

## MINUTES OF THE HOUSE HIGHER EDUCATION COMMITTEE

The meeting was called to order by Chairman Tom Sloan at 3:30 p.m. on February 23, 2004 in Room 231-N of the Capitol.

All members were present except:

Representative Annie Kuether- excused  
Representative Bill Reardon- excused

Committee staff present:

Mary Galligan, Legislative Research  
Art Griggs, Office of the Revisor  
Susan Allen, Committee Secretary

Conferees appearing before the committee:

David Hietala, President, Barclay College

Others attending:

See Attached List.

The Chairman called attention to a letter to the Committee from the Reginald Robinson, President and CEO of the Kansas Board of Regents (Attachment 1).

**HB 2533: An Act relating to education; concerning tuition at state educational institutions**

The Chairman reopened the hearing on **HB 2533** and welcomed David Hietala, President of Barclay College, to present testimony on **HB 2533**. Mr. Hietala testified in favor of the bill which would allow Barclay College students to be eligible for State of Kansas funded comprehensive grants (Attachment 2). Mr. Hietala responded to questions from Representatives Sloan, Reitz and Huntington concerning the number of students at Barclay College and the number who would be eligible. Mr. Hietala responded that twenty to thirty students would qualify and that there are approximately one hundred and twenty students on the Kansas campus.

Representatives Storm, Krehbiel, and Horst asked about the ongoing accreditation process with the North Central Association that would allow Barclay College to be eligible for the Kansas Comprehensive Grant Program. Mr. Hietala responded that the school was about one-half way through the accreditation process. With no further questions, Chairman Sloan closed the hearing.

**Sub HB 2626: Residents for fee purposes, military dependents.**

Chairman Sloan opened discussion on **HB 2626**. Representative Neighbor presented **Sub HB 2626** (Attachment 3). A motion was made by Representative Neighbor to adopt **Sub HB 2626**. The motion was seconded by Representative Reitz. The motion carried.

A motion was made by Representative Neighbor to adopt the balloon language of **HB 2536** as a amendment to **HB 2626** (Attachment 4). The motion was seconded by Representative Reitz. Members of the Committee discussed issues surrounding differing residency decisions by two Regents' institutions affecting the same person. The motion carried.

Representative Horst assumed the duties of the Chairman.

Representative Sloan presented proposed amendments to **Sub HB 2626** (Attachment 5). A motion was made by Chairman Sloan to adopt the balloon language to Section 1 (b) to **Sub HB 2626**. The motion was seconded by Representative Carlin. The motion carried. A motion was made by Chairman Sloan to adopt the balloon language to Section 1 (b) (8) to **Sub HB 2626**. The motion was seconded by Representative Storm. The motion failed.

A motion was made by Chairman Sloan to adopt the amendment to New Section 2 (c) (3) to **Sub HB 2626**. The motion was seconded by Representative Hill. The motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE HIGHER EDUCATION COMMITTEE at 3:30 p.m. on February 23, 2004 in Room 231-N of the Capitol.

The Committee returned to discussion of the amendment to Section 1 ( b ) (8) to **Sub HB 2626**. A motion was made by Chairman Sloan to adopt the replacement of “person’s or firm’s” with the new language “ employees of a firm”, to Section 1 ( b ) (8). The motion was seconded by Representative Reitz. A division was called. The motion failed.

Chairman Sloan resumed his duties.

A motion was made by Representative Storm to adopt the conceptual language of **HB 2804** into **HB 2626**. The motion was seconded by Representative Reitz. The motion carried.

A motion was made by Representative Carlin to pass out **Sub HB 2626** as amended. The motion was seconded by Representative Horst. The motion carried.

With no further discussion, adjourned the meeting at 4:50 p.m. The next meeting is scheduled for Wednesday, March 3, 2004 at 3:30 p.m. in RM 231-N.

HOUSE HIGHER EDUCATION COMMITTEE GUEST LIST

DATE February 23, 2004

NAME	REPRESENTING
Dr. David Hietala	Barclay College, Haviland, KS
Maury Hietala	(Barclay College, Haviland KS
MERICA Gatewood	
Diane Lindeman	KS Board of Regents
Ashlee Reid	University of Kansas Students
Kristan Seibel	University of Kansas Students
Jenni Roe	KACCT



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February 23, 2004

Representative Tom Sloan  
Chairman  
House Higher Education Committee  
State Capitol, Room 446-N  
Topeka, KS 66612

Dear Chairman Sloan:

It is my understanding your Committee will be considering a number of residency and tuition-related issues during today's hearing. I truly appreciate your willingness to explore these important higher education issues.

