

HOUSE BILL No. 2192

By Committee on Federal and State Affairs

1-31

1 AN ACT concerning public postsecondary education; concerning residents
2 for purposes of tuition and other fees; amending K.S.A. 2012 Supp. 76-
3 729 and repealing the existing section; also repealing K.S.A. 2012
4 Supp. 76-731a.
5

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

7 Section 1. K.S.A. 2012 Supp. 76-729 is hereby amended to read as
8 follows: 76-729. (a) *Subject to the provisions of subsection (d):* (1) Persons
9 enrolling at the state educational institutions under the control and
10 supervision of the state board of regents who, if such persons are adults,
11 have been domiciliary residents of the state of Kansas or, if such persons
12 are minors, whose parents have been domiciliary residents of the state of
13 Kansas for at least 12 months prior to enrollment for any term or session at
14 a state educational institution are residents for fee purposes. A person who
15 has been a resident of the state of Kansas for fee purposes and who leaves
16 the state of Kansas to become a resident of another state or country shall
17 retain status as a resident of the state of Kansas for fee purposes if the
18 person returns to domiciliary residency in the state of Kansas within 60
19 months of departure. All other persons are nonresidents of the state of
20 Kansas for fee purposes.

21 (2) The provisions of this subsection shall be applicable to any person
22 enrolling at a state educational institution from and after July 1, 2006. Any
23 person who (A) qualifies as a resident of the state of Kansas for fee
24 purposes under the provisions of this subsection, (B) attended a state
25 educational institution during academic year 2006-2007 and (C) paid fees
26 as if such person was not a resident of the state of Kansas, may apply to
27 such state educational institution to be reimbursed in an amount equal to
28 the difference between the amount the person paid in fees and the amount
29 the person would have paid if such person had been treated as a resident of
30 the state of Kansas. Such reimbursement shall be paid by the state
31 educational institution at which such person was enrolled during academic
32 year 2006-2007.

33 ~~(3) The provisions of this subsection shall not apply to a person who~~
34 ~~is deemed a resident for fee purposes pