university system of New Hampshire and the community college system of New Hampshire.

SPONSORS:

Rep. Gottling, Sull 2; Rep. A. Schmidt, Sull 1; Rep. Burton, Straf 6; Rep. Kidder, Merr 5; Rep. P. Schmidt, Straf 19

COMMITTEE:

Education

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ANALYSIS

This bill establishes eligibility requirements for in-state tuition status for students in the university system of New Hampshire and the community college system of New Hampshire.

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Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Fifteen*

AN ACT relative to eligibility for in-state tuition rates at the university system of New Hampshire and the community college system of New Hampshire.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1           1 University System of New Hampshire; Authority of the Trustees. Amend RSA 187-A:16, XXIII  
2 to read as follows:

3           XXIII. Require every student admitted after [~~December 31, 2012~~] *June 10, 2014* and  
4 receiving the in-state rate of tuition to execute an affidavit attesting *that* he or she is a legal  
5 resident of the United States, *or that the student will file an application to legalize his or*  
6 *her status, a copy of which shall be furnished to the university system of New*  
7 *Hampshire, as soon as he or she is eligible. To be eligible for in-state tuition, a student*  
8 *who has filed or will file such an application shall also meet the following*  
9 *requirements:*

10           (a) *The student shall have graduated from an approved New Hampshire high*  
11 *school or earned the New Hampshire high school equivalency certificate; or*

12           (b) *The student shall have attended a high school in New Hampshire for 3 years*  
13 *prior to graduation or be domiciled in New Hampshire for 3 years prior to receiving a*  
14 *New Hampshire high school equivalency certificate; and*

15           (c) *In addition to complying with either subparagraph (a) or (b), the student*  
16 *shall have met all other criteria for in-state tuition status as established by the university*  
17 *system of New Hampshire board of trustees.*

18           2 New Paragraph; Community College System of New Hampshire; Authority of the Board of  
19 Trustees. Amend RSA 188-F:6 by inserting after paragraph X the following new paragraph:

20           X-a. Require every student admitted after June 10, 2014 and receiving the in-state rate of  
21 tuition to execute an affidavit attesting that he or she is a legal resident of the United States, or  
22 that the student will file an application to legalize his or her status, a copy of which shall be  
23 furnished to the community college system of New Hampshire, as soon as he or she is eligible. To  
24 be eligible for in-state tuition, a student who has filed or will file such an application shall also  
25 meet the following requirements:

26           (a) The student shall have graduated from an approved New Hampshire high school or  
27 earned the New Hampshire high school equivalency certificate; or

28           (b) The student shall have attended a high school in New Hampshire for 3 years prior to  
29 graduation or be domiciled in New Hampshire for 3 years prior to receiving a New Hampshire high  
30 school equivalency certificate; and

**HB 675-FN - AS INTRODUCED**

**- Page 2 -**

1                   (c) In addition to complying with either subparagraph (a) or (b), the student shall have  
2 met all other criteria for in-state tuition status as established by the community college system of  
3 New Hampshire board of trustees.

4                   3 Effective Date. This act shall take effect 60 days after its passage.

**HB 675-FN - FISCAL NOTE**

**AN ACT** relative to eligibility for in-state tuition rates at the university system of New Hampshire and the community college system of New Hampshire.

**FISCAL IMPACT:**

The University System of New Hampshire and the Community College System of New Hampshire state this bill, as introduced, will have an indeterminable impact on state revenues, and increase state expenditures by an indeterminable amount in FY 2016 and each year thereafter. There will be no impact on county and local revenue or expenditures.

**METHODOLOGY:**

The University System of New Hampshire (USNH) and the Community College System of New Hampshire (CCSNH) state this bill defines eligibility requirements for in-state tuition rates for USNH and CCSNH student. The proposed legislation amends the existing eligibility requirements for USNH students to allow those students who are not legal residents of the United States, but have either graduated from an approved New Hampshire high school or have attended a New Hampshire high school or resided in New Hampshire for three years prior to graduation or receiving a high school equivalency certificate, to attest they will file an application to legalize their status. The proposed legislation requires the student to file a copy of said application to the respective system. The USNH and the CCSNH state to the extent passage of the proposed legislation allows students to either enroll at a different rate of tuition or otherwise impacts enrollment rates, state restricted revenues will be impacted. Neither the USNH nor the CCSNH is able to estimate to what extent the passage of this legislation would impact enrollments or individual student's tuition rates. The USNH and the CCSNH state the proposed legislation's additional requirement to track student's applications to legalize their United States residency status will require the establishment and implementation of additional administrative policies and procedures to ensure compliance. Neither system is able to estimate to what extent the institution of policies and procedures necessary to ensure compliance will increase state expenditures.

# Amendments

Rep. Gottling, Sull. 2  
Rep. A. Schmidt, Sull. 1  
February 3, 2015  
2015-0178h  
04/10



Amendment to HB 675-FN

1 Amend the introductory paragraph in RSA 187-A:16, XXIII as inserted by section 1 of the bill by  
2 replacing it with the following:

3

4 XXIII. Require every student admitted after ~~[December 31, 2012]~~ *June 10, 2015* and  
5 receiving the in-state rate of tuition to execute an affidavit attesting *that* he or she is a legal  
6 resident of the United States, *or that the student will file an application to legalize his or her*  
7 *status, a copy of which shall be furnished to the university system of New Hampshire, as*  
8 *soon as he or she is eligible. To be eligible for in-state tuition, a student who has filed or*  
9 *will file such an application shall also meet the following requirements:*

10

11 Amend the introductory paragraph in RSA 188-F:6, X-a as inserted by section 2 of the bill by  
12 replacing it with the following:

13

14 X-a. Require every student admitted after June 10, 2015 and receiving the in-state rate of  
15 tuition to execute an affidavit attesting that he or she is a legal resident of the United States, or that  
16 the student will file an application to legalize his or her status, a copy of which shall be furnished to  
17 the community college system of New Hampshire, as soon as he or she is eligible. To be eligible for  
18 in-state tuition, a student who has filed or will file such an application shall also meet the following  
19 requirements:

"not adopted"



# Speakers

1:45 P.M.

# SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 675-FN Date February 3, 2015  
 Committee Education

**\*\* Please Print All Information \*\***

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Pam Tucker	Rock 23			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
GREG Hill	Merr 3				<input checked="" type="checkbox"/>
Joseph Pitre	STR 2			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Kathleen Lauer-Roy					<input checked="" type="checkbox"/>
REP JOHN POTUCEK	ROCKINGHAM 6				<input checked="" type="checkbox"/>
REP WAYNE BURTON	STR 6 (CO-SPONSOR)			<input checked="" type="checkbox"/>	
Rep Carol McGuire	Merr 29				<input checked="" type="checkbox"/>
Rep Linda Gould	Hills 7				<input checked="" type="checkbox"/>
Rep Duarte	Rock 2				<input checked="" type="checkbox"/>
Rep. KWR	Hills-2				<input checked="" type="checkbox"/>
Rep Jack Flanagan	House Majority Office				<input checked="" type="checkbox"/>
Rep Carl Seidl			Hills 28		<input checked="" type="checkbox"/>
Rep BARBARA C. FORENCH			ME 8	<input checked="" type="checkbox"/>	
Brian Heubler	971-3411		SEA, SEIU Local 1984	<input checked="" type="checkbox"/>	
Joshua Bicknell	533-4477		Manchester	<input checked="" type="checkbox"/>	
Alejandro Urrutia	Hydson, NH		Latinas Unidos	<input checked="" type="checkbox"/>	
Maggie Fogarty	AFSC-NH		Concord NH	<input checked="" type="checkbox"/>	
Ridwan Hassen	Hanover		Evangelical NH	<input checked="" type="checkbox"/>	
Halimo Hassen	Hanover			<input checked="" type="checkbox"/>	
Hassan Hassen	Hanover			<input checked="" type="checkbox"/>	
Cathy Chesley	Catholic Charities NH			<input checked="" type="checkbox"/>	

# Hearing Minutes

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON HB 675-FN

**BILL TITLE:** relative to eligibility for in-state tuition rates at the university system of New Hampshire and the community college system of New Hampshire.

**DATE:** February 3, 2015

**LOB ROOM:** 207      **Time Public Hearing Called to Order:** 1:45 p.m.

**Time Adjourned:** 2:45 p.m.

(please circle if present)

**Committee Members:** Reps. Ladd, Balcom, Boehm, Cordellio, Grenier, Elliott, Adams, Cook, Moore, Osborne, V. Sullivan, Wolf, Gile, Shaw, Gorman, Frazer, A. Schmidt, Mylee, Rollo, Heath and Verschueren.

**Bill Sponsors:** Rep. Gottling, Sull 2; Rep. A. Schmidt, Sull 1; Rep. Burton, Straf 6; Rep. Kider, Merr 5; Rep. P. Schmidh, Straf 19

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

(1.) Rep. Gottling - Prime sponsor.

- \*Written testimony.

(2.) Rep. Tim Horrigan

- \*Written testimony including chart.
- UNH can set rules and has
- Should deserve same consideration
- Still high tuition.
- Submitted a chart for information purposes.
- Not a special privilege – still have to adhere to some vigorous rules and regulations per law
- Stricter regulations than average residents already.

(3.) Rep. Joe Duarte - Candia

- \*Written testimony (2)

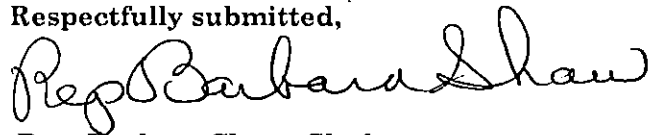
(4.) Rep. Wayne Burton

- Supports bill.
- Two issues
- (a.) Moral – siblings can attend, but some can't who were not born here, but parents pay taxes.
- (b.) Major crisis facing this state is lack of workforce.

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- (5.) Jennifer Otero Silva
- Supports bill.
  - Graduated from High School in New Hampshire – feels she is qualified.
- (6.) Cathy Chesley – NH Catholic Charities
- \*Written testimony
- (7.) Halimo Hassen – Dartmouth CO-FIRED (Immigrant Association)
- Illegal alien term – rather use undocumented immigrants.
  - Dartmouth admits and offers scholarships to undocumented immigrants.
  - Should be offered an affordable education as they are hard working and dedicated to succeed.
  - Advocate for undocumented students
  - Supports bill.
- (8.) Lorena Otero Silva
- Emotional testimony in favor of bill for her future and future of many others.
- (9.) Eva Castillo – NHAIR
- This is the country of these students. They are here to stay –give them the opportunity to succeed.
- (10) Arnie Alpetti - ATSC (American Trends Service Committee)
- Reason for this bill is that, as in other states, want all students to be equal as required by federal law to have an opportunity for a post secondary education under immigration reform.
  - Supports.

