

Substitute for HOUSE BILL No. 2626

By Committee on Higher Education

2-25

9 AN ACT relating to education; relating to tuition and fee waivers for
10 former prisoners of war; concerning residents for fee purposes;
11 amending K.S.A. 2003 Supp. 75-4364 and 76-729 and repealing the
12 existing sections.
13

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

15 Section 1. K.S.A. 2003 Supp. 76-729 is hereby amended to read as
16 follows: 76-729. (a) Persons enrolling at the state educational institutions
17 under the control and supervision of the state board of regents who, if
18 such persons are adults, have been domiciliary residents of the state of
19 Kansas or, if such persons are minors, whose parents have been domicil-
20 iary residents of the state of Kansas for at least 12 months prior to en-
21 rollment for any term or session at a state educational institution are
22 residents for fee purposes. A person who has been a resident of the state
23 of Kansas for fee purposes and who leaves the state of Kansas to become
24 a resident of another state or country shall retain status as a resident of
25 the state of Kansas for fee purposes if the person returns to domiciliary
26 residency in the state of Kansas within 12 months of departure. All other
27 persons are nonresidents of the state of Kansas for fee purposes.

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

31 (1) Persons who are employees of a state educational institution;

32 (2) persons who are in military service;

33 (3) persons who are domiciliary residents of the state, who were in
34 active military service prior to becoming domiciliary residents of the state,
35 who were present in the state for a period of not less than two years
36 during their tenure in active military service, whose domiciliary residence
37 was established in the state within 30 days of discharge or retirement
38 from active military service under honorable conditions, but whose dom-
39 iciliary residence was not timely enough established to meet the residence
40 duration requirement of subsection (a);

41 (4) persons having special domestic relations circumstances;

42 (5) persons who have lost their resident status within six months of
43 enrollment;

1 (6) persons who are not domiciliary residents of the state, who have
2 graduated from a high school accredited by the state board of education
3 within six months of enrollment, who were domiciliary residents of the
4 state at the time of graduation from high school or within 12 months prior
5 to graduation from high school, and who are entitled to admission at a
6 state educational institution pursuant to K.S.A. 72-116, and amendments
7 thereto;

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

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

26 (c) As used in this section:

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

29 (2) "Guardian" has the meaning ascribed thereto by K.S.A. 2003
30 Supp. 59-3051, and amendments thereto.

31 (3) "Custodian" means a person, agency or association granted legal
32 custody of a minor under the Kansas code for care of children.

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

36 (5) "Full-time employment" means employment requiring at least
37 1,500 hours of work per year.

38 New Sec. 2. (a) State educational institutions as defined by K.S.A.
39 76-711, and amendments thereto, shall provide a waiver of all tuition and
40 fees required as a condition of enrollment for each person who was a
41 prisoner of war while serving in any military service of the United States
42 of America, who is a resident of Kansas, and who is enrolled at a state
43 educational institution. The waiver shall be provided for not more than

1 12 semesters of instruction, or the equivalent thereof.

2 (b) Prior to providing this waiver, each state educational institution
3 shall require each person applying for this waiver to provide official doc-
4 umentation verifying the person's military service and prisoner of war
5 status.

6 (c) As used in this section:

7 (1) "Military service" means any active service in any armed service
8 of the United States and any active federal service in the Kansas army or
9 air national guard;

10 (2) "prisoner of war" means a person who was a prisoner of war under
11 Article 4 of the third Geneva Convention and any individual who was in
12 military service in an armed conflict and who was taken prisoner by op-
13 posing forces, whether or not under an official declaration of war; and

14 (3) "resident of Kansas" means a person who is a domiciliary resident
15 as defined by K.S.A. 76-729, and amendments thereto.