I would like to express my appreciation for the time and effort Representatives Lee Tafanelli, Eber Phelps and Don Hill devoted to tuition and residency issues as their Subcommittee convened over the past two weeks. I agree with the Subcommittee report and would urge the full Committee to adopt the Subcommittee's recommendations should you decide to move forward on these issues.

The Board of Regents has two particular items of concern that I would like to share with you. First, as the Subcommittee noted in its report, residency determination is an issue that has very strong emotional and financial ramifications. A number of important questions were raised during the Committee's debate, and in the wake of SB 345, the Higher Education Coordination Act, this is an issue the Board of Regents should more fully study. The Board of Regents would welcome the opportunity to address the residency issue during the interim with the intention of delivering a final product to the Legislature in January 2005. An interim study by the Board would avoid possible unintended consequences that could surface from a hastily drafted amendment involving a residency determination appeal process.

Second, there has been discussion that the Committee might move forward on Section 4 of House Bill 2506. As you know, this section would allow the president or chancellor of any Regents' supervised institution to grant in-state tuition, or "other tuition reductions," to "specifically enumerated classes of students." If enacted, this provision would authorize a university president to grant in-state tuition to literally any group of students. We have serious concerns about the adoption of such a sweeping proposal without additional study. As is the case with residency issues, the grant of in-state tuition triggers a wide range of complex and interlocking policy questions that should be well considered before sweeping modifications, such

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as those proposed in Section 4, are adopted. Study regarding the unintended consequences that could result from such a shift should also be considered.

Chairman Sloan, I have appreciated your Committee's hard work and support during this difficult Legislative session. Please let me know how I can be of assistance.

Sincerely,

A handwritten signature in cursive script that reads "Reggie Robinson".

Reginald L. Robinson  
President and CEO

Dr. David A. Hietala, President  
Barclay College  
607 N. Kingman St.  
Haviland, KS 67059  
(620) 862-5252  
hieda@barclaycollege.edu

**Testimony re HB 2533**  
**House Committee on Higher Education**  
**February 23, 2004**

Chairman Sloan and Members of the House Committee on Higher Education:

Greetings to each of you from Barclay College where I serve as President. It is an honor to appear before you this afternoon.

This document provides documentation of my testimony for you today. I welcome any questions or comments you may have.

The existing language (prior to the introduction of HB 2533), as you know, authorizes the distribution of grants to students under the KS comprehensive grant program to qualifying students attending:

- ◆ A state educational institution under the Board of Regents
- ◆ A municipal university
- ◆ A nonprofit independent institution of higher education accredited by the North Central Association of Colleges and Secondary Schools.

**On the North Central Association...**

The North Central Association (NCA) is one of six regional accrediting agencies operating in the United States as authorized by the US Dept of Education in Washington, DC. The others are the Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, Northwest Association of Schools and Colleges, Southern Association of Schools and Colleges, and the Western Association of Schools and Colleges.

By the authority granted by the USDOE, each of these accrediting bodies allows its member or candidate institutions to distribute Federal grant and loan funds such as Pell Grants, Stafford Loans, Perkins Loans, as well as offer federal work study programs to its eligible students.

The USDOE also makes it possible for institutions of higher education to be accredited by agencies that better serve their needs. For example, it would not seem reasonable for a regional accrediting body, with expertise on gen-

eral educational concerns, to be expert on issues specific to what makes a high quality law school. For this reason, the USDOE has authorized special or national accreditation to the American Bar Association since it knows what makes a good law school. Similarly, the same is true for the Association of Theological Schools – an agency that accredits seminaries across the United States. As a matter of record, there are more than 200 ATS accredited seminaries – none of which needs regional accreditation to provide USDOE student aid. These are highly credible institutions with famous names such as Harvard, Yale, Duke, Princeton, and others. If you want to be known as a seminary with a credible program, you will have national ATS accreditation.

Whereas ATS is offering theological programming at the graduate level, a similar national accreditation is offered to institutions at the undergraduate level. This accreditation is not offered by the regional accreditors since it is largely outside their ability to understand programmatically – as is the case with ATS member schools.

