

HOUSE BILL No. 2040

By Representative McCray-Miller

1-9

9 AN ACT establishing the Chester I. Lewis scholarship program.
10
11 *Be it enacted by the Legislature of the State of Kansas:*
12 Section 1. (a) There is hereby established the Chester I. Lewis
13 scholarship program.
14 (b) The goals of the program are to:
15 (1) Provide legal services to low income and minority populations of
16 this state;
17 (2) provide increased socioeconomic diversity in the legal profession
18 in Kansas;
19 (3) address under representation of ethnic minority students at law
20 schools in this state as compared to the ethnic makeup of all persons
21 living in this state, as determined by census data;
22 (4) obtain mission-based educational benefits of a diverse student
23 body;
24 (5) remedy the present effects of past under representation and any
25 past discrimination;
26 (6) provide for periodic review and evaluation of the needs of the
27 program and the representation of ethnic minority students at law schools
28 in this state.
29 (c) The award of scholarships pursuant to this act shall commence
30 for the 2008-2009 school year. The board of regents shall biannually re-
31 view the program and is authorized to adopt rules and regulations relating
32 thereto.
33 (d) The state board of regents is authorized to adopt rules and reg-
34 ulations modifying the criteria for the award of scholarships pursuant to
35 this act to the extent it deems necessary to comply with applicable federal
36 statutes, federal regulations or constitutional provisions.
37 Sec. 2. As used in this act:
38 (a) “Chester I. Lewis scholar” or “scholar” means a person who: (1)
39 Is a resident of Kansas; as determined by the eligible institutions; (2) has
40 demonstrated experience or commitment to serving low income and mi-
41 nority persons or meets other criteria established pursuant to subsection
42 (d) of section 1, and amendments thereto; (3) has been accepted for
43 admission to or is enrolled full time in an educational program at an

1 eligible institution; (4) has qualified for the award of a scholarship pur-
2 suant to this act on the basis of law school entrance examination scores,
3 having demonstrated educational ability and other criteria specified by
4 the board of regents, or who has previously received a scholarship pur-
5 suant to this act and remains qualified for the renewal of a scholarship
6 on the basis of maintaining full-time enrollment in a Kansas law school,
7 remaining in good standing, and making satisfactory progress toward com-
8 pletion of the requirements for the award of a juris doctorate degree.

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

13 (c) "Ethnic minority group" has the meaning set forth in K.S.A. 74-
14 3284 and amendments thereto.

15 (d) "Semester" means one of two principal terms when there are only
16 two principal terms in the academic year of an eligible institution whether
17 or not there are other shorter terms during the same academic year of
18 the eligible educational institution.

19 (e) "Term" means one of two or more substantially equivalent divi-
20 sions of the academic year of an eligible institution.

21 (f) "Executive officer" means the chief executive officer of the state
22 board of regents appointed under K.S.A. 74-3203a, and amendments
23 thereto.

24 Sec. 3. (a) In each academic year, to the extent that appropriations
25 are available for the Chester I. Lewis scholarship program and in accord-
26 ance with the provisions of this act, the state board of regents may select
27 for designation as a scholar and for the award of a scholarship pursuant
28 to this act any person who is qualified for such designation and award
29 and shall renew the scholarship of each scholar who remains qualified for
30 a scholarship.

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

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

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

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

- 1 (a) Publicize the scholarship program and the manner and method
2 of qualifying for designation as a scholar and for the award of a scholarship
3 pursuant to this act;
- 4 (b) provide application forms;
- 5 (c) determine residence, as provided by law, of applicants for
6 scholarships;
- 7 (d) establish a system for identifying and categorizing members of
8 ethnic minority groups;
- 9 (e) determine eligibility of applicants for scholarships;
- 10 (f) determine the evidence deemed necessary to be submitted as
11 proof of educational ability;
- 12 (g) designate scholars pursuant to this act;
- 13 (h) notify each person who qualifies for designation as a scholar and
14 for the award of a scholarship or who remains qualified as a scholar for
15 the renewal of a scholarship pursuant to this act;
- 16 (i) approve and award or renew scholarships;
- 17 (j) determine the equivalent of a semester for the purpose of award-
18 ing scholarships for any program period or term that is not a semester;
- 19 (k) define full-time enrollment;
- 20 (l) provide for apportionment of scholarships if appropriations there-
21 for are insufficient for payment in full to all scholars; and
- 22 (m) request any eligible institution to furnish any information relating
23 to and necessary for administration of this act.
- 24 Sec. 6. In accordance with the rules and regulations of the state
25 board of regents, each person who desires to be designated as a scholar
26 and to receive a scholarship pursuant to this act shall:
- 27 (a) Complete and file an application for a scholarship;
- 28 (b) submit the evidence required as proof of educational ability; and
- 29 (c) report promptly any information requested relating to adminis-
30 tration of this act.
- 31 Sec. 7. (a) As a condition to awarding a scholarship under this act,
32 the executive officer and the applicant shall enter into an agreement
33 which shall require the applicant to:
- 34 (1) Complete the required course of instruction leading to a juris
35 doctorate degree;
- 36 (2) engage in the practice of law in Kansas and provide legal services
37 to low income and minority populations in Kansas in accordance with
38 criteria prescribed by the board of regents in Kansas on a full-time basis
39 for a period of not less than five years in accordance with the agreement;
- 40 (3) commence the practice of law in Kansas on a full-time basis within
41 six months after receiving the juris doctorate degree for the period of
42 time required by the agreement;
- 43 (4) maintain records and make reports to the executive officer as re-

1 quired by the executive officer to document the satisfaction of the obli-
2 gations under this act and the agreement; and

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

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

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

28 Sec. 9. (a) Except as otherwise specified in the agreement, an obli-
29 gation under any agreement entered into under this act shall be post-
30 poned: (1) During any required period of active military service; (2) dur-
31 ing any period of service as a part of volunteers in service to America
32 (VISTA); (3) during any period of service in the peace corps; (4) during
33 any period of service commitment to the United States public health
34 service; (5) during any period of religious missionary work conducted by
35 an organization exempt from tax under section 501(c)(3) of the federal
36 internal revenue code as in effect on December 31, 2000; (6) during any
37 period of time the person obligated is unable because of temporary med-
38 ical disability to practice law; (7) during any period of time the person
39 obligated is on job-protected leave under the federal family and medical
40 leave act of 1993; or (8) during any period of time the state board of
41 regents determines that the person obligated is unable because of special
42 circumstances to practice law. Except for clauses (6), (7) and (8), an ob-
43 ligation under any agreement entered into as provided in this act shall

1 not be postponed more than five years from the time the obligation was
2 to have been commenced under such agreement. An obligation under
3 any agreement entered into as provided in this act shall be postponed
4 under clause (6) during the period of time the medical disability exists.
5 An obligation under any agreement entered into as provided in this act
6 shall be postponed under clause (7) during the period of time the person
7 obligated remains on FMLA leave. An obligation to engage in the practice
8 of law in accordance with an agreement under this act shall be postponed
9 under clause (8) during the period of time the state board of regents
10 determines that the special circumstances exist, including failure to pass
11 the bar examination. The state board of regents shall adopt rules and
12 regulations prescribing criteria or guidelines for determination of the ex-
13 istence of special circumstances causing an inability to practice law, and
14 shall determine the documentation required to prove the existence of
15 such circumstances.

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

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