

MINUTES OF THE HOUSE COMMITTEE ON HIGHER EDUCATION.

The meeting was called to order by Chairperson Lisa Benlon at 3:35 p.m. on February 14, 2001 in Room 231-N of the Capitol.

All members were present except: Tom Sloan (E)
Jonathan Wells
Valdenia Winn

Committee staff present: Carol Rampey, Kansas Legislative Research Department
Stuart Little, Kansas Legislative Research Department
Avis Swartzman, Office of the Revisor of Statutes
Dee Woodson, Committee Secretary

Conferees appearing before the committee: Diane Lindeman, Associate Director Student Financial
Aid, Kansas Board of Regents
Deborah Prideaux, Fort Hays State University
Dick Carter, Director of External Relations, Kansas Board
of Regents

Others attending: See attached sheet.

HB 2013 - State scholarship program, amount of award

Chairperson Benlon opened hearings on **HB 2013**. Diane Lindeman, Associate Director for Student Financial Aid with the Kansas Board of Regents, was the first conferee who testified in support of the bill. She explained that the Kansas Legislature created the State Scholarship Program in 1963 in order to provide financial assistance for students who were academically outstanding Kansas students, attended Kansas postsecondary institutions, and demonstrated financial need. She said that this program was the flagship for Kansas' academic scholarship programs. She stated that the award is currently \$1,000, and has been the same amount since 1985.

Ms. Lindeman told the Committee that as tuition and fees increase that this amount no longer conveys the message that students are being rewarded, and especially so since 1993 the students are required to complete the Regent's Recommended Curriculum. She said during the 2000 Legislative session, **SB 380** was passed which increased the monetary value of the Kansas Ethnic Minority Scholarship to the level of 75% of the cost of tuition and fees for Kansas resident students. Ms. Lindeman testified that the proposed bill would have the same effect and would make the Kansas State Scholarship Program consistent with the Kansas Ethnic Minority Scholarship Program.

Ms. Lindeman explained what the requested legislation meant in dollars and cents, and also went over the proposed change in the number of scholarships that could be offered at the 75% funding level. She said that with the current funding only 889 scholarships could be awarded, but with an additional \$1.4 million funding, all 1,645 students could receive the full award. She stated that the Board of Regents FY2002 budget did not include additional funding to compensate for the proposed change in the maximum award. (Attachment 1)

Following questions by the Committee, Chairperson Benlon closed the hearings on **HB 2013**.

HB 2270 - State Board of Regents, authority to exchange certain real estate with Endowment Association for Fort Hays State University

Chairperson Benlon opened the hearings on **HB 2270**. Dr. Ed Hammond, President of Fort Hays State University, was the first conferee to testify on this bill. He said this bill would authorize the Kansas State

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Board of Regents to exchange or convey certain tracts of land that the University currently owns, and exchange that for tracts of land that the Board of Regents' currently owns. He stated that this kind of land swap is done regularly within the Regents' system. He had handed out to each Committee member a memorandum of analysis of the land appraisal summaries for the properties. (Attachment 2) He testified that the Board of Regents had approved the land swap as well as the use of the land for the development of an Alumni Endowment facility at Fort Hays State University. Dr. Hammond pointed out that the appraisal summaries show that the \$149,000 in property value Fort Hays State receives from the Endowment Association exceeds the \$65,000 value given to the Endowment Association from current Fort Hays State holdings by \$84,000. He said that the University benefits from the appraisal values and by the land exchange.

Virgil Scott, President and Chief Executive Officer of the Fort Hays State University Endowment Association, spoke briefly in favor of this proposed legislation and sees it as a high priority. He said there would be a public announcement made the following Monday, February 19, of the lead gifts already for \$2 M and all seven of those lead gifts are coming from current and former members of their Board of Trustees.

General questions and discussion from Committee members regarded where this facility would be located on campus, and whether all the land swaps have to have legislative approval with Board of Regents approving it first.

The Chair asked if there was anyone else present who wanted to speak to **HB 2270**, and there was none. Written testimony was submitted by Dick Carter, Director for External Relations with the Kansas Board of Regents, relating the Board of Regents' approval of this legislation. (Attachment 3)

The Chair closed the hearings on **HB 2270**.

