

## HOUSE BILL No. 2910

By Representative Tanner

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AN ACT concerning student residency determinations for certain public postsecondary institutions; relating to uniform criteria; amending K.S.A. 76-730 and K.S.A. 2001 Supp. 71-406 and 71-407 and repealing the existing sections.

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

New Section 1. The rules and regulations adopted by the state board of regents for the purposes of governing the determination of residence of students pursuant to K.S.A. 71-406, 71-407, 76-729 and 76-730, and amendments thereto, shall prescribe uniform criteria and guidelines for establishing the same classes or categories of factors, circumstances or other characteristics to be considered in making such determinations.

Sec. 2. K.S.A. 2001 Supp. 71-406 is hereby amended to read as follows: 71-406. (a) Subject to the provisions of K.S.A. 2001 Supp. 71-407, and amendments thereto, persons enrolling in a community college who, if adults, have not been, or if minors, whose parents have not been residents of the state of Kansas for at least six months prior to enrollment for any term or session are nonresidents of the state for the purpose of determining state entitlements.

(b) For the purpose of determining the residence of persons enrolling as a student in a community college, residence of minors shall be determined as provided in K.S.A. 72-1046, and amendments thereto, and of adults as provided in subpart *Twenty-third* of K.S.A. 77-201, and amendments thereto. *Subject to the provisions of section 1, and amendments thereto*, the state board of regents ~~may~~ *shall* adopt rules and regulations governing the determination of residence of students.

Sec. 3. K.S.A. 2001 Supp. 71-407 is hereby amended to read as follows: 71-407. (a) The following persons, or any class or classes thereof, and their spouses and dependents, may be considered residents of the state of Kansas by the state board for the purpose of determining state entitlements of community colleges: (1) Persons who are in active military service of the United States; (2) persons who are domiciliary residents of the state, who were in active military service prior to becoming domiciliary residents of the state, who were present in the state for a period of not less than two years during their tenure in active military service, whose

1 domiciliary residence was established in the state within 30 days of dis-  
2 charge or retirement from active military service under honorable con-  
3 ditions, but whose domiciliary residence was not timely enough estab-  
4 lished to meet the residence duration requirement of K.S.A. 71-406, and  
5 amendments thereto; (3) persons who are employees of a community  
6 college; (4) persons having special domestic relations circumstances; (5)  
7 persons who have lost their resident status within six months of enroll-  
8 ment; (6) persons who are not domiciliary residents of the state, who have  
9 graduated from a high school accredited by the state board of education  
10 within six months of enrollment at a community college, who were dom-  
11 iciliary residents of the state at the time of graduation from high school  
12 or within 12 months prior to graduation from high school, and who are  
13 entitled to admission at a state educational institution pursuant to K.S.A.  
14 72-116, and amendments thereto; and (7) persons who are domiciliary  
15 residents of the state, whose domiciliary residence was established in the  
16 state for the purpose of accepting, upon recruitment by an employer, or  
17 retaining, upon transfer required by an employer, a position of full-time  
18 employment at a place of employment in Kansas, but the domiciliary  
19 residence of whom was not timely enough established to meet the resi-  
20 dence duration requirement of K.S.A. 71-406, and amendments thereto.

21 (b) As used in this section:

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

25 (2) "Full-time employment" means employment requiring at least  
26 1,500 hours of work per year.

27 (c) *Subject to the provisions of section 1, and amendments thereto,*  
28 the state board shall ~~prescribe~~ *adopt rules and regulations prescribing*  
29 *criteria and guidelines for determination of the eligibility of persons spec-*  
30 *ified in subsection (a) to be considered residents of the state and such*  
31 *rules and regulations shall specify the evidence necessary to be submitted*  
32 *by such persons as proof of eligibility. Evidence submitted by a person*  
33 *as proof of eligibility claimed under subsection (a)(7) must include, but*  
34 *not by way of limitation, certification of the claim by the employer of the*  
35 *person.*

36 Sec. 4. K.S.A. 76-730 is hereby amended to read as follows: 76-730.

37 (a) *Subject to the provisions of section 1, and amendments thereto,* the  
38 state board of regents shall adopt rules and regulations prescribing criteria  
39 or guidelines for determination of residence of persons enrolling at the  
40 state educational institutions, so long as such criteria or guidelines are not  
41 in conflict with the provisions of this act.

42 (b) If the state board of regents authorizes persons specified in sub-  
43 section (b) of K.S.A. 76-729, and amendments thereto, to pay an amount

1 equal to resident fees when enrolling at the state educational institutions,  
2 the state board shall adopt rules and regulations prescribing criteria or  
3 guidelines for determination of eligibility of such persons therefor, and  
4 shall determine the evidence deemed necessary to be submitted as proof  
5 of eligibility. *Such rules and regulations shall comply with and be subject*  
6 *to the provisions of section 1, and amendments thereto.* Evidence sub-  
7 mitted by a person as proof of eligibility claimed under subsection (b)(7)  
8 of K.S.A. 76-729, and amendments thereto, must include, but not by way  
9 of limitation, certification of the claim by the employer of the person.

10 (c) The state board of regents shall adopt rules and regulations pre-  
11 scribing guidelines for the membership composition and procedure of a  
12 residence committee for each state educational institution under its con-  
13 trol and supervision.

14 Sec. 5. K.S.A. 76-730 and K.S.A. 2001 Supp. 71-406 and 71-407 are  
15 hereby repealed.

16 Sec. 6. This act shall take effect and be in force from and after its  
17 publication in the statute book.

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