Respectfully submitted,



Rep. Barbara Shaw, Clerk

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON HB 675-FN

**BILL TITLE:** relative to eligibility for in-state tuition rates at the university system of New Hampshire and the community college system of New Hampshire.

**DATE:** 2-3-2015

**LOB ROOM:** 207

**Time Public Hearing Called to Order:** 1:45 PM

**Time Adjourned:** 2:45 PM

(please circle if present)

**Committee Members:** Reps. Ladd, Balcom, Boehm, Cordelli, Grenier, Elliott, Adams, Cook, Moore, Osborne, V. Sullivan, Wolf, Gile, Shaw, Gorman, Frazier, A. Schmidt, Myler, Rollo, Heath and Verschueren

**Bill Sponsors:** Rep. Gotting, Sull 2; Rep. A. Schmidt, Sull 1; Rep. Burton, Straf 6; Rep. Kider, Merr 5; Rep. P. Schmidt, Straf 19

TESTIMONY

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\* written testimony
- 2) Rep. Tim Horvigan  
? UNH can set rules and chas.
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  - still high tuition
  - submitted a chart for information purposes
  - \* ~~written~~ written testimony including chart
  - not a special privilege - still have to adhere to some rigorous rules and regulations per law
  - stricter regulations than average residents already
- 3.) Rep Joe Duarte - Candia  
\* written testimony (2)

- 4) Rep. Wayne Burton
- supports bill
  - two issues
    - a) moral - siblings can attend but some can't who were not born here, but parents pay taxes
    - b) major crisis facing this state is lack of workforce
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  - graduated from AS in NH - feels she is qualified
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- \* written testimony (immigrant assn)
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- illegal alien term - rather use undocumented immigrants
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- reason for this ~~bill~~ is that, as in other states, want all students to be equal as required by federal law to have an opportunity for a post secondary education under immigration reform
  - supports
- Respectfully submitted,  
Rep Barbara Shaw, Clerk

# Testimony



① Rep. ~~Ben~~ Gottling

Thank you, Mr. Chairman and members of the committee for the opportunity to introduce HB 675, legislation based on this committee's good work in the previous biennium. The intent of the bill is to offer in-state tuition rates at our Universities and Community Colleges to all academically qualified NH students. At present, there is one group excluded from this access, students who were brought to this country as children, attended our NH schools, graduated or earned a GED and now, when college is the next step, lack needed documents. These young people are discouraged from higher education because they must pay out-of-state tuition rates. As you on this committee know, even NH in-state tuition rates are among the highest in the nation and our students' debt burden the highest.

This bill is more specific than the previous bill - which passed the house but fell short in the senate - in its intent and how it would work for students and for our NH higher education institutions. It includes Community Colleges with their affordable and accessible programs. Many states have already adopted a similar process, 17 at last count. The number of students who would qualify for in-state tuition under this bill is not large. However, its importance to each individual student is very large.

A 2009 Governor's Task Force identified access to higher education as a primary means to the state's goal of reversing the trend for our average age to keep on going up. We need young people in our state. We need them now and in the future. I believe this bill is one small step towards that goal.

*the group  
of NH.*



**Subject:** in support of HB 675

**From:** Timothy Horrigan <timothyhorrigan@icloud.com>

**Date:** 2/2/15, 14:34

**To:** HouseEducationCommittee@leg.state.nh.us

**CC:** Wayne.Burton@leg.state.nh.us, "Schmidt, Peter" <reppbs@ttlc.net>, Sue Gottling <sgottling@comcast.net>, david.kidder@leg.state.nh.us, "Schmidt, Andrew" <Andrew.Schmidt@leg.state.nh.us>, Timothy Horrigan <Timothy.Horrigan@alumni.usc.edu>

I will (probably) be unable to attend the HB 675 hearing tomorrow (Tuesday February 3) at 11am, but I would like to submit the following written testimony:

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HB 675 deals with not one, not two, but three perennial "hot-button" issues: immigration, the University System of New Hampshire's budget and college students' eligibility for "in-state" status. It has attracted some vehement opposition.

This is a good bill which actually tightens the rules for in-state status. Currently the trustees can set pretty much any rules they please for defining in-state status. HB 675 sets a baseline for these rules, as they apply to a few young people who have grown up and been educated in New Hampshire but whose parents were so-called "illegal" immigrants.

In-state tuition has been attacked as a "special privilege." The University System is allowed to charge in-state students a lower tuition rate than out-of-state students, although it is not actually required to do so. In-state students are currently charged a rate which approximates the marginal cost of educating a student. Overhead is covered by out-of-state tuition, the legislative contribution in the biennial state budget and other funding sources, notably including student fees and room & board. In-state students pay the same fees and room & board as out-of-state students. Paying the tuition and fees is just one of the obligations a student must meet: they must also meet rigorous academic standards, as well as obeying the college or university's disciplinary rules. Even with the lower in-state tuition rate, this is still very challenging.

I urge the House Education Committee and the full House to pass this bill.

