

SESSION OF 2004

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2627

As Amended by House Committee on Taxation
and
As Amended by House Committee on Higher Education

Brief*

The bill would amend existing law regarding tuition and fee waivers at Kansas institutions of postsecondary education. The bill also would enact new statutes regarding determination of residency status for fee purposes at the Regents universities.

The bill would:

- Authorize the State Board of Regents to adopt rules and regulations governing whether a variety of individuals and their spouses and dependents pay in-state or out-of-state fees to attend Regents institutions;
- Repeal a provision providing that the only dependents of military personnel the Board may authorize to pay resident fees are those who graduated from a Kansas high school while they were a military dependent and as long as the person in the military lives in Kansas upon retirement from the military;
- Provide that under certain circumstances a residency determination for fee purposes made between January 1, 2003 and July 1, 2004 at one Regents institution would apply to all Regents institutions. The original determination that a student qualified for resident fees would not be binding on other universities if the student's situation changed. For those determinations, the difference between out-of-state tuition paid and the in-state tuition rate would be refunded to any student who received conflicting residency determinations;
- Create a procedure whereby students at Regents universities who receive conflicting determinations of residency status for fee purposes could appeal the second determination to the Chief Executive Officer of the Board of Regents. The appeal procedure

*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>

would apply to conflicting fee determinations when at least one determination was made after July 1, 2004. Only conflicting determinations made within 12 months of one another could be appealed. An application for appeal would have to be filed within 15 days of receipt of notification of the determination. Final determination of the conflict would have to be made within 30 days of receipt of the application; and

- Require Kansas educational institutions to waive tuition and fees for dependents and spouses of public safety officers who die from injuries sustained while performing official duties; for spouses and dependents of Kansas residents killed on or after March 1, 2003, while serving in the military; and to any former prisoner of war. The tuition and fee waiver would be available for a maximum of 8 semesters of undergraduate enrollment, or its equivalent. The Board of Regents would be authorized to adopt rules and regulations for determining qualifications of public safety officers' spouses and members of the military to whom these provisions apply.

Background

At the House Higher Education Committee hearing on the bill as amended by the House Taxation Committee, Representative Everett Johnson presented testimony in support of the bill and proposed amendments to include provisions regarding prisoners of war. A representative of the Adjutant General's office suggested technical amendments to the prisoner of war provision. Also at that hearing, a representative of the Board of Regents noted that the provision of the bill that would require free tuition for spouses of public safety officers and Kansas military personnel who die in the line of duty would be expected to reduce tuition and fee revenues at postsecondary institutions. The Board was not able to quantify the number of persons who would be eligible for tuition waivers under that provision.

The House Committee on Higher Education amended the bill to include provisions regarding conflicting determinations of residency for fee purposes, dependents of members of the military, and prisoners of war. Those provisions are similar to those included in Sub. HB 2626 (referred to Appropriations Committee) and HB 2734 (on House General Orders) at the time the Higher Education Committee took action on HB 2627.

The introduced version of the bill would have provided a state income tax exemption for certain federal death benefits and income paid to or on behalf of residents killed on or after March 1, 2003, while serving in the military. The House Taxation Committee removed this provision from the bill.

The fiscal note prepared by the Division of the Budget on the introduced version of the bill stated that the Board of Regents was not able to project the number of persons who would be eligible for the tuition waiver that would be created for spouses of deceased public safety officers. A revised fiscal note on the bill as recommended by the House Committees was not available at the time the Higher Education Committee took action.