

MINUTES OF THE HOUSE HIGHER EDUCATION COMMITTEE

The meeting was called to order by Chairman Tom Sloan at 3:30 P.M. on March 20, 2006 in Room 231-N of the Capitol.

All members were present except:

Representative Valdenia Winn- excused

Committee staff present:

Mary Galligan, Kansas Legislative Research Department

Deb Hollon, Kansas Legislative Research Department

Art Griggs, Office of the Revisor

Haley DaVee, Committee Secretary

Conferees appearing before the committee:

Others attending:

See attached list.

Chairman Sloan directed the committee's attention to two sets of minutes from previous meetings and asked them to read the minutes.

Representative Sharp moved that the minutes be adopted. Representative Menghini seconded the motion.

The motion carried.

Chairman Sloan turned the committee's attention to **HB 2864 - Chester I. Lewis Scholarship Program**. Art Griggs, Office of the Revisor, provided the committee with a brief of explanation of a proposed balloon. (Attachment 1)

Representatives Sharp, Krehbiel, Kuether, Sloan, Carlin, Craft, Pottorf, and Storm asked questions or offered opinions on **HB 2864**.

Representative Storm moved to table **HB 2864** and refer it to the Legislative Education Planning Committee. Representative Kuether seconded the motion.

The motion carried.

Chairman Sloan noted that he would send a letter to the Joint Committee on Legislative Educational Planning to encourage them to examine the issue.

The meeting was adjourned at 3:50 p.m.

HOUSE HIGHER EDUCATION COMMITTEE GUEST LIST

DATE 3/20

NAME	REPRESENTING
Jenni Rose	KACCT
Claudia Weaver	BIO VANCRUM (JCC)
Katie Ghe	ZU

HOUSE BILL No. 2864

By Representative M. Miller

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Proposed Substitute for
House Bill No. 2864
By House Committee on Higher
Education

Revised 3/16

Revised 3/15/2006

House Higher Education Committee
3-20-06
Attachment 1

9 AN ACT establishing the Chester I. Lewis scholarship program.

10 *Be it enacted by the Legislature of the State of Kansas:*

11 Section 1. ~~(a) The purpose of the program is to:~~

12 ~~(1) Address under representation of ethnic minority students at law~~
13 ~~schools in this state as compared to the ethnic makeup of all persons~~
14 ~~living in this state, as determined by census data;~~

15 ~~(2) obtain mission-based educational benefits of a diverse student~~
16 ~~body;~~

17 ~~(3) remedy the present effects of past under representation and any~~
18 ~~past discrimination;~~

19 ~~(4) provide for periodic review and evaluation of the needs of the~~
20 ~~program and the representation of ethnic minority students at law schools~~
21 ~~in this state.~~

22 ~~(b) The award of scholarships pursuant to this act shall commence~~
23 ~~for the 2007-2008 school year and shall be limited to time periods in~~
24 ~~which ethnic minority students at a law school in this state are under~~
25 ~~represented, except as may be authorized by rules and regulations~~
26 ~~adopted pursuant to subsection (e). The board of regents shall biannually~~
27 ~~review the program and is authorized to adopt rules and regulations re-~~
28 ~~lating thereto.~~

29 ~~(c) The state board of regents is authorized to adopt rules and reg-~~
30 ~~ulations modifying the criteria for the award of scholarships pursuant to~~
31 ~~this act to the extent it deems necessary to comply with applicable federal~~
32 ~~statutes, federal regulations or constitutional provisions.~~

33 Sec. 2. As used in this act:

34 (a) "Chester I. Lewis scholar" or "scholar" means a person who: (1)
35 Is a resident of Kansas; ~~(2) is a member of an ethnic minority group or~~
36 ~~meets other criteria established pursuant to subsection (c) of section 1,~~
37 ~~and amendments thereto; (3) has been accepted for admission to or is~~
38 ~~enrolled full time in an educational program at an eligible institution; (4)~~
39 ~~has qualified for the award of a scholarship pursuant to this act on the~~
40 ~~basis of law school entrance examination scores and having demonstrated~~
41 ~~educational ability, or who has previously received a scholarship pursuant~~
42 ~~to this act and remains qualified for the renewal of a scholarship on the~~
43

(a) There is hereby established the Chester I. Lewis scholarship program.
(b) The goals of the program are to:
(1) Provide legal services to low income and minority populations of this state;
(2) provide increased socioeconomic diversity in the legal profession in Kansas;

Renumber and reletter sections accordingly

as determined by the eligible institutions; (2) has demonstrated experience or commitment to serving low income and minority persons

(d)

and other criteria specified by the board of regents

1 basis of maintaining full-time enrollment in a Kansas law school, remain-
2 ing in good standing, and making satisfactory progress toward completion
3 of the requirements for the award of a juris doctorate degree.