16 (d) Subject to appropriations therefor, any state educational institu-
17 tion which has enrolled a former prisoner of war without charge of tuition
18 or fees pursuant to subsection (a) may file a claim with the state board
19 for reimbursement of the amount of such tuition and fees. The state board
20 shall be responsible for payment of reimbursements to state educational
21 institutions upon certification by each such institution of the amount of
22 reimbursement to which it is entitled. Payments to state educational in-
23 stitutions shall be made upon vouchers approved by the state board and
24 upon warrants of the director of accounts and reports. Payments may be
25 made by issuance of a single warrant to each state educational institution
26 at which one or more eligible former prisoners of war are enrolled for
27 the total amount of tuition and fees not charged for enrollment at that
28 institution. The director of accounts and reports shall cause such warrant
29 to be delivered to the state educational institution at which any such
30 eligible persons are enrolled. If a person discontinues attendance before
31 the end of any semester, after the state educational institution has re-
32 ceived payment under this subsection, the institution shall pay to the state
33 the entire amount which such person would otherwise qualify to have
34 refunded, not to exceed the amount of the payment made by the state in
35 behalf of such person for the semester. All amounts paid to the state by
36 state educational institutions under this subsection shall be deposited in
37 the state treasury and credited to the state general fund.

38 New Sec. 3. (a) Whenever authorized personnel in the registrar's
39 office of a state educational institution have determined that an individual
40 qualifies as a resident for fee purposes pursuant to subsection (a) of K.S.A.
41 76-729 and amendments thereto, such individual shall be considered as
42 a resident for fee purposes at any state educational institution.

43 (b) In the event facts pertaining to any individual have changed re-

1 regarding a necessary element relating to the determination that an indi-
2 vidual qualified as a resident for fee purposes as described in subsection
3 (a), then the original determination shall no longer be binding on any
4 state educational institution.

5 (c) As used in this section, “state educational institution” means the
6 university of Kansas, Kansas state university of agriculture and applied
7 sciences, Wichita state university, Emporia state university, Pittsburg
8 state university and Fort Hays state university.

9 (d) The provisions of this section shall be controlling over any conflict
10 with the provisions of K.A.R. 88-2-1, and amendments thereto.

11 (e) The provisions of this section shall apply retroactively to residence
12 determinations made by registrars’ officers from and after January 1,
13 2003, and shall expire on July 1, 2005. The difference between out-of-
14 state tuition paid and the established resident fee shall be refunded to
15 any individual to whom subsection (a) applies.

16 New Sec. 4. (a) Whenever authorized personnel in the registrar’s
17 office of a state educational institution, as defined by K.S.A. 76-711, and
18 amendments thereto, has made a determination that an individual qual-
19 ified as a resident for fee purposes pursuant to subsection (a) of K.S.A.
20 76-729, and amendments thereto, and a subsequent determination of
21 another state educational institution differs, an applicant may appeal the
22 second determination to the chief executive officer of the Kansas board
23 of regents, or its designee, if such determination is within 12 months of
24 the prior determination.

25 (b) Any such appeal shall be submitted in writing no later than 15
26 days following receipt of notification of the determination to be appealed.

27 (c) Regents residency officers shall cooperate with the appeal and
28 provide full copies of the applicants’ applications for residency
29 determination.

30 (d) The chief executive officer of the Kansas board of regents may
31 request additional information of the applicant.

32 (e) A final determination of the conflict shall be made no later than
33 30 days following the receipt of application.

34 (f) The provisions of this section shall control conflicting fee deter-
35 minations when at least one determination was made subsequent to July
36 1, 2004.

37 (g) The Kansas board of regents is authorized to adopt additional
38 rules and regulations regarding this process.

39 Sec. 5. K.S.A. 2003 Supp. 75-4364 is hereby amended to read as
40 follows: 75-4364. (a) As used in this section:

41 (1) “Kansas educational institution” means and includes area voca-
42 tional schools, area vocational-technical schools, community colleges, the
43 municipal university, state educational institutions, and technical colleges.

1 (2) “Public safety officer” means a law enforcement officer or a fire-
2 fighter or an emergency medical services attendant.