HB 2190 - Postsecondary education institutions, buildings, structures

Chairperson Benlon called the Committee's attention to **HB 2190** to work. The Chair expressed a concern for having the dates of the various codes on the front of the bill, and thought maybe consideration should be given to possibly different terminology such as "the most recently adopted or most current standard edition". Discussion of possible wording continued, and Eric King, Architect for the Board of Regents, explained to the Committee the uniform building codes and how the Board of Regents handle it.

Representative McLeland asked if the Board of Regents has to meet the local building codes, and Mr. King explained that they do not because it is a state facility and they have a higher precedent than the municipalities. Representative Storm asked if they were talking about school buildings in postsecondary institutions. The Revisor explained the area in question and that the purpose of this bill was to exempt these institutions and make the bill consistent with previous legislation. Vice Chairman Krehbiel told the Committee that he had discussed this with Gale Haag, the State Fire Marshall, the previous day by phone, and Mr. Haag said that the dates did not matter and an amendment was not needed.

The Chair reminded the Committee that Mr. Haag had requested an amendment to clarify the statutory language of K.S.A. 31-150, and this amendment would add a sentence to reinforce the State Fire Marshal's authority over the fire/life safety features of all school buildings regardless of the governing body. The Revisor said that the sentence should be on line 4, right after the period because that is where the law talks about community colleges.

Representative Kuether made a motion to add the amendment to **HB 2190** as requested by the State Fire Marshall. Representative Storm seconded the motion, and the motion carried.

Motion was made by Representative Reardon to move the bill out as amended, seconded by Representative Horst, and the motion carried.

HB 2270 - State Board of Regents, authority to exchange certain real estate with Endowment Association for Fort Hays State University

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The Chair opened the floor for discussion and final action on **HB 2270**.

Representative Kuether made a motion to amend **HB 2270** in Section 2 to take effect upon publication in the Kansas Register. The motion was seconded by Representative Phelps, and the motion carried.

Representative Phelps moved that the bill be passed out favorable as amended. Representative Pottorff seconded the motion, and the motion carried.

Minutes for the Higher Education Committee for January 17 and 22 were presented for approval or corrections. Representative Krehbiel made a motion to approve the minutes as presented, seconded by Representative Phelps, and the motion carried.

Vice Chairman Krehbiel shared with the Committee an article pulled off the internet and sent to him by the Vice President of the Kansas EMS Association, and who also was the EMS Director for the Newton Fire Department for use when the Committee works the **HB 2189** regarding educational benefits for dependents of public safety officers. The Vice Chair said that the article was taken from the website of the National Fire Protection Association, and it related that statistics indicate that over half of the fire fighter deaths reported annually are the result of fatal heart attacks, stress and over exertion that result in heart attacks continuing to be the leading cause of fatal injury to on-duty U.S. fire fighters. (Attachment 4) He stated that the Committee might want to look at this issue including EMS personnel when this bill is discussed and worked. The Chair told the Committee that Representative Sloan had worked with the Revisor, and would be presenting an amendment to that bill when it was worked in Committee. She said he wanted to add "Board certified Emergency Medical Service personnel", and also in the bill where it says "as a result of injuries sustained", Representative Sloan wants in place of that "or suffered a permanent total disability". She said he also wanted a third change to clarify that this bill does not include persons sitting behind a desk, the janitor, etc., but covers persons "traveling in route to a 911 call, servicing that call, or returning from that call". The Revisor explained that Representative Sloan's proposed amendment would take out the injury part, "as the result of injury sustained", and inserts in its place "or suffered a fatal injury or a permanent total disability while performing duties".

HB 2018 - Qualifications of students for admission to state educational institutions

Chairperson Benlon directed the Committee's attention to **HB 2018** for further discussion and possible action. She reminded the members that Representative Tanner's motion that was on the floor in the previous Committee meeting that it generally would require the Board of Regents to determine the qualifiers for admission. She said she had several comments she wanted to make to the Committee and they were: (1) if the amendment passes, would they be shirking their responsibilities in setting standards that they would want the secondary students to achieve when they graduate; (2) what message are we sending if we set standards and then drop them the first year they are required; and (3) should this amendment get on the bill, were they opening up to another qualified admissions debate on the House floor.