4 (b) "Eligible institution" means an institution located in this state
5 which has a law school program, is authorized to award a juris doctorate
6 degree and has recognized the educational benefits of a diverse student
7 body to be a part of its mission.

has the meaning set forth in K.S.A. 74-3284 and amendments thereto.

8 (c) ~~"Ethnic minority group" means a group of persons categorized~~
9 ~~as: (1) American Indian or Alaskan Native; (2) Asian or Pacific Islander;~~
10 ~~(3) Black, non-Hispanic; or (4) Hispanic.~~

11 (d) ~~"American Indian or Alaskan Native" means a person having or-~~
12 ~~igins in any of the original peoples of North America and who maintains~~
13 ~~cultural identification through tribal affiliation or community recognition.~~

14 (e) ~~"Asian or Pacific Islander" means a person having origins in any~~
15 ~~of the original peoples of the far east, southeast Asia, the Indian subcon-~~
16 ~~tinent, or Pacific islands. This includes, but not by way of limitation, per-~~
17 ~~sons from China, Japan, Korea, the Philippine Islands, Samoa, India and~~
18 ~~Vietnam.~~

19 (f) ~~"Black, non-Hispanic" means a person having origins in any of the~~
20 ~~black racial groups of Africa (except those of Hispanic origin).~~

21 (g) ~~"Hispanic" means a person of Mexican, Puerto Rican, Cuban,~~
22 ~~Central or South American or other Spanish culture or origin, regardless~~
23 ~~of race.~~

24 (h) "Semester" means one of two principal terms when there are only
25 two principal terms in the academic year of an eligible institution whether
26 or not there are other shorter terms during the same academic year of
27 the eligible educational institution.

28 (i) "Term" means one of two or more substantially equivalent divi-
29 sions of the academic year of an eligible institution.

30 (j) "Executive officer" means the chief executive officer of the state
31 board of regents appointed under K.S.A. 74-3203a, and amendments
32 thereto.

33 Sec. 3. (a) In each academic year, to the extent that appropriations
34 are available for the Chester I. Lewis scholarship program and in accord-
35 ance with the provisions of this act, the state board of regents may select
36 for designation as a scholar and for the award of a scholarship pursuant
37 to this act any person who is qualified for such designation and award
38 and shall renew the scholarship of each ~~Kansas ethnic minority legal~~
39 scholar who remains qualified for a scholarship.

40 (b) An applicant who fails to be awarded a scholarship shall not be
41 disqualified from applying therefor in a later academic year so long as all
42 requirements for eligibility to apply for such award are met.

43 (c) The award or renewal of a scholarship shall be on an annual basis.

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1 Sec. 4. A scholarship shall provide for payment each semester of tu-
2 tion and university fees of the scholar. Not to exceed 30 scholarships may
3 be awarded or renewed each semester. A scholar may receive a scholar-
4 ship for not more than six semesters of study or the equivalent thereof.
5 The state board of regents shall determine the equivalent of a semester
6 when any program period or all or part of the terms for which a scholar
7 is awarded a scholarship pursuant to this act are not semesters.

8 Sec. 5. The state board of regents may adopt rules and regulations
9 for administration of the provisions of this act and shall:

10 (a) Publicize the scholarship program and the manner and method
11 of qualifying for designation as a scholar and for the award of a scholarship
12 pursuant to this act;

13 (b) provide application forms;

14 (c) determine residence, as provided by law, of applicants for
15 scholarships;

16 (d) establish a system for identifying and categorizing members of
17 ethnic minority groups;

18 (e) determine eligibility of applicants for scholarships;

19 (f) determine the evidence deemed necessary to be submitted as
20 proof of educational ability;

21 (g) designate scholars pursuant to this act;

22 (h) notify each person who qualifies for designation as a scholar and
23 for the award of a scholarship or who remains qualified as a scholar for
24 the renewal of a scholarship pursuant to this act;

25 (i) approve and award or renew scholarships;

26 (j) determine the equivalent of a semester for the purpose of award-
27 ing scholarships for any program period or term that is not a semester;

28 (k) define full-time enrollment;

29 (l) provide for apportionment of scholarships if appropriations there-
30 for are insufficient for payment in full to all scholars; and

31 (m) request any eligible institution to furnish any information relating
32 to and necessary for administration of this act.

33 Sec. 6. In accordance with the rules and regulations of the state
34 board of regents, each person who desires to be designated as a scholar
35 and to receive a scholarship pursuant to this act shall:

36 (a) Complete and file an application for a scholarship;

37 (b) submit the evidence required as proof of educational ability; and

38 (c) report promptly any information requested relating to adminis-
39 tration of this act.

