

STATE OF KANSAS



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February 15, 2018

The Honorable Kevin Jones, Chairperson
House Committee on Higher Education Budget
Statehouse, Room 151-S
Topeka, Kansas 66612

Dear Representative Jones:

SUBJECT: Fiscal Note for HB 2643 by House Committee on Higher Education Budget

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2643 is respectfully submitted to your committee.

KSA 76-731a establishes which individuals without lawful immigration status may pay resident tuition and fee rates at Kansas postsecondary educational institutions. The statute defines individual as a person who:

1. Has attended an accredited Kansas high school for three or more years;
2. Has either graduated from an accredited Kansas high school or has earned a general educational development (GED) certificate issued within Kansas, regardless of whether the person is or is not a citizen of the United States of America; and
3. In the case of a person without lawful immigration status, has filed with the postsecondary educational institution an affidavit stating that the person or the person's parents have filed an application to legalize the person's immigration status, or will file the application as soon as he or she is eligible to do so, and in the case of a person with a legal, nonpermanent immigration status, has filed with the postsecondary educational institution an affidavit stating that the person has filed an application to begin the process for citizenship of the United States or will file the application as soon as he or she is eligible to do so.

HB 2643 would repeal KSA 76-731a and require each Kansas postsecondary educational institution to:

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1. Determine the difference between the amount that a student would have paid in tuition and fees if the student would have qualified as a resident for fee purposes prior to the repeal of KSA 76-731a, and the amount of tuition and fees the student actually paid to the Kansas educational institution as a nonresident for fee purposes; and
2. Apply the difference to help offset the amount of tuition or required fees that are waived by a Kansas educational institution for an eligible foster child to participate in the program.

Further, the bill would provide that, “domiciliary resident does not include any alien who is not lawfully present in the United States.”

Based on a report of fall 2017 20th day enrollment, the Kansas Board of Regents indicates the Regents system enrolled 670 undocumented students who paid resident tuition under the provisions of KSA 76-731a, including 142 students enrolled at universities, 495 students enrolled at community colleges, and 33 students enrolled at technical colleges. Assuming none of the 670 students would qualify for in-state tuition if HB 2643 were enacted, the Board estimates it could increase revenues from tuition systemwide by approximately \$2,299,936 since those students would pay non-resident tuition and fees rates. The Board indicates the provisions of HB 2643 would mandate that the \$2,299,936 in potential increased tuition revenues be used to offset tuition and required fees waived for students in foster care at the age of 18. The Board indicates Kansas public educational institutions waived \$1,046,477 in tuition and required fees for 316 students in foster care in 2017. The Board notes it is impossible to determine whether or not students who currently meet the criteria to receive resident tuition under KSA 76-731a would choose not to enroll in Kansas public educational institutions if HB 2643 were enacted. Any fiscal effect associated with HB 2643 is not reflected in *The FY 2019 Governor’s Budget Report*.

Sincerely,



Larry L. Campbell
Chief Budget Officer

cc: Kelly Oliver, Board of Regents
Jackie Aubert, Children & Families