*Rep. Timothy Horrigan (Strafford 6)*  
*7A Faculty Rd; Durham, NH 03824*  
*ph: 603-969-3823*  
*email: TimothyHorrigan@icloud.com*

## Undergraduate Admissions

### Tuition

#### 2014-2015 Academic Year

	NH Resident	Non-Resident
<b>Tuition &amp; Fees</b>	\$16,552	\$29,532
<b>Room &amp; Board*</b>	\$10,360	\$10,360
<b>Total</b>	\$26,912	\$39,892

\* Room & Board amount is based on double occupancy room and core meal plan

For more information and a detailed breakdown of tuition & fees and room & board please visit [Business Services\\*](#) (<http://www.unh.edu/business-services/tuitionfees.html>)

\* The University reserves the right to adjust tuition and/or related expenses. Any changes will be announced as far in advance as possible by business services.

Tuition rates are based on full-time registration of 12-20 credits. Students who register for fewer than 12 credits will be charged per credit hour. A \$20 registration fee will also be added for part-time students. Students who register for more than 20 credits will be charged per credit hour for each credit over 20.

In figuring the total cost of attending UNH, we encourage students and families to also add factors such as books, supplies, transportation, and miscellaneous expenses. We estimate these annual costs to be approximately \$4,500, although it will vary by student.

#### **Important Note:**

Students enrolling in the following majors pay a differential tuition charge of \$965 for the 2014-2015 academic year: Computer Science, Chemical Engineering, Civil Engineering, Computer Engineering, Electrical Engineering, Environmental Engineering, and Mechanical Engineering

Students who enroll in Paul (Paul College of Business and Economics) pay a differential tuition charge of \$946 for the 2014-2015 academic year.

Students who enroll as music majors pay a differential tuition charge of \$800 for the 2013-2014 academic year.

# RULES AND REGULATIONS

## RULES GOVERNING TUITION RATES FOR THE UNIVERSITY OF NEW HAMPSHIRE

I. **BASIC RULE** All students attending any division of the University of New Hampshire in any capacity shall be charged tuition at a rate to be determined by their domicile. Those domiciled within the State of New Hampshire shall pay the in-state rate. Those domiciled elsewhere shall pay the out-of-state rate.

II. **DETERMINATION OF TUITION RATES** A. In-State: The Board of Trustees shall fix the In-state tuition rate annually on the basis of their projected budget including as part of said budget the applicable funds made available by the Legislature in its biennial budget.

Out-of-state: In accordance with the policy established by the Legislative Budget Act, the out-of-state tuition rate shall be set annually by the Board of Trustees at a figure which reflects actual cost of per capita operating costs, including instructional expenses, overhead, and bond retirement (excluding self-liquidating bonds), as determined by the costs in the fiscal year just preceding the first of January for the fiscal year in which tuition is to be charged, all in accordance with the established accounting practices of the University System.

III. **DETERMINATION OF STUDENT STATUS** A student shall be classified as in-state or out-of-state for tuition purposes at the time of his/her admission to the University. The decision shall be made by the Dean/Director of Admissions of the appropriate division in the first instance based upon information furnished by the student's application and other relevant information available to the Dean/Director.

IV. **REVIEW OF STUDENT STATUS** a) Any student who is aggrieved by the decision of the dean or director of admissions classifying him/her as an out-of-state student for tuition purposes may appeal to the campus residency officer on forms and in accordance with procedures which shall be made available to the student in the office of the registrar or dean or director of admissions. Any student aggrieved by the campus residency officer's decision may appeal that decision to the University System Residency Appeals Board.

b) The student may present to the University System Residency Appeals Board such additional evidence as he/she may deem appropriate in processing his/her appeal and may appear before the Board and be heard. The decision of the University System Residency Appeals Board shall be the final decision of the University System.

c) The University System Residency Appeals Board shall be comprised of three members who shall be designated by the presidents of each of the System's three residential campuses. At the first meeting of each academic year the Board members shall designate one member to serve as chair for the remainder of the academic year and until a successor has been designated for the following year.

V. **CHANGE IN STATUS** Any student who has on his/her first admission to the University System been classified as out-of-state for tuition purposes may apply to the campus residency officer for a change of status on or before September 1 of any year for the Fall semester, and on or before January 1 of any year for the Spring semester. Applications shall be considered in the chronological order in which they are presented. No changes approved during a semester shall be effective until the beginning of the next following semester. Provided, however, that where a change of status from out-of-state to in-state has been denied by the campus residency officer prior to the commencement of a semester, and his/her decision is reversed by the University System Appeals Committee during the semester, the student's status shall be effective as of the commencement of the semester.

In the event the campus residency officer possesses facts or information indicating that a student's status should be changed from in-state to out-of-state, the student shall be informed in writing of the change in status. The student may appeal the decision as hereinabove set forth. No such change made by the residency officer after commencement of any semester shall be effective until the beginning of the next semester. Changes to out-of-state made by the residency officer prior to the commencement of any semester, but reversed during the semester by the Appeals Committee, shall be effective as of the commencement of the semester.

VI. **APPLICATION FORMS** Each applicant for in-state status for tuition purposes shall submit an application on forms to be prescribed by the Dean or Director of Admissions or campus residency officer which shall include a sworn statement that the applicant is legally domiciled within the State of New Hampshire. The application shall also include such additional information as the Dean/Residency Officer may require in support of the affidavit of domicile. In his/her discretion, the Dean/Residency Officer may require resubmission of an application form from any in-state student prior to the commencement of each semester the student plans to attend the University.

