

MINUTES OF THE HOUSE COMMITTEE ON VETERANS, MILITARY AND HOMELAND SECURITY

The meeting was called to order by Chairman Don Myers at 1:30 P.M. on February 13, 2007 in Room 241-N of the Capitol.

All members were present except:

Representative Bob Bethell- excused

Representative Kenny Wilk- excused

Committee staff present:

Art Griggs, Revisor of Statutes Office

Athena Andaya, Kansas Legislative Research

Betty Caruthers, Committee Assistant

Conferees appearing before the committee:

Others attending:

See attached list.

Moved by Representative Ruff, seconded by Representative Crow for approval of Minutes of the House Committee on Veterans, Military and Homeland Security held on February 12, 2007 be approved.

Motion carried.

Chairman Myers began working **HB 2209 - Scholarships for military service in Iraq and Afghanistan.**

Representative Goico presented a balloon for the bill. (Attachment 1) Representative Goico requested that the Revisor, Art Griggs summarize the changes in the bill.

Representative Goico moved to accept the amendment to HB 2209 as stated in the balloon, seconded by Representative Goyle.

Motion carried.

Representative Goico motioned to move HB 2209 as amended favorably for passage, seconded by Representative Goyle.

Motion carried.

Chairman Myers began working **HB 2140 - English official language of the State of Kansas.**

Chairman Myers recognized Representative Ruff to explain amendments to **HB 2140** as worked on by Representative Ruff and Representative Goico. They establish English as the "official" language of Kansas as well as the "common" language. She stated that this does not infringe upon the Native American population and their means of communication. Representative Ruff stated that they have taken out the language on "standing" which seems to be the difficult section with regards to other states and legal issues. She believes the amendments show flexibility, with the bottom line being to have English as the official language of Kansas.

Representative Ruff moved, seconded by Representative Goico to accept the amendment to HB 2140 as stated in the balloon. (Attachment 2)

Representative Goico stated that they will be providing adult education to people wanting to learn English which is referred to in section 6. He stated how for him, learning English has made all the difference in his life.

Representative Goyle referred to his parents and how he only speaks "American." His concern is how we can have Kansans learn English as quickly as possible.

CONTINUATION SHEET

MINUTES OF THE House Committee on Veterans, Military and Homeland Security at 1:30 P.M. on February 13, 2007 in Room 241-N of the Capitol.

Representative Johnson stated that he doesn't understand what the bill does or the need for it. He questioned the Kansas seal and the non English language on it. Representative Ruff responded that this bill does not effect that.

Representative Light had concerns regarding section 6 wondering if it accomplishes anything more than what has been happening for the past 20 years as far as offering opportunities to learn English.

Representative Goico stated that if adult education programs need additional funding thru appropriations this bill may assist them.

Representative Phelps shared of the emphasis in the House Education Committee on English as a second language and programs throughout the state to assist people in learning English. With this in mind he questioned the need for the bill.

Representative Myers stated that he sees the need to be able to improve and increase the workforce in the State of Kansas. He shared that we are in need of a skilled workforce that can communicate in a common language. He considers this bill to be a pro-immigration bill, so that those not proficient in English can become so. He does not believe that this bill is taking away from anyone's first language but rather encouraging others to learn the common language of the State of Kansas.

Motion carried.

Moved by Representative Ruff, seconded by Representative Goyle to move bill favorably for passage as amended.

Motion carried.

Chairman Myers began working **HB 2425 - Tuition and fees for members of Kansas army or national guard.**

Representative Goico presented background on the bill and moved to amend HB 2425 as described in the balloon. (Attachment 3) Seconded by Representative Colloton.

Motion carried.

Moved by Representative Goico to move HB 2425 as amended favorable for passage, seconded by Representative Colloton.

Motion carried.

Chairman Myers encouraged Committee members to review past handout from Carmen Aldritt regarding REAL ID in preparation for meeting tomorrow.

Meeting adjourned at 2:15.

Next meeting February 14, 2007.

HOUSE BILL No. 2209

z2209c1

By Committee on Veterans, Military, and Homeland Security

1-25

9 AN ACT relating to military service; concerning tuition and fees of Kan-
10 sas educational institutions; amending K.S.A. 2006 Supp. 75-4364 and
11 repealing the existing section.

