

SESSION OF 2004

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2145

As Amended by Senate Committee of the Whole

Brief*

The bill would establish criteria for determining students' eligibility for in-state tuition and fees at Kansas postsecondary educational institutions.

As it relates to the bill, individuals would be eligible to pay in-state tuition if he or she met the following criteria:

- ! Attended an accredited Kansas high school for three or more years;
- ! Either graduated from an accredited Kansas high school or obtained a general educational development certificate (GED) in Kansas;
- ! Been accepted for admission at a Kansas institution of postsecondary education; and
- ! Filed an affidavit stating either that the person has filed an application to legalize his or her immigration status or to file for U.S. citizenship or that the person's parents have filed such an application.

An individual who has been deemed eligible for in-state tuition under these criteria and who has falsified the affidavit or failed to follow through on the application process would have that eligibility revoked. In addition, the individual would be required to repay the difference between resident and non-resident tuition.

The provisions of the bill do not apply to an individual who has a

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

valid student visa or who is eligible to pay in-state tuition in another state.

For purposes of the bill, "postsecondary educational institution" would be defined as in current law to include any public university, municipal university, community college, technical college and vocational education school, and any combination of such postsecondary educational institutions.

Background

Introduction of the bill was requested by Representative Storm who presented testimony in support of the bill at the Higher Education Committee's hearing. Other conferees who presented supporting testimony represented: Sunflower Community Action, Wichita; USD 253, Emporia; United States Hispanic Leadership Institute, Chicago; the Kansas Democratic Hispanic Caucus; El Centro, Inc., Wichita; USD 259, Wichita; and a number of individuals.

The Kansas Board of Regents General Counsel presented testimony in support of the amendments included in the substitute bill.

No opponents to the bill presented testimony to the Committee on Higher Education.

The Senate Committee of the Whole amended the bill to include the following provisions:

- ! Require that an affidavit be signed stating that the individual or the individual's parents have filed an application to legalize their immigration status or to begin the process for citizenship.
- ! Prohibit eligibility for individuals who are eligible for in-state tuition at an institution located in another state.
- ! Establish a penalty of repayment of the difference between in-state tuition and out-of-state tuition for falsification of the affidavit or failure to file an application for legalization of immigration status or citizenship.

The Division of the Budget's fiscal note for the bill states that the bill would reduce tuition revenue at the state universities, but that the amount cannot be determined.