VII. **SUBSTANTIVE RULES** In all cases of application for in-state status for tuition purposes, the burden of proof shall be on the applicant. At the applicant's request, the Dean/Director of Admissions/Residency Officer shall state the reason or reasons for his/her decision in writing.

For purposes of determining tuition status, the following definitions and rules shall prevail.

A. The term "parent" shall mean a person's father; or if s/he has no father, his/her mother; or in case of separated or divorced parents, "parent" shall mean either a parent with legal custody or a parent providing more than one-half of a student's total financial support; or if there is a guardian or legal custodian, "parent" shall mean guardian or legal custodian provided there are no circumstances indicating that such guardianship or custodianship was created primarily for the purpose of conferring the status of an in-state student on such unemancipated person.

B. No person shall be eligible for in-state status unless s/he is domiciled within New Hampshire. For University System purposes, a person does not acquire a domicile in New Hampshire until s/he has been a resident of the state for twelve consecutive months immediately preceding registration for the term for which in-state status is claimed and meets all other requirements for domicile.

C. No unemancipated person shall be eligible for in-state tuition unless his/her parents shall have established domicile in this state.

D. No person shall be eligible for in-state tuition unless s/he establishes that his/her residence in New Hampshire is for some purpose other than the temporary or primary one of obtaining an education.

E. "Domicile" denotes a person's true, fixed and permanent home and place of habitation. It is the place where s/he intends to remain and to which s/he expects to return when s/he leaves without intending to establish a new domicile elsewhere. However, when a person has established eligibility for in-state tuition based on his/her parent's domicile and the parent subsequently establishes domicile outside of New Hampshire, the student shall be eligible for in-state tuition for one academic semester following the academic semester during which the parent established out-of-state domicile.

All evidence relevant to determining domicile may be considered, but the following indicia shall, in any case, be relevant, without limiting in any way such other information as the applicant may wish to submit or the Dean/Director or Residency Officer may wish to receive:

1. Payment or non-payment of any tax levied by the state or any political subdivision on persons resident or domiciled thereon.
2. Residence reported on any federal or state tax return.
3. Registration of one's automobile.
4. State issuing one's driver's license.
5. Receipt of support in whole or in part from parents who are resident or domiciled outside the State of New Hampshire.
6. Voting residence.
7. Claim by any non-resident parent that the applicant is a dependent for tax purposes or any other financial purpose.
8. Regular departure by an applicant from the State of New Hampshire during recesses or vacations from the University System.
9. The filing of any claim for benefits under any policy of insurance or federal, state, or local benefit legislation based on residence or domicile outside the State of New Hampshire.
10. Status in some other state which would qualify a person for in-state tuition in that state.

F. Unless the contrary appears to the satisfaction of the Dean/Director of Admissions in individual cases, the following presumptions shall prevail:

1. The domicile of an unemancipated person is that of his/her parents or if parents are separated or divorced, that of the parent who has custody of him/her or that of the parent providing more than one-half of the student's total financial support.
2. The domicile of an unemancipated person who has no parents is that of his/her guardian or other legal custodian, unless it appears that such guardianship or custodianship was created for the purpose of establishing an in-state status.
3. The domicile of any person who first enters the University from the domicile of his/her parent, as defined in subparagraph A above, is that of his/her parent until s/he abandons such domicile, and, for purposes other than that of his/her education, acquires a new domicile.
4. The domicile of any person who first enters the University System from a domicile other than New Hampshire is such a domicile until s/he abandons such domicile and, for purposes other than that of his/her education, acquires a new domicile.
5. Attendance at the University or any other educational institution in this state in itself shall not be evidence of intention to establish or establishment of a domicile in this state.

G. No person shall be deemed to be emancipated unless his/her parent, as defined in subparagraph A above, has entirely surrendered the right to the care, custody and earnings of such person and unless his/her parent is no longer under any legal obligation to support or maintain such person or, having supported and maintained such person even though under no legal obligation to do so, has ceased to support or maintain such person. Emancipation shall not be found unless all such tests are met. The following shall be indicia of emancipation, but shall not be exclusive, and other evidence may be submitted by an applicant and demanded by the Dean/Director of Admissions or Residency Officer.

1. Lack of financial support by the parent;
2. Lack of contribution to the parent of any earnings or other income received by the person;
3. Failure of the parent to claim the person as a dependent on his/her income or other tax returns/
4. Establishment by the person of a domicile separate and apart from that of the parent;
5. Failure of the person to return to the home of the parent during vacations and other recesses from school.

VIII. **WAIVER** Nothing contained in these rules shall preclude the Dean/Director or Residency Officer from waiving any requirement hereof under special circumstances in individual cases.

IX. Any member of the Armed Forces of the United States stationed in this state under military orders shall be entitled to classification for him/herself, spouse and dependent children as in-state for tuition purposes so long as the member remains on active duty in this state pursuant to such orders.

③

Rep. Joe Duarte

Consider it an illegal fringe benefit for illegal immigrants. Today, 12 states allow individuals who are in the United States illegally to pay the same in-state tuition rates as legal residents of the state without providing the same rates to others in the country who are here legally. And those states are doing it in direct contravention of federal law.