3 (3) “Law enforcement officer” means a person who by virtue of office
4 or public employment is vested by law with a duty to maintain public
5 order or to make arrests for violation of the laws of the state of Kansas
6 or ordinances of any municipality thereof or with a duty to maintain or
7 assert custody or supervision over persons accused or convicted of crime,
8 and includes wardens, superintendents, directors, security personnel, of-
9 ficers and employees of adult and juvenile correctional institutions, jails
10 or other institutions or facilities for the detention of persons accused or
11 convicted of crime, while acting within the scope of their authority.

12 (4) “Firefighter” means a person who is: (1) Employed by any city,
13 county, township or other political subdivision of the state and who is
14 assigned to the fire department thereof and engaged in the fighting and
15 extinguishment of fires and the protection of life and property therefrom;
16 or (2) a volunteer member of a fire district, fire department or fire
17 company.

18 (5) “Emergency medical services attendant” means a first responder,
19 emergency medical technician, emergency medical technician-interme-
20 diate, emergency medical technician-defibrillator or a mobile intensive
21 care technician certified by the emergency medical services board pur-
22 suant to the statutory provisions contained in article 61 of chapter 65 of
23 Kansas Statutes Annotated.

24 (6) “Dependent” means (A) a birth child, adopted child or stepchild
25 of a public safety officer ~~or~~, (B) any child other than the foregoing who
26 is actually dependent in whole or in part on a public safety officer and
27 who is related to the public safety officer by marriage or consanguinity
28 *or (C) the spouse of a public safety officer.*

29 (7) “State board” means the state board of regents.

30 (b) Every Kansas educational institution shall provide for enrollment
31 without charge of tuition or fees for any dependent of a public safety
32 officer who died as the result of injury sustained while performing duties
33 as a public safety officer so long as such dependent is eligible. Any such
34 dependent shall be eligible for enrollment at a Kansas educational insti-
35 tution without charge of tuition or fees for not to exceed eight semesters
36 of undergraduate instruction, or the equivalent thereof, at all such insti-
37 tutions, in the aggregate, for any such dependent.

38 (c) Subject to appropriations therefor, any Kansas educational insti-
39 tution, at which enrollment, without charge of tuition or fees, of the de-
40 pendent of a deceased public safety officer is provided for under subsec-
41 tion (b), may file a claim with the state board for reimbursement of the
42 amount of such tuition and fees. The state board shall be responsible for
43 payment of reimbursements to Kansas educational institutions upon cer-

1 tification by each such institution of the amount of reimbursement to
2 which entitled. Payments to Kansas educational institutions shall be made
3 upon vouchers approved by the state board and upon warrants of the
4 director of accounts and reports. Payments may be made by issuance of
5 a single warrant to each Kansas educational institution at which one or
6 more eligible dependents are enrolled for the total amount of tuition and
7 fees not charged eligible dependents for enrollment at that institution.
8 The director of accounts and reports shall cause such warrant to be de-
9 livered to the Kansas educational institution at which *any* such eligible
10 ~~dependent or~~ dependents are enrolled. If an eligible dependent discon-
11 tinues attendance before the end of any semester, after the Kansas ed-
12 ucational institution has received payment under this subsection, the in-
13 stitution shall pay to the state the entire amount which such eligible
14 dependent would otherwise qualify to have refunded, not to exceed the
15 amount of the payment made by the state in behalf of such dependent
16 for the semester. All amounts paid to the state by Kansas educational
17 institutions under this subsection shall be deposited in the state treasury
18 and credited to the state general fund.

19 (d) The state board shall adopt rules and regulations for administra-
20 tion of the provisions of this section and shall determine the qualification
21 of persons as dependents of public safety officers and the eligibility of
22 such persons for the benefits provided for under this section.

23 Sec. 6. K.S.A. 2003 Supp. 75-4364 and 76-729 are hereby repealed.

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