For example, an undergraduate program for theological instruction or biblical instruction must meet a set of core curriculum requirements in theological instruction, and in practical service, not to mention the requirements for meeting general education requirements and for the student's degree offering. This set of educational requirements is very specific and anything less cannot deliver the level of quality that is assumed in this unique postsecondary venue. Further, these requirements are national since they are relevant across all institutions with a similar mission whether in Alaska, Florida, or here in Kansas.

The accreditation I speak of, for theological or biblical higher education at the undergraduate level, is offered by the Association for Bib-

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lical Higher Education – the accreditors for my institution, Barclay College. The Association for Biblical Higher Education, ABHE, formerly known as the Accrediting Association of Bible Colleges, accredits colleges that offer rigorous academic programming in biblical higher education.

Now, I must pause and speak for a moment about the Bible college movement in the US. At present an estimated 700+ Bible colleges exist in our nation. We are delighted, on first glimpse, to acknowledge this fact. However, many are affiliated with very small church denominations and are not, quite frankly, very much beyond what you and I can remember as a church camp. In other words, these small so-called Bible Colleges do not have a well-developed curriculum offering, they do not have faculty with graduate credentials, are frequently not able to find other institutions willing to accept their credits should students want to transfer to another college, and thus they are NOT a recognized college in the same sense as we are thinking about here today.

Of the 700+ Bible colleges that exist, only 116 have a relationship with the Association of Biblical Higher Education, the ABHE. The balance, perhaps 600 or so unaccredited schools, frequently cast a dark shadow on the rigorous work of institutions like Barclay College that are serious about delivering a quality, accredited bachelor's degree in undergraduate theological or professional education.

**A word about my institution, Barclay College, if I may:**

Barclay College, based in Haviland, KS, was established in 1917 as a not-for-profit institution dedicated to preparing qualified professional and lay workers for ministry professions. Our graduates have spanned the globe in their work and we are proud of their accomplishments and the education they have taken from here in Kansas to the corners of the Earth.

We gained our initial national accreditation with the parent agency of the ABHE in 1976. We have been continuously accredited for the last 27 years and we are proud of our affiliation with and accreditation by ABHE.

Our national ABHE accreditation is recognized by the USDOE and the Council for Higher Education Accreditation. These agencies are the same regulatory bodies that govern

work under the regional accreditors mentioned earlier. Further, like other accredited universities and colleges, our accreditation through ABHE authorizes us to administer all Federal grant and loans funds, including Federal work study funds for on-campus employment.

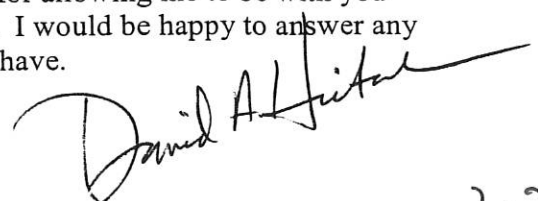
HOWEVER, there is one difference between our work as a nationally accredited college and the work of other regionally accredited colleges in Kansas. The difference is not found in the accrediting process – we follow the exact same process including development of self-studies and review by external teams from outside institutions. The difference is not found in the quality of our graduates or in the transfer of our credits – in fact, I do not know of even one Barclay graduate who did not get into their preferred graduate school with the degree we granted to them. Nor is the difference in the rigor of our degree offerings – we are told that our standards are high and that our work is good. Our alumni are dedicated to our work precisely because it is good work.

THE DIFFERENCE is that our students, unlike their peers at Kansas institutions that are regionally accredited, are NOT eligible to apply for the KS Comprehensive Grant. They can receive every benefit of Federal educational assistance due to our national accreditation through ABHE (including funding through VA), but they are discriminated against, perhaps accidentally, because of the present language that tells us that only colleges accredited through the NCA are eligible institutions.

While I can agree with you about some institutions that do not deserve your support, I do believe that if the Federal government's own USDOE finds an institution eligible for funding through its accrediting agencies, then I believe we should, here in Kansas, be able to likewise follow this 'gold standard' to the extent possible – even if the accreditation we speak of is NATIONAL as compared to regional.

The revised language in HB 2533, as proposed by Representative McKinney, addresses the grievance I have shared with you this afternoon. I trust you will support it since it supports nationally accredited Kansas colleges such as Barclay College.