In a new paper, Heritage's Hans von Spakovsky and Charles Stimson explain that in 1996, Congress passed—and President Bill Clinton signed into law—the Illegal Immigration Reform and Immigrant Responsibility Act.

Under Section 1623 of the law, state colleges and universities are prohibited from providing in-state tuition rates to illegal aliens “on the basis of residence within the State” unless the same in-state rates are offered to all citizens of the United States.

“By circumventing the requirements of § 1623 these states are violating federal law, and the legal arguments offered to justify such actions are untenable, no matter what other policy arguments are offered in their defense,” von Spakovsky and Stimson write. Which states are on the list? The offenders include California, Texas, New York, Utah, Washington, Oklahoma, Illinois, Kansas, New Mexico, Nebraska, Maryland, and Connecticut.

Apart from being illegal, granting in-state tuition to illegal aliens isn't at all popular with the American people, either.

A poll conducted in August shows that 81 percent of voters oppose providing in-state tuition rates to illegal aliens—and with good reason. For starters, the cost of doing so is breaking an already strained bank. In 2005, the cost of providing in-state tuition in California was between \$222.6 million and \$289.3 million; in Texas, it was estimated between \$80.2 million and \$104.4 million. Von Spakovsky and Stimson note that the policy has other serious flaws, as well:

Granting financial preference to illegal aliens also discriminates against otherwise qualified citizen students from outside the state. Furthermore, states that offer in-state tuition to illegal aliens act as a magnet for more

illegal aliens to come to the state.

Arguments to the contrary are unpersuasive, and not supported by the facts.

The core issue, though, is the Constitution and the rule of law. And while the United States welcomes immigrants,

it is also a country of laws, and there are limits imposed on those who seek citizenship.

States cannot cast aside those laws where they see fit, as von Spakovsky and Stimson explain:

Americans take pride in their heritage and this country's generous policies regarding legal immigration.

Yet, as citizens of a sovereign nation, Americans retain the right to decide who can and cannot enter this country

and what terms immigrants and visitors must accept as a condition of residing in the United States. As mandated by the U.S.

Constitution, Congress sets America's immigration policy. State officials have considerable influence in Congress over the

crafting of immigration laws, and they may take steps to help enforce federal law.

However, state officials cannot act contrary to a congressional statute.

The Supreme Court has held that "The states have no power, by taxation or otherwise, to retard, impede, burden, or in any manner

control, the operations of the constitutional laws enacted by Congress to carry into execution the powers vested in the

general government." Unfortunately, in offering illegal aliens in-state tuition in violation of federal law, that is exactly what these states are doing. Now it is up to the President and the Attorney General to enforce that law and take action against these 12 states.



Bill Text: NH HB1383 | 2012 | Regular Session | Chaptered  
 New Hampshire House Bill 1383 (*Prior Session Legislation*)

**Bill Title:** Relative to residency status for the purpose of receiving in-state tuition status within the university system of New Hampshire.

**Spectrum:** Partisan Bill (Republican)

**Status:** (*Passed*) 2012-06-22 - House Signed By Governor 06/18/2012; Effective 01/01/2013; Chapter 0260 [HB1383 Detail]

**Download:** [New\\_Hampshire-2012-HB1383-Chaptered.html](#)

CHAPTER 260

HB 1383 – FINAL VERSION

1Feb2012... 0308h

05/02/12 1838s

6June2012... 2438CofC

2012 SESSION

12-2430

08/05

HOUSE BILL *1383*

AN ACT relative to residency status for the purpose of receiving in-state tuition status within the university system of New Hampshire.

SPONSORS: Rep. Duarte, Rock 1; Rep. Mirski, Graf 10; Rep. Tamburello, Rock 3; Rep. DRappaport, Coos 1; Rep. Cox, Merr 6; Rep. Tregenza, Carr 2; Rep. Reagan, Rock 1

COMMITTEE: Education

AMENDED ANALYSIS

This bill requires every student admitted to the university system of New Hampshire after December 31, 2012 and receiving the in-state rate of tuition to execute an affidavit attesting he or she is a legal resident of the United States.

Explanation: Matter added to current law appears in *bold italics*.

Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

1Feb2012... 0308h

05/02/12 1838s

6June2012... 2438CofC

12-2430

08/05

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twelve*

AN ACT relative to residency status for the purpose of receiving in-state tuition status within the university system of New Hampshire.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

260:1 New Paragraph; Legal Status of Students Receiving In-State Tuition. Amend RSA 187-A:16 by inserting after paragraph XXII the following new paragraph:

XXIII. Require every student admitted after December 31, 2012 and receiving the in-state rate of tuition to execute an affidavit attesting he or she is a legal resident of the United States.

260:2 Effective Date. This act shall take effect January 1, 2013.

Approved: June 18, 2012

Effective Date: January 1, 2013

6



New Hampshire  
Catholic Charities

PO Box 686, Manchester, New Hampshire 03105-0686  
T: 603-669-3030/1-800-562-5249 • F: 603-626-1252 • www.nh-cc.org

February 3, 2015

Rick M. Ladd  
Chair, House Education Committee  
LOB Room 207  
Concord, NH 03301

**RE: HB 675-FN (Relative to eligibility for in-state tuition rates at the University System of New Hampshire and the Community College System of New Hampshire)**

Dear Mr. Ladd and Members of the Education Committee:

As Director of Catholic Charities New Hampshire's Office of Immigration and Refugee Services I write to express our support of HB 675. As drafted, this bill will extend in-state tuition rates for the University System of New Hampshire and New Hampshire Community College institutions to all students who reside in and have known New Hampshire as their home state.

