

*REVISED*  
*SESSION OF 2011*

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2006**

As Recommended by House Committee on  
Federal and State Affairs

**Brief\***

HB 2006 would repeal a current statute which allows certain persons without lawful immigration status to be deemed in-state residents for paying tuition and fees at Kansas postsecondary institutions. In addition, the bill would add a new statutory provision that would declare that anyone not lawfully present in the United States is not a resident of the state and shall not be entitled to pay in-state fees at any Kansas postsecondary institution.

**Background**

The 2004 Legislature passed HB 2145 that established statutory criteria for determining certain students' eligibility for in-state tuition and fees at Kansas postsecondary institutions. Under the current statute, certain individuals without lawful immigration status are eligible to pay in-state tuition if meeting 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 education development (GED) certificate in Kansas;

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\*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>

- Accepted for admission at a Kansas postsecondary institution; and
- Filed an affidavit stating that he or she has filed an application to legalize his or her immigration status, filed an application for United States citizenship, or that his or her parents have filed such an application.

Proponents testifying in support of repealing the provision included Kris Kobach, three current and one former House of Representatives members, six individuals, and nine other individuals submitting written testimony.

Opponents testifying against the bill included representatives of the American Immigration Lawyers Association, Kansas City Kansas Public Schools, the Sisters of Charity, Kansas Board of Regents, Kansas Association of School Boards, the Kansas National Organization for Women, four individuals, and seven other individuals submitting written testimony.

The fiscal note indicated that it was not possible to determine whether students who previously met the statutory criteria of KSA 76-731a would continue to enroll and pay the non-resident rates, or whether such students would not attend postsecondary institutions. The possible gain or loss of student tuition and fees could not be estimated.