12
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2006 Supp. 75-4364 is hereby amended to read as
15 follows: 75-4364. (a) As used in this section:

16 (1) "Kansas educational institution" means and includes area voca-
17 tional schools, area vocational-technical schools, community colleges, the
18 municipal university, state educational institutions, and technical colleges.

19 (2) "Public safety officer" means a law enforcement officer or a fire-
20 fighter or an emergency medical services attendant.

21 (3) "Law enforcement officer" means a person who by virtue of office
22 or public employment is vested by law with a duty to maintain public
23 order or to make arrests for violation of the laws of the state of Kansas
24 or ordinances of any municipality thereof or with a duty to maintain or
25 assert custody or supervision over persons accused or convicted of crime,
26 and includes wardens, superintendents, directors, security personnel, of-
27 ficers and employees of adult and juvenile correctional institutions, jails
28 or other institutions or facilities for the detention of persons accused or
29 convicted of crime, while acting within the scope of their authority.

30 (4) "Firefighter" means a person who is: (1) Employed by any city,
31 county, township or other political subdivision of the state and who is
32 assigned to the fire department thereof and engaged in the fighting and
33 extinguishment of fires and the protection of life and property therefrom;
34 or (2) a volunteer member of a fire district, fire department or fire
35 company.

36 (5) "Emergency medical services attendant" means a first responder,
37 emergency medical technician, emergency medical technician-interme-
38 diate, emergency medical technician-defibrillator or a mobile intensive
39 care technician certified by the emergency medical services board pur-
40 suant to the statutory provisions contained in article 61 of chapter 65 of
41 Kansas Statutes Annotated.

42 (6) "Dependent" means (A) a birth child, adopted child or stepchild
43 or (B) any child other than the foregoing who is actually dependent in

1 whole or in part on the individual and who is related to such individual
2 by marriage or consanguinity.

3 (7) "State board" means the state board of regents.

4 (8) "Military service" means any active service in any armed service
5 of the United States and any active state or federal service in the Kansas
6 army or air national guard *or reserves*.

7 (9) "Prisoner of war" means any person who was a resident of Kansas
8 at the time the person entered service of the United States armed forces
9 and who, while serving in the United States armed forces, has been de-
10 clared to be a prisoner of war, as established by the United States sec-
11 retary of defense, after January 1, 1960.

12 (10) "Resident of Kansas" means a person who is a domiciliary resi-
13 dent as defined by K.S.A. 76-729, and amendments thereto.

14 (11) "Spouse" means the spouse of a deceased public safety officer
15 or deceased member of the military service who has not remarried.

16 (b) Every Kansas educational institution shall provide for enrollment
17 without charge of tuition or fees for: (1) Any dependent or spouse of a
18 public safety officer who died as the result of injury sustained while per-
19 forming duties as a public safety officer so long as such dependent or
20 spouse is eligible; (2) any dependent or spouse of any resident of Kansas
21 who died on or after September 11, 2001, while, and as a result of, serving
22 in military service; ~~and (3) any prisoner of war; and (4) any person who~~
23 ~~graduated from high school in Kansas who has served in military service~~
24 ~~in Iraq or Afghanistan at least 90 days after September 11, 2001. Any~~
25 ~~such dependent or spouse and, any prisoner of war or person who was~~
26 ~~in military service in Iraq or Afghanistan shall be eligible for enrollment~~
27 ~~at a Kansas educational institution without charge of tuition or fees for~~
28 ~~not to exceed 10 semesters of undergraduate instruction, or the equiva-~~
29 ~~lent thereof, at all such institutions.~~

for up to 10 semesters of undergraduate instruction, or the
equivalent thereof, at all such institutions

in Iraq or Afghanistan

: (A) Who

or who as a resident of Kansas has received a general
educational development (G.E.D.) credential; and (B)

or served less than such 90-days because of injuries received in
Iraq or Afghanistan