Members of our immigration staff have assisted many young adult residents of New Hampshire with their applications under the Deferred Action for Childhood Arrivals (DACA) program. These students, known as "Dreamers" are smart, ambitious and hard-working. For this reason, New Hampshire's University and Community College Systems will be well served when this bill is passed. Otherwise, those students seeking to participate in their home State's higher education system will be forced to seek enrollment in other states.

If this bill is defeated, the result will be something like "shooting ourselves in the foot" by sending this talented pool of young people, and their in-state tuition dollars, out of state. At a time when New Hampshire struggles to keep its young people living in state, passage of this bill will not only work to increase enrollment in state academic institutions, but also increase the overall population of young people choosing to continue living in and calling New Hampshire home. In this way, passing HB 675 works to support New Hampshire families as well as the overall economy of the State.

Sincerely,

Cathy Chesley, J.D., Ed.D.

Director, Immigration and Refugee Services

---

*Adoption and Maternity Services*

*Counseling Services*

*Rehabilitation and Nursing Care Facilities*

*Immigration and Refugee Services*

*New Hampshire Food Bank*

*Parish and Community Services*

*Our Place*

*St. Charles Children's Home*



did not speak

New Hampshire General Court  
House Education Committee  
Room 207, LOB

Hearing on **HB 675**  
(1:45 PM; February 3, 2015)

**Testimony of Ronald F. Rodgers, General Counsel,**  
**University System of New Hampshire**

I am Ron Rodgers, USNH General Counsel, offering this testimony on behalf of the University System of New Hampshire, its Board of Trustees, and component institutions: Granite State College, Keene State College, Plymouth State University, and the University of New Hampshire. While taking no position on either the underlying issues of public policy, including the federal immigration laws, or the merits of HB 675, USNH offers the following information for the Committee's consideration.

HB 675 would allow students who are not legal residents of the United States to become eligible for in-state tuition provided they execute an affidavit attesting they have filed, or will file, an application with the federal government to legalize their status. In addition they must have graduated from a New Hampshire High School or earned a New Hampshire high school equivalency certificate and meet all of the USNH criteria for eligibility for in-state status.

It is not clear HB 675 addresses a real problem. In previous legislative sessions the proponents of earlier versions of this bill have not provided evidence of any student who would benefit from this legislation. Nor have they provided solid information on the number of students who might become eligible for in-state tuition as a result of this legislation. In the absence of credible information about the existence of a problem and the costs attendant to the proposed solution, it is not possible to responsibly assess the value or good sense of HB 675. What is clear, however, is that HB 675 would impose certain strictures on the USNH Board of Trustees' broad authority to establish residency rule, an authority delegated by the General Court in RSA 187-A:16, XIX.

While we appreciate the opportunity to offer the foregoing information for the Committee's considers, the University System of New Hampshire and its component institutions take no position on the merits of HB 675.

Thank you.

# Voting Sheets

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on HB 675-FN

**BILL TITLE:** relative to eligibility for in-state tuition rates at the university system of New Hampshire and the community college system of New Hampshire.

**DATE:** February 5, 2015

**LOB ROOM:** 207

**Amendments:**

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Ralph Boehm

Seconded by Rep. Josh Moore

Vote: 11-7 (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

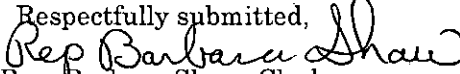
Seconded by Rep.

Vote: (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE:**

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,  
  
Rep. Barbara Shaw, Clerk

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on HB 675-FN

**BILL TITLE:** relative to eligibility for in-state tuition rates at the university system of New Hampshire and the community college system of New Hampshire.

**DATE:** 2-5-2015

**LOB ROOM:** 207

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Boehm

Seconded by Rep. Moore

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

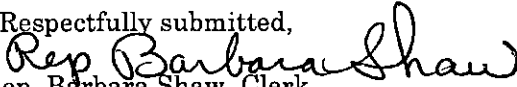
Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,  
  
Rep. Barbara Shaw, Clerk



2015 SESSION

EDUCATION

relative to eligibility for in-state tuition rates at the university system of New Hampshire and the community college system of New Hampshire.

Bill #: HB675-FN

Title: \_\_\_\_\_

PH Date: 02/03/2015

Exec Session Date: 2/5/2015

Motion: ITL

Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
Ladd, Rick M., Chairman	✓	
Balcom, John L, V Chairman	✓	
Boehm, Ralph G.	✓	
Cordelli, Glenn	✓	
Grenier, James L	✓	
Elliott, Robert J.	✓	
Adams, Christopher R.	✓	
Cook, Allen W.	✓	
Moore, Josh	✓	
Osborne, Jason M.	✓	
Sullivan, Victoria L.		
Wolf, Terry M.	✓	
Gile, Mary Stuart		✓
Shaw, Barbara E., Clerk		✓
Gorman, Mary J.		
Frazer, June M.		✓
Schmidt, Andrew R.		
Myler, Mel		✓
Rollo, Deanna S.		✓
Heath, Mary		✓
Verschueren, James		✓
TOTAL VOTE:		

