

SESSION OF 2005

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2234

As Amended by House Committee on
Higher Education

Brief*

The bill would amend existing law regarding the Kansas Board of Regents' authority to designate certain members of the military and their spouses and dependents to pay resident fees at Kansas higher education institutions under the control and supervision of the Board. Specifically, the Board would be required to allow the following persons to pay in-state rates:

- Current members of the military, military retirees, and persons honorably discharged from the military, who:
 - have served on active duty in Kansas under permanent duty station orders;
 - reside in Kansas at the time of enrollment;
 - are registered to vote in Kansas, and
 - who have registered theirs and their spouse's and dependent's vehicles, if they own any, in Kansas.

Spouses and dependents of individuals who meet those requirements also would be eligible for in-state tuition rates.

The bill also would provide that the spouse or dependent of a member of the military who is reassigned from Kansas to another duty station would remain eligible for in-state tuition as long as the student remains in Kansas.

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

*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>

military service member or because of a change in marital status under certain circumstances. 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 bill would define a dependent to be a child by birth or adoption, a stepchild, or any child who is dependent in whole or in part on the military service person and who is related to that person by marriage or birth. Military service would be defined for the bill to be any active service in the United States armed service and any active state or federal service in the Kansas Army or Air National Guard.

Finally, the bill would require the Board of Regents to adopt rules and regulations regarding waiver of out-of-state tuition for a number of categories of students. Under existing law the Board is authorized, but not required, to grant those students in-state-tuition. Other amendments in the bill are to make existing law and the new provisions conform with one another.

Background

The bill was requested for introduction by the House Committee on Higher Education by Representative Carlin. Proponents of the bill at the Committee's hearing included a representative of the uniformed service members stationed in Kansas, a student at Kansas State University who was formerly married to a member of the military, and a representative of the State Board of Regents. The Board's representative suggested amendments to the bill.

The Committee amended the bill to clarify categories of persons eligible for in-state tuition and criteria to be used to determine eligibility. The Committee's amendment also incorporated into this bill the definitions of "dependent" and of "military service" included in HB 2072. The latter bill, which addressed tuition waivers, was passed by the House and has been referred to the Senate Committee on Ways and Means.

The fiscal note prepared by the Division of the Budget states that the introduced version of the bill would have been expected to increase the number of waivers of non-resident tuition. However, the Division was not able to project the magnitude of the increase that would be

attributable to the bill. The fiscal note did not address any impact of the House Committee's amendment.