Thank you for allowing me to be with you this afternoon. I would be happy to answer any questions you have.



2004

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Substitute for HOUSE BILL NO. 2626

Rep. Neighbor

See page 7 for change.

By Committee on Higher Education

1 AN ACT relating to education; relating to  
2 tuition and fee waivers for former  
3 prisoners of war; concerning residents for  
4 fee purposes; amending K.S.A. 2003 Supp.  
5 76-729 and repealing the existing section.

6 Be it enacted by the Legislature of the State  
7 of Kansas:

8 Section 1. K.S.A. 2003 Supp. 76-729 is  
9 hereby amended to read as follows: 76-729.

10 (a) Persons enrolling at the state  
11 educational institutions under the control  
12 and supervision of the state board of regents  
13 who, if such persons are adults, have been  
14 domiciliary residents of the state of Kansas  
15 or, if such persons are minors, whose parents  
16 have been domiciliary residents of the state  
17 of Kansas for at least 12 months prior to  
18 enrollment for any term or session at a state  
19 educational institution are residents for fee  
20 purposes. A person who has been a resident of  
the state of Kansas for fee purposes and who

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1 leaves the state of Kansas to become a  
2 resident of another state or country shall  
3 retain status as a resident of the state of  
4 Kansas for fee purposes if the person returns  
5 to domiciliary residency in the state of  
6 Kansas within 12 months of departure. All  
7 other persons are nonresidents of the state  
8 of Kansas for fee purposes.

9 (b) The state board of regents may  
10 authorize the following persons, or any class  
11 or classes thereof, and their spouses and  
12 dependents to pay an amount equal to resident  
13 fees:

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

16 (2) persons who are in military service;

17 (3) persons who are domiciliary  
18 residents of the state, who were in active  
19 military service prior to becoming  
20 domiciliary residents of the state, who were

1 present in the state for a period of not less  
2 than two years during their tenure in active  
3 military service, whose domiciliary residence  
4 was established in the state within 30 days  
5 of discharge or retirement from active  
6 military service under honorable conditions,  
7 but whose domiciliary residence was not  
8 timely enough established to meet the  
9 residence duration requirement of subsection  
10 (a);

11 (4) persons having special domestic  
12 relations circumstances;

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

15 (6) persons who are not domiciliary  
16 residents of the state, who have graduated  
17 from a high school accredited by the state  
18 board of education within six months of  
19 enrollment, who were domiciliary residents of  
20 the state at the time of graduation from high

1 school or within 12 months prior to  
2 graduation from high school, and who are  
3 entitled to admission at a state educational  
4 institution pursuant to K.S.A. 72-116, and  
5 amendments thereto;

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

20 ~~(8) -- persons who have graduated from a~~

1 high-school-accredited-by-the-state-board-of  
2 education-within-six-months-of-enrollment-and  
3 who-at-the-time-of-graduation-from-such-a  
4 high-school-or-while-enrolled-and-in  
5 attendance-at-such-a-high-school-prior-to  
6 graduation-therefrom, were dependents-of-a  
7 person-in-military-service-within-the-state,  
8 if-the-person, whose-dependent-is-eligible  
9 for-authorization-to-pay-an-amount-equal-to  
10 resident-fees-under-this-provision, does-not  
11 establish-domiciliary-residence-in-the-state  
12 upon-retirement-from-military-service,  
13 eligibility-of-the-dependent-for  
14 authorization-to-pay-an-amount-equal-to  
15 resident-fees-shall-lapse.

16 (c) As used in this section:

17 (1) "Parents" means and includes natural  
18 parents, adoptive parents, stepparents,  
19 guardians and custodians.

20 (2) "Guardian" has the meaning ascribed

1 thereto by K.S.A. 2003 Supp. 59-3051, and  
2 amendments thereto.

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

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

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

15 New Sec. 2. (a) State educational  
16 institutions as defined by K.S.A. 76-711, and  
17 amendments thereto, shall provide a waiver of  
18 all tuition and fees required as a condition  
19 of enrollment for each person who was a  
prisoner of war while serving in any military

1 service of the United States of America, who  
2 is a resident of Kansas, and who is enrolled  
3 at a state educational institution. The  
4 waiver shall be provided for not more than 12  
5 semesters of instruction, or the equivalent  
6 thereof.