11 7

# Committee Report

**REGULAR CALENDAR**

**February 18, 2015**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on EDUCATION to which was referred  
HB675-FN,**

**AN ACT relative to eligibility for in-state tuition rates at  
the university system of New Hampshire and the  
community college system of New Hampshire. Having  
considered the same, report the same with the following  
Resolution: RESOLVED, That it is INEXPEDIENT TO  
LEGISLATE.**

**Rep. Ralph G. Boehm**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	<b>EDUCATION</b>
Bill Number:	<b>HB675-FN</b>
Title:	<b>relative to eligibility for in-state tuition rates at the university system of New Hampshire and the community college system of New Hampshire.</b>
Date:	<b>February 12, 2015</b>
Consent Calendar:	<b>NO</b>
Recommendation:	<b>INEXPEDIENT TO LEGISLATE</b>

### STATEMENT OF INTENT

This bill allows children of illegal residents to obtain in-state tuition at our state universities and colleges. It is the Federal Government's responsibility to handle immigration, thereby, we the state should not get involved. By allowing illegal aliens to have the same access to our universities as in-state residents is not fair to law-abiding residents. How many of our legal residents will be forced out of classes because their seat is taken by an illegal? Is it fair for the children of legal immigrants to this country to be pushed aside by immigrants that have come here illegally? Lastly, in the absence of credible information about the existence of a problem and the costs attendant to the proposed solution, it is not possible to responsibly access the value or good sense of HB 675. It is clear that HB 675 would impose certain structures on the USNH Board of Trustees broad authority to establish residence rule, an authority delegated by the General Court in RSA 187-A:16,XIX.

Vote 11-7.

Rep. Ralph G. Boehm  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File



**REGULAR CALENDAR**

**EDUCATION**

**HB675-FN**, relative to eligibility for in-state tuition rates at the university system of New Hampshire and the community college system of New Hampshire. **INEXPEDIENT TO LEGISLATE.**


Rep. Ralph G. Boehm for **EDUCATION**. This bill allows children of illegal residents to obtain in-state tuition at our state universities and colleges. It is the Federal Government's responsibility to handle immigration, thereby, we the state should not get involved. By allowing illegal aliens to have the same access to our universities as in-state residents is not fair to law-abiding residents. How many of our legal residents will be forced out of classes because their seat is taken by an illegal? Is it fair for the children of legal immigrants to this country to be pushed aside by immigrants that have come here illegally? Lastly, in the absence of credible information about the existence of a problem and the costs attendant to the proposed solution, it is not possible to responsibly assess the value or good sense of HB 675. It is clear that HB 675 would impose certain structures on the USNH Board of Trustees broad authority to establish residence rule, an authority delegated by the General Court in RSA 187-A:16, XIX. **Vote 11-7.**

Original: House Clerk  
Cc: Committee Bill File

HB 675-FN relative to eligibility for in-state tuition rates at the university system of New Hampshire and the community college system of New Hampshire.

This bill allows children of illegal residents to obtain in-state tuition at our state universities and colleges. It is the Federal Government's responsibility to handle immigration, thereby, we the state should not get involved. By allowing illegal aliens to have the same access to our universities as in-state residents is not fair to law-abiding residents. How many of our legal residents will be forced out of classes because their seat is taken by an illegal? Is it fair for the children of legal immigrants to this country to be pushed aside by immigrants that have come here illegally? Lastly, in the absence of credible information about the existence of a problem and the costs attendant to the proposed solution, it is not possible to responsibly access the value or good sense of HB 675. It is clear that HB 675 would impose certain structures on the USNH Board of Trustees broad authority to establish residence rule, an authority delegated by the General Court in RSA 187-A:16,XIX.

Rep. Ralph Boehm  
For the Committee  
ITL 11-7 RC

A handwritten signature in black ink, appearing to read "Ralph Boehm", is written over the typed name and title.

COMMITTEE REPORT

COMMITTEE: Education

BILL NUMBER: HB 675-FN

TITLE: relative to eligibility for in-state tuition rates at the university system of New Hampshire and the community college system of New Hampshire.

DATE: 2-5-2015 CONSENT CALENDAR: YES  NO

- OUGHT TO PASS
  - OUGHT TO PASS W/ AMENDMENT
  - INEXPEDIENT TO LEGISLATE
  - INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)
- Amendment No. \_\_\_\_\_

HB675

This bill allows children of illegal residents to obtain in-state tuition at our state universities and colleges. It is the Federal government's responsibility to handle immigration, thereby, we the state should not get involved. By allowing illegal aliens to have the same access to our universities as in-state residents is not fair to law-abiding residents. How many of our legal residents will be forced out of classes because their seat is taken by an illegal? Is it fair for the children of legal immigrants to this country to be pushed aside by immigrants that have come here illegally? These illegal immigrants do not have social security numbers, and cannot get one legally, so even after graduation, they will not be able to get a legal job.

*Lastly, in the absence of credible information about the existence of a problem and the costs attendant to the ~~proposed~~ proposed solution, it RAIPH BOEHM is not possible to responsibly assess the value or good sense of HB675. It is clear that HB675 would impose certain structures on the USNH Board of Trustees broad authority to establish residency rule, an authority*

Rep. [Signature]  
For the Committee