The Chair asked Representative Tanner to take the floor for any further comments he had on his motion. Representative Tanner agreed with the Chair in her comments, and stated he did not have any reservations in handing this responsibility to the Board of Regents, except for the fact that the Committee appeared to be having tremendous difficulty in coming to a conclusion on this issue. He expressed concern and reservations about having floor debate on this bill's particular issue. He related to the Committee that the State of New York's Board of Regents set the qualifications for their state's requirements, and he felt that Kansas could do the same very adequately.

The Chair referred the Committee members to the additional information handed out from the Kansas Board of Regents (Attachment 5) Dr. Amanda Golbeck, Director of Academic Affairs for the Kansas Board of Regents, explained the handouts which included a memorandum from Dr. Kim Wilcox, Executive Director of KBOR, with answers to the Committee's previous questions. She also interpreted the table that was included in the information given to the Committee, and said it was an attempt to clarify some language for the GED. Dr. Golbeck said the last piece of documentation was in response to questions she received after the last meeting, and it included some pages of the Kansas GED Testing Policy with the information on minimum age testing for the GED.

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The Chair referred the Committee back to the motion that was before them. Representative Tanner said he wanted to withdraw his motion by unanimous consent of the Committee.

Representative Storm made a motion to amend the bill on line 34 to read, “who has earned the General Education Development Certificate with an average standard score of not less than 50 points”, and line 40 change the same way. She said that this was the original intent of the bill when it first passed, and they should clear it up and live with it for three or four years and see what happens. Representative Tanner seconded the motion.

Representative McLeland commented that he felt they were making it easier for GED students to get into the Regents’ institutions than for high school graduates. He said he felt strongly that the GED students should have the same standards as high school graduates, and was against the motion.

Committee discussion and questions continued with Dr. Golbeck explaining the Regents’ views on this issue. The Chair called for a vote on the motion, and the motion carried.

The Chair referred the Committee to page 3 of the same bill, and asked for clarification on the meaning of (C), and if it was relating to home school rather than private school. The Revisor explained the background on this section of why it was worded the way it was. She said it was due to when they first started on QPA at the time this was enacted, and some of the high schools were organizing themselves so they didn’t have grade cards. She added that the functional equivalent level of education is applicable to non-residents who have attended high school outside of the State of Kansas, and did not take the Regents recommended curriculum. She said this was so the Regents could determine if the curriculum they did take was as rigorous as the Regents’ curriculum.

The Chair asked if this was needed, and the Revisor responded that probably you would need the functionally equivalent level of education. She went on to explain that part of this law was also K.S.A.72 116 which does not go into effect until July 1, and when it was enacted it had a day in the future of July 1, 2001. She said under that section it says that, “any person that graduates from an accredited high school and who meets the admission requirements of the State Board of Regents under K.S.A. 76 717.” The Revisor clarified the law on home schools and the requirements of same.

Representative Storm asked how the home school students get into college, and the Revisor responded that they are being allowed in by using the non-resident qualifications or under the 10% rule. Carolyn Rampey further clarified the law, and Dr. Golbeck added additional explanation. Further discussion took place regarding whether the bill meant to include home schools, and the Revisor said it only applies to an accredited high school.

Representative Pottorff made a motion to have a change made on page 3 of the bill to say “When an accredited high school is organized”. Representative Kuether seconded the motion, and the motion carried.

Representative Horst moved to pass **HB 2018** out as amended, and it was seconded by Representative Pottorff. Committee discussion was called for and Representative Tanner asked what harm would be done to the Board of Regents’ position if the Committee decides that this bill has seen its day and it dies in Committee. The Chair inquired for clarification of Representative Tanner’s question that the couple of technical changes “or will graduate”, the “over-all score of not less than 50”, and the SAT test that the Board knows the legislative intent. Representative Tanner affirmed that was his thinking, and he was not sure that the Committee was finding common sense by voting this bill out favorably; therefore, he would vote against it.

Representative Horst expressed a concern regarding a statement of an over-all score of not less than 50 points, and that it could be taken to court. Committee discussion continued, and the Chair called for a vote on the motion, and the motion failed. Division was called, and motion still failed on the Division vote of 5 in favor and 6 against.

The Chair adjourned the meeting at 5:10 p.m. The next meeting of the House Higher Education Committee is scheduled for Monday, February 19, at 3:30 p.m. in Room 231-N of the Capitol.