Any

30 (c) ~~Subject to appropriations therefor, any~~ Kansas educational insti-
31 tution, at which enrollment, without charge of tuition or fees, ~~of a prisoner~~
32 ~~of war or a dependent or spouse~~ is provided for under subsection (b),
33 may file a claim with the state board for reimbursement of the amount
34 of such tuition and fees. ~~The state board shall include in its budget esti-~~
35 ~~mates pursuant to K.S.A. 75-3717, and amendments thereto, a request~~
36 ~~for appropriations to cover tuition and fee claims pursuant to this section.~~
37 The state board shall be responsible for payment of reimbursements fo
38 Kansas educational institutions upon certification by each such institution
39 of the amount of reimbursement to which entitled. Payments to Kansas
40 educational institutions shall be made upon vouchers approved by the
41 state board and upon warrants of the director of accounts and reports.
42 Payments may be made by issuance of a single warrant to each Kansas
43 educational institution at which one or more eligible ~~dependents or~~

, less any amounts received from federal military tuition
assistance

1 ~~spouses or prisoners of war~~ are enrolled for the total amount of tuition
 2 and fees not charged for enrollment at that institution. The director of
 3 accounts and reports shall cause such warrant to be delivered to the Kan-
 4 sas educational institution at which any such ~~eligible dependents or~~
 5 ~~spouses or prisoners of war~~ are enrolled. If an eligible ~~dependent or~~
 6 ~~spouse or prisoner of war~~ discontinues attendance before the end of any
 7 semester, after the Kansas educational institution has received payment
 8 under this subsection, the institution shall pay to the state the entire
 9 amount which such eligible ~~dependent or spouse or prisoner of war~~ would
 10 otherwise qualify to have refunded, not to exceed the amount of the
 11 payment made by the state in behalf of such ~~dependent or spouse or~~
 12 ~~prisoner of war~~ for the semester. All amounts paid to the state by Kansas
 13 educational institutions under this subsection shall be deposited in the
 14 state treasury and credited to the state general fund.
 15 (d) The state board shall adopt rules and regulations for administra-
 16 tion of the provisions of this section and shall determine the qualification
 17 of persons ~~as dependents and spouses of public safety officers or United~~
 18 ~~States military personnel~~ and the eligibility of such persons for the ben-
 19 efits provided for under this section.
 20 Sec. 2. K.S.A. 2006 Supp. 75-4364 is hereby repealed.
 21 Sec. 3. This act shall take effect and be in force from and after its
 22 publication in the statute book.

persons

persons

person

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person

There is hereby created in the state treasury the tuition waiver fund to be administered by the state board. Upon certification to the director of accounts and reports by the chief executive officer of the state board, or such officer's designee, of amounts needed to pay claims pursuant to this section, the director of accounts and reports shall transfer the amount certified from the state general fund to the tuition waiver fund.

HOUSE BILL No. 2140

z2140c1

By Representatives Myers, Beamer, Carlson, Crum, Dahl, Faber, Grange, M. Holmes, Humerickhouse, Kelsey, Kiegerl, McLeland, Judy Morrison, Jim Morrison, Peck, Ruff and Schroeder

1-19

11 AN ACT designating English as the official language of the state of Kan-
12 sas and concerning its use by state agencies and political or taxing
13 subdivisions.

14
15 *Be it enacted by the Legislature of the State of Kansas:*

16 Section 1. (a) English shall be designated as the official language of
17 the state of Kansas.

18 (b) The official language is designated as the language of any official
19 public document or record and any official public meeting:

20 (1) An official public document or record is any document officially
21 compiled, published or recorded by the state including deeds, publicly
22 probated wills, ~~records of births, deaths and marriages~~ and any other
23 document or record required to be kept open for public inspection pur-
24 suant to the open records act.

25 (2) An official public meeting is any meeting required to be open
26 pursuant to K.S.A. 75-4317 et seq., and amendments thereto.

27 (c) Except as otherwise provided by law, no state agency or political
28 or taxing subdivision of the state shall be required to provide any docu-
29 ments, information, literature or other written materials in any language
30 other than English.

