

February 3, 2021

The Honorable Larry Alley, Chairperson  
Senate Committee on Federal and State Affairs  
Statehouse, Room 136-E  
Topeka, Kansas 66612

Dear Senator Alley:

**SUBJECT:** Fiscal Note for SB 96 by Senator Peck

In accordance with KSA 75-3715a, the following fiscal note concerning SB 96 is respectfully submitted to your committee.

Current law allows any individual who is enrolled or has been accepted for admission at a state university, community college, technical college, or the municipal university to be deemed a resident of Kansas for the purpose of tuition and fees so long as the individual:

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 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 such person's immigration status, or such person will file such an application as soon as such person is eligible to do so or, in the case of a person with a legal, nonpermanent immigration status, has filed with the postsecondary educational institution an affidavit stating that such person has filed an application to begin the process for citizenship of the United States or will file such application as soon as such person is eligible to do so.

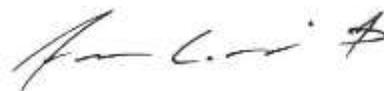
SB 96 would repeal this law so that undocumented immigrants are no longer allowed to pay resident tuition and fee rates at public postsecondary educational institutions. The bill would amend the definition of domiciliary resident to add, "Domiciliary resident does not include any alien who is not lawfully present in the United States." SB 96 would take effect and be in force from and after its publication in the statute book.

Based on a report of fall 2020 enrollment, the Board of Regents indicates there are 456 undocumented students who currently meet the requirements for resident tuition and fee rates and would no longer be eligible for these rates if SB 96 were enacted. The 456 students include 115 students enrolled at state universities, 321 students enrolled at community colleges, and 20 students enrolled at technical colleges.

The Board indicates the average undergraduate nonresident tuition and fees at the state universities for academic year 2021 total \$21,352 and the average undergraduate resident tuition and fees total \$8,327 which means the 115 students enrolled at state universities would be required to pay an additional \$13,025 ( $\$21,352 - \$8,327 = \$13,025$ ) per year. The Board indicates the average undergraduate nonresident tuition and fees at community colleges for academic year 2021 total \$4,554 and the average undergraduate resident tuition and fees total \$3,561 which means the 321 students enrolled at community colleges would be required to pay an additional \$993 ( $\$4,554 - \$3,561 = \$993$ ) per year. The Board indicates the average undergraduate nonresident tuition and fees at technical colleges for academic year 2021 total \$5,113 and the average undergraduate resident tuition and fees total \$5,048 which means the 20 students enrolled at technical colleges would be required to pay an additional \$65 ( $\$5,113 - \$5,048 = \$65$ ) per year.

Consequently, if these students choose to not reenroll and no tuition revenue is collected, the Board estimates SB 96 could reduce tuition revenue at public postsecondary educational institutions by as much as \$2,201,585. If all 456 students reenroll, the Board estimates SB 96 would increase tuition revenue by \$1,818,006. In addition, the Board indicates that there is a potential for a reduction in expenditures at any educational institution where there is a reduction in enrollment under the provisions of this bill, but overall expenditures would likely remain the same. Nevertheless, the Board indicates it is unable to determine if these students would choose to maintain enrollment and pay nonresident tuition and fee rates under the provisions of SB 96. Any fiscal effect associated with SB 96 is not reflected in *The FY 2022 Governor's Budget Report*.

Sincerely,



Adam Proffitt  
Director of the Budget

cc: Kelly Oliver, Board of Regents