

SESSION OF 2005

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2072**

As Agreed to March 31, 2005

Brief *

HB 2072 would create tuition waivers for prisoners of war and the dependents of military personnel who die while in the military service. The bill also would require certain information be included in the budget submission of the Board of Regents and that the Governor fund certain budget requests.

The bill would create a tuition waiver for any individual who was a resident of Kansas upon entering the military service and who became a prisoner of war after January 1, 1960. HB 2072 also would create a tuition waiver for the dependents or spouses of military personnel who died on or after September 11, 2001, as a result of military service. Both tuition waivers would be available for ten semesters at any public institution of higher education in the state.

In addition, the bill would require the Board of Regents to authorize resident status for fees purposes for dependents and spouses of military personnel who are reassigned from Kansas to a duty station outside the state as the dependent or spouse continues to live in Kansas. Current law only authorizes such status if the individual in the military is reassigned to a duty station outside of the United States.

HB 2072 would require that costs to the educational institutions of the tuition waivers created by the bill be reimbursed by the Board of Regents. It also would require the Board of Regents to include the reimbursement costs in its annual budget submission and would require the Governor to include the amounts of those payments in the Governor's Budget Report.

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. The conference committee summary report may be accessed on the Internet at <http://www.kslegislature.org>

The bill would further provide that individuals who qualify for in-state tuition by virtue of being married to or the dependent of a member of the military would not lose that eligibility because of the death of the military service member or because of a divorce. The student in such a situation would have to remain continuously enrolled, except for summer sessions, in order to maintain eligibility for the in-state tuition rate.

Conference Committee Action

The Conference Committee added provisions from HB 2234 which would provide that individuals who qualify for in-state tuition by virtue of being married to or the dependent of a member of the military would not lose that eligibility because of the death of the military service member or because of a divorce. The student in such a situation would have to remain continuously enrolled, except for summer sessions, in order to maintain eligibility for the in-state tuition rate.

Background

The bill as introduced would have created tuition waivers for prisoners of war and the dependents and spouses of military personnel killed in the line of duty. Representatives of the Board of Regents testified to the House Committee on the bill as introduced and made suggestions as to amendments.

The House Committee amended the bill to:

- Provide the tuition waiver that would be created by the bill only to prisoners of war who were Kansas residents upon entering the military service;
- Clarify that the death of an individual in military service which would qualify a dependent or spouse for benefits must have occurred as a result of activities related to the individual's military service;
- Require the Board of Regents to include in its annual budget submission a request for appropriations to fund waivers created by the bill and require the Governor to recommend the funding of those requests;

- Make the waiver benefit for dependents and spouses of members of the military killed in the line of duty retroactive to September 11, 2001 (rather than March 1, 2003 as in the introduced bill);
- Require the Board of Regents to charge resident fees to the spouses and dependents of military personnel who are re-assigned from Kansas to a duty station outside the state as long as the spouse or dependent continues to live in Kansas; and
- Make the length of the tuition waivers in the bill as introduced and the waiver that applies to dependents of prisoners of war (KSA 73-1217) equal at ten semesters.

Senate Committee amendments deleted provisions which would have authorized in-state tuition for dependents and spouses of military personnel who are reassigned from Kansas to a duty station outside the state so long as the dependent or spouse continues to live in Kansas.

The Senate Committee of the Whole amended the bill to restore provisions deleted by the Senate Committee and to add definitions.

The Conference Committee added provisions from HB 2234 which would provide that individuals who qualify for in-state tuition by virtue of being married to or the dependent of a member of the military would not lose that eligibility because of the death of the military service member or because of a divorce. The student in such a situation would have to remain continuously enrolled, except for summer sessions, in order to maintain eligibility for the in-state tuition rate.

The fiscal note from the Division of the Budget on the bill as introduced states that a fiscal impact could not be calculated because it is unknown how many individuals would utilize the tuition waivers or the cost of the individual tuition waivers.