31 Sec. 2. A state agency or political or taxing subdivision, or its officers
32 or employees, may use a language other than the English language to:

33 (a) Provide information orally to individuals in the course of deliv-
34 ering services to the general public;

35 (b) comply with federal law;

36 (c) protect the public health or safety;

37 (d) protect the rights of parties and witnesses in a civil or criminal
38 action in a court or in an administrative proceeding;

39 (e) provide instruction in foreign and native American language
40 courses;

41 (f) provide instruction designed to aid students with limited English
42 proficiency so they can make a timely transition to use of the English
43 language in the public schools;

Nothing shall prohibit state agencies or political or taxing subdivisions from: (1) Publishing any official public document or record in languages other than English at their discretion, so long as the document or record is also published in English; or (2) permitting a person who does not speak English to speak or communicate at an official public meeting with the assistance of an interpreter.

- 1 (g) promote international commerce, trade or tourism;~~and~~
- 2 (h) use terms of art or phrases from languages other than the English
- 3 language in documents;~~;~~

4 Sec. 3. This act shall not be construed in any way to infringe upon
 5 the rights of citizens under the constitution of the state of Kansas or the
 6 constitution of the United States in the use of language in any private
 7 activity. No agency or officer of the state or any political or taxing sub-
 8 division of the state may place any restrictions or requirements regarding
 9 language usage in any business operating in the private sector other than
 10 official documents, forms, submissions or other communications directed
 11 to government agencies and officers, which communications shall be in
 12 the common language as recognized in this act.

13 Sec. 4. This act may not be construed in any way to limit the use of
 14 any other language by a tribal government of native Americans located in
 15 the state of Kansas. A school district and a tribe, by mutual agreement,
 16 may provide for the instruction of students that recognizes the cultural
 17 identity of native American children and promotes the use of a common
 18 language for communication.

19 ~~Sec. 5. Any citizen of the state of Kansas has standing to bring an~~
 20 ~~action against the state or a political or taxing subdivision of the state to~~
 21 ~~enforce this act. The district court has jurisdiction to hear and decide any~~
 22 ~~such action brought pursuant to this act.)~~

23 Sec. 6. The provisions of this act are severable and any provision held
 24 invalid shall not affect or impair any of the remaining provisions of this
 25 act.

26 Sec. 7. This act shall take effect and be in force from and after its
 27 publication in the statute book.

- (i) provide signage and documents in braille;
- and
- (j) communicate in American Sign Language.

2-2

Nothing in this act shall diminish or expand any existing rights under the laws of Kansas or the United States relative to services or materials provided by the government of Kansas in any language other than English.

Sec. 6. The state of Kansas recognizes the importance of establishing and actively promoting English language classes, training, or other educational services for non-native speakers. The local entity designated by the Kansas state department of education to offer such services shall seek the assistance of local political subdivisions, community-based agencies and organizations, migrant worker groups, refugee resettlement programs, schools, churches, and others in making non-native speakers aware of the availability of such services and ensuring their continuation and expansion.

And by renumbering the remaining sections accordingly.

HOUSE BILL No. 2425

By Committee on Veterans, Military and Homeland Security

2-7

9 AN ACT concerning state educational institutions; relating to fees and
10 tuition; amending K.S.A. 2006 Supp. 76-729 and repealing the existing
11 section; also repealing K.S.A. 2006 Supp. 76-729a.

12
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2006 Supp. 76-729 is hereby amended to read as
15 follows: 76-729. (a) Persons enrolling at the state educational institutions
16 under the control and supervision of the state board of regents who, if
17 such persons are adults, have been domiciliary residents of the state of
18 Kansas or, if such persons are minors, whose parents have been domicil-
19 iary residents of the state of Kansas for at least 12 months prior to en-
20 rollment for any term or session at a state educational institution are
21 residents for fee purposes. A person who has been a resident of the state
22 of Kansas for fee purposes and who leaves the state of Kansas to become
23 a resident of another state or country shall retain status as a resident of
24 the state of Kansas for fee purposes if the person returns to domiciliary
25 residency in the state of Kansas within 12 months of departure. All other
26 persons are nonresidents of the state of Kansas for fee purposes.