40 Sec. 7. (a) As a condition to awarding a scholarship under this act,
41 the executive officer and the applicant shall enter into an agreement
42 which shall require the applicant to:

43 (1) Complete the required course of instruction leading to a juris

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1 doctorate degree;
2 (2) engage in the practice of law in Kansas ~~in areas of juvenile law,
3 family law or criminal law, as either a prosecutor or defense attorney~~ in
4 Kansas on a full-time basis for a period of not less than five years in
5 accordance with the agreement;

and provide legal services to low income and minority populations in Kansas in
accordance with criteria prescribed by the board of regents

6 (3) commence the practice of law in Kansas on a full-time basis within
7 six months after receiving the juris doctorate degree for the period of
8 time required by the agreement;

9 (4) maintain records and make reports to the executive officer as re-
10 quired by the executive officer to document the satisfaction of the obli-
11 gations under this act and the agreement; and

12 (5) upon failure to satisfy an agreement for the required period of
13 time under any such agreement, repay to the state amounts as provided
14 in section 8.

15 Sec. 8 (a) Except as provided in section 9, upon the failure of any
16 person to satisfy the obligation under any agreement entered into pur-
17 suant to this act, such person shall pay to the executive officer an amount
18 equal to the total amount of money received by such person pursuant to
19 such agreement plus accrued interest at a rate which is equivalent to the
20 interest rate applicable to loans made under the federal PLUS program
21 at the time such person first entered into an agreement plus five per-
22 centage points. Amounts of payment under this section shall be adjusted
23 proportionately for full years of the obligation that have been satisfied.
24 Installment payments of any such amounts may be made in accordance
25 with the provisions of the agreement entered into by the scholarship re-
26 cipient or if no such provisions exist in such agreement, in accordance
27 with rules and regulations of the state board of regents, except that such
28 installment payments shall commence six months after the date of the
29 action or circumstances that cause the failure of the person to satisfy the
30 obligations of such agreements, as determined by the executive officer
31 based upon the circumstances of each individual case.

32 (b) The state board of regents is authorized to turn any repayment
33 account arising under this act to a designated loan servicer or collection
34 agency, the state not being involved other than to receive payments from
35 the loan servicer or collection agency at the interest rate prescribed under
36 this section.

37 Sec. 9. (a) Except as otherwise specified in the agreement, an obli-
38 gation under any agreement entered into under this act shall be post-
39 poned: (1) During any required period of active military service; (2) dur-
40 ing any period of service as a part of volunteers in service to America
41 (VISTA); (3) during any period of service in the peace corps; (4) during
42 any period of service commitment to the United States public health
43 service; (5) during any period of religious missionary work conducted by

1 an organization exempt from tax under section 501(c)(3) of the federal
 2 internal revenue code as in effect on December 31, 2000; (6) during any
 3 period of time the person obligated is unable because of temporary med-
 4 ical disability to practice law; (7) during any period of time the person
 5 obligated is on job-protected leave under the federal family and medical
 6 leave act of 1993; or (8) during any period of time the state board of
 7 regents determines that the person obligated is unable because of special
 8 circumstances to practice law. Except for clauses (6), (7) and (8), an ob-
 9 ligation under any agreement entered into as provided in this act shall
 10 not be postponed more than five years from the time the obligation was
 11 to have been commenced under such agreement. An obligation under
 12 any agreement entered into as provided in this act shall be postponed
 13 under clause (6) during the period of time the medical disability exists.
 14 An obligation under any agreement entered into as provided in this act
 15 shall be postponed under clause (7) during the period of time the person
 16 obligated remains on FMLA leave. An obligation to engage in the practice
 17 of law in accordance with an agreement under this act shall be postponed
 18 under clause (8) during the period of time the state board of regents
 19 determines that the special circumstances exist. The state board of re-
 20 gents shall adopt rules and regulations prescribing criteria or guidelines
 21 for determination of the existence of special circumstances causing an
 22 inability to practice law, and shall determine the documentation required
 23 to prove the existence of such circumstances.

, including failure to pass the bar examination

24 (b) An obligation under any agreement entered into as provided in
 25 this act shall be satisfied: (1) If the obligation has been completed in
 26 accordance with the agreement; (2) if the person obligated dies; (3) if,
 27 because of permanent physical disability, the person obligated is unable
 28 to satisfy the obligation; (4) if the person obligated fails to satisfy the
 29 requirements for a graduation after making the best effort possible; or
 30 (5) if the person obligated fails to satisfy all requirements for the practice
 31 of law in Kansas and making the best effort possible to meet such
 32 requirements.

33 Sec. 10. This act shall take effect and be in force from and after its
 34 publication in the statute book.