[or until completion of the first  
degree, whichever is earlier

7 (b) Prior to providing this waiver, each  
8 state educational institution shall require  
9 each person applying for this waiver to  
10 provide official documentation verifying the  
11 person's military service and prisoner of war  
12 status.

13 (c) As used in this section:

14 (1) "Military service" means any active  
15 service in any armed service of the United  
16 States and any active federal service in the  
17 Kansas army or air national guard;

18 (2) "prisoner of war" means a person who  
19 was a prisoner of war under Article 4 of the  
third Geneva Convention and any individual

1 who was in military service in an armed  
2 conflict and who was taken prisoner by  
3 opposing forces, whether or not under an  
4 official declaration of war; and

5 (3) "resident of Kansas" means a person  
6 who is determined by the state educational  
7 institution to be a resident for tuition  
8 purposes.

9 (d) Subject to appropriations therefor,  
10 any state educational institution which has  
11 enrolled a former prisoner of war without  
12 charge of tuition or fees pursuant to  
13 subsection (a) may file a claim with the  
14 state board for reimbursement of the amount  
15 of such tuition and fees. The state board  
16 shall be responsible for payment of  
17 reimbursements to state educational  
18 institutions upon certification by each such  
19 institution of the amount of reimbursement to  
20 which it is entitled. Payments to state

1 educational institutions shall be made upon  
2 vouchers approved by the state board and upon  
3 warrants of the director of accounts and  
4 reports. Payments may be made by issuance of  
5 a single warrant to each state educational  
6 institution at which one or more eligible  
7 former prisoners of war are enrolled for the  
8 total amount of tuition and fees not charged  
9 for enrollment at that institution. The  
10 director of accounts and reports shall cause  
11 such warrant to be delivered to the state  
12 educational institution at which any such  
13 eligible persons are enrolled. If a person  
14 discontinues attendance before the end of any  
15 semester, after the state educational  
16 institution has received payment under this  
17 subsection, the institution shall pay to the  
18 state the entire amount which such person  
19 would otherwise qualify to have refunded, not  
20 to exceed the amount of the payment made by



1 the state in behalf of such person for the  
2 semester. All amounts paid to the state by  
3 state educational institutions under this  
4 subsection shall be deposited in the state  
5 treasury and credited to the state general  
6 fund.

7 Sec. 3. K.S.A. 2003 Supp. 76-729 is  
8 hereby repealed.

9 Sec. 4. This act shall take effect and  
10 be in force from and after its publication in  
11 the statute book.

HOUSE BILL No. 2536

By Representative Flora

1-20

9 AN ACT relating to tuition at state educational institutions.

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

11 Section 1. (a) Whenever authorized personnel in the registrar's office  
12 of a state educational institution have determined that an individual qual-  
13 ifies as a resident for fee purposes pursuant to subsection (a) of K.S.A.  
14 76-729 and amendments thereto, such individual shall be considered as  
15 a resident for fee purposes at any state educational institution.

16 (b) In the event facts pertaining to any individual have changed re-  
17 garding a necessary element relating to the determination that an indi-  
18 vidual qualified as a resident for fee purposes as described in subsection  
19 (a), then the original determination shall no longer be binding on any  
20 state educational institution.

21 (c) As used in this section, "state educational institution" means the  
22 university of Kansas, Kansas state university of agriculture and applied  
23 sciences, Wichita state university, Emporia state university, Pittsburg  
24 state university and Fort Hays state university.

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

27 Sec. ~~23~~ This act shall take effect and be in force from and after its  
28 publication in the statute book.  
29

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

New Sec. 2. (a) Whenever authorized personnel in the registrar's office of a state educational institution, as defined by K.S.A. 76-711, and amendments thereto, has made a determination that an individual qualified as a resident for fee purposes pursuant to subsection (a) of K.S.A. 76-729, and amendments thereto, and a subsequent determination of another state educational institution differs, an applicant may appeal the second determination to the chief executive officer of the Kansas board of regents, or its designee, if such determination is within 12 months of the prior determination.

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

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

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

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

(f) The provisions of this section shall control conflicting fee determinations when at least one determination was made subsequent to July 1, 2004.

