

January 24, 2011

The Honorable Steve Brunk, Chairperson  
House Committee on Federal and State Affairs  
Statehouse, Room 149-S  
Topeka, Kansas 66612

Dear Representative Brunk:

**SUBJECT:** Fiscal Note for HB 2006 by Representative Tyson, et al.

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2006 is respectfully submitted to your committee.

HB 2006 would repeal the statute enacted in 2004 that established for the purpose of attendance at a state university, an individual would be considered a resident regardless of the person's citizenship status if that person had attended a Kansas high school for three years; and had either graduated from a Kansas high school or had earned a General Education Development Certificate from Kansas. In the case of a person without lawful immigration status, the statute permits residency provided that an affidavit has been filed with the university stating that an application to legalize such person's immigration status has been filed with the federal government. Also, if a person with legal, nonpermanent immigration status has filed with the university an affidavit stating that an application to begin the process for citizenship has been or will be filed as soon as the student is eligible, that person is considered a resident as well.

HB 2006 also amends current law to state that an alien who is not lawfully present in the United States is not a domiciliary resident of the state, and in no event shall such individual be entitled to pay resident fees upon enrollment at any state university.

For FY 2010, the average annual educational expenditures per student for the six state universities totaled \$9,453. The average annual undergraduate resident tuition and required fee at the six state universities was \$5,545 and the undergraduate non-resident tuition and required fees averaged \$14,977. It is not possible to determine whether students who previously met the criteria of KSA 76-731a will continue to enroll and pay the non-resident rates or whether these students will leave school.

In FY 2011, the state universities enrolled 61 students (headcount) under the provisions of the law permitting illegal aliens to enroll. Total university enrollments were 101,008. If one student continued his or her education paying out-of-state tuition the revenue would increase by

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\$9,432 ( $\$14,977 - \$5,545 = \$9,432$ ). Expenditures would remain at \$9,453 per student. One payment for out-of-state tuition and fees would increase net revenues by \$5,524 ( $\$14,977 - \$9,453 = \$5,524$ ). Although the number of students has no bearing on state appropriations to the universities, a switch in status from resident to non-resident would increase revenues to the universities' tuition and fee funds. Any fiscal effect associated with HB 2006 is not reflected in *The FY 2012 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", written in a cursive style.

Steven J. Anderson, CPA, MBA  
Director of the Budget

cc: Diane Duffy, Board of Regents