27 (b) The state board of regents may authorize the following persons,
28 or any class or classes thereof, and their spouses and dependents to pay
29 an amount equal to resident fees:

- 30 (1) Persons who are employees of a state educational institution;
31 (2) persons who are in military service;
32 (3) persons who are domiciliary residents of the state, who were in
33 active military service prior to becoming domiciliary residents of the state,
34 who were present in the state for a period of not less than two years
35 during their tenure in active military service, whose domiciliary residence
36 was established in the state within 30 days of discharge or retirement
37 from active military service under honorable conditions, but whose dom-
38 iciliary residence was not timely enough established to meet the residence
39 duration requirement of subsection (a);
40 (4) persons having special domestic relations circumstances;
41 (5) persons who have lost their resident status within six months of
42 enrollment;
43 (6) persons who are not domiciliary residents of the state, who have

1 graduated from a high school accredited by the state board of education
 2 within six months of enrollment, who were domiciliary residents of the
 3 state at the time of graduation from high school or within 12 months prior
 4 to graduation from high school, and who are entitled to admission at a
 5 state educational institution pursuant to K.S.A. 72-116, and amendments
 6 thereto;

7 (7) persons who are domiciliary residents of the state, whose domi-
 8 ciliary residence was established in the state for the purpose of accepting,
 9 upon recruitment by an employer, or retaining, upon transfer required
 10 by an employer, a position of full-time employment at a place of employ-
 11 ment in Kansas, but the domiciliary residence of whom was not timely
 12 enough established to meet the residence duration requirement of sub-
 13 section (a), and who are not otherwise eligible for authorization to pay an
 14 amount equal to resident fees under this subsection;

15 (8) persons who have graduated from a high school accredited by the
 16 state board of education within six months of enrollment and who, at the
 17 time of graduation from such a high school or while enrolled and in at-
 18 tendance at such a high school prior to graduation therefrom, were de-
 19 pendents of a person in military service within the state; if the person,
 20 whose dependent is eligible for authorization to pay an amount equal to
 21 resident fees under this provision, does not establish domiciliary resi-
 22 dence in the state upon retirement from military service, eligibility of the
 23 dependent for authorization to pay an amount equal to resident fees shall
 24 lapse; and

25 (9) persons who have retired or have been honorably discharged from
 26 military service, had a permanent change of station order for active duty
 27 in Kansas during such military service and live in Kansas at the time of
 28 enrollment.

29 (c) ~~(1)~~ The state board of regents shall authorize the following class
 30 of persons to pay an amount equal to resident fees: (1) Any dependent
 31 or spouse of a person in military service who is reassigned from Kansas
 32 to another duty station so long as such dependent or spouse continues to
 33 reside in Kansas. ~~(2)~~ So long as a person remains continuously enrolled,
 34 exclusive of summer sessions, a person who qualifies to pay resident fees
 35 by virtue of being a spouse or dependent of a person in military service
 36 shall not lose such status because of a divorce or the death of a spouse,
 37 ~~and (2) any person who is a member of the Kansas national guard.~~

38 (d) As used in this section:

39 (1) "Parents" means and includes natural parents, adoptive parents,
 40 stepparents, guardians and custodians.

41 (2) "Guardian" has the meaning ascribed thereto by K.S.A. 59-3051,
 42 and amendments thereto.

43 (3) "Custodian" means a person, agency or association granted legal

; and (2)

1 custody of a minor under the *revised* Kansas code for care of children.

2 (4) "Domiciliary resident" means a person who has present and fixed
3 residence in Kansas where the person intends to remain for an indefinite
4 period and to which the person intends to return following absence.

5 (5) "Full-time employment" means employment requiring at least
6 1,500 hours of work per year.

7 (6) "Dependent" means: (A) A birth child, adopted child or stepchild;
8 or

9 (B) any child other than the foregoing who is actually dependent in
10 whole or in part on the person in military service and who is related to
11 such individual by marriage or consanguinity.

12 (7) "Military service" means any active service in any armed service
13 of the United States and any active state or federal service in the Kansas
14 army or air national guard.

: (A)

; or (B) membership in the Kansas army or air national guard

15 Sec. 2. K.S.A. 2006 Supp. 76-729 and 76-729a are hereby repealed.

16 Sec. 3. This act shall take effect and be in force from and after its
17 publication in the statute book.