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

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Attachment No.: 4

3rs1976

2004

Substitute for HOUSE BILL NO. 2626

By Committee on Higher Education

AN ACT relating to education; relating to tuition and fee waivers for former prisoners of war; concerning residents for fee purposes; amending K.S.A. 2003 Supp. 76-729 and repealing the existing section.

Rep. Sloan

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

Section 1. K.S.A. 2003 Supp. 76-729 is hereby amended to read as follows: 76-729. (a) Persons enrolling at the state educational institutions under the control and supervision of the state board of regents who, if such persons are adults, have been domiciliary residents of the state of Kansas or, if such persons are minors, whose parents have been domiciliary residents of the state of Kansas for at least 12 months prior to enrollment for any term or session at a state educational institution are residents for fee purposes. A person who has been a resident of the state of Kansas for fee purposes and who leaves the state of Kansas to become a resident of another

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state or country shall retain status as a resident of the state of Kansas for fee purposes if the person returns to domiciliary residency in the state of Kansas within 12 months of departure. All other persons are nonresidents of the state of Kansas for fee purposes.

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

- (1) Persons who are employees of a state educational institution;
- (2) persons who are in military service;
- (3) 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

domiciliary residence was established in the state within 30 days of discharge or retirement from active military service under honorable conditions, but whose domiciliary residence was not timely enough established to meet the residence duration requirement of subsection (a);

(4) persons having special domestic relations circumstances;

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

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

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

~~(8) -- persons who have graduated from a high school accredited by the state board of education within six months of enrollment and who, at the time of graduation from such a high school or while enrolled and in attendance at such a high school prior to graduation~~  
~~from, were dependents of a person in military service within the state, if the~~

~~person whose dependent is eligible for  
 authorization to pay an amount equal to  
 resident fees under this provision, does not  
 establish domiciliary residence in the state  
 upon retirement from military service,  
 eligibility of the dependent for authorization  
 to pay an amount equal to resident fees shall  
 lapse.~~

(8) persons or person's or firm's  
 employee's whose contribution to the  
 institution or to the state warrant such  
 treatment.

(c) As used in this section:

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

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

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

(4) "Domiciliary resident" means a person  
 who has present and fixed residence in Kansas  
 where the person intends to remain for an

indefinite period and to which the person intends to return following absence.

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

New Sec. 2. (a) State educational institutions as defined by K.S.A. 76-711, and amendments thereto, shall provide a waiver of all tuition and fees required as a condition of enrollment for each person who was a prisoner of war while serving in any military service of the United States of America, who is a resident of Kansas, and who is enrolled at a state educational institution. The waiver shall be provided for not more than 12 semesters of instruction, or the equivalent thereof.

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



(c) As used in this section:

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

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

(3) "resident of Kansas" means a person who is ~~determined by the state educational institution to be a resident for tuition purposes.~~

a domiciliary resident as defined by K.S.A. 76-729, and amendments thereto

(d) Subject to appropriations therefor, any state educational institution which has enrolled a former prisoner of war without charge of tuition or fees pursuant to subsection (a) may file a claim with the state

board for reimbursement of the amount of such tuition and fees. The state board shall be responsible for payment of reimbursements to state educational institutions upon certification by each such institution of the amount of reimbursement to which it is entitled. Payments to state educational institutions shall be made upon vouchers approved by the state board and upon warrants of the director of accounts and reports. Payments may be made by issuance of a single warrant to each state educational institution at which one or more eligible former prisoners of war are enrolled for the total amount of tuition and fees not charged for enrollment at that institution. The director of accounts and reports shall cause such warrant to be delivered to the state educational institution at which any such eligible persons are enrolled. If a person discontinues attendance before the end of any semester, after the state

educational institution has received payment under this subsection, the institution shall pay to the state the entire amount which such person would otherwise qualify to have refunded, not to exceed the amount of the payment made by the state in behalf of such person for the semester. All amounts paid to the state by state educational institutions under this subsection shall be deposited in the state treasury and credited to the state general fund.

New Sec. 3. Any student who disagrees with the decision of a residence appeal board or a residence committee may request the state board of regents to review the decision. The state board of regents may adopt rules and regulations relating to review procedures.

Sec. ~~3.~~ K.S.A. 2003 Supp. 76-729 is hereby repealed.

Renumber sections accordingly

Sec. ~~4.~~ This act shall take effect and be in force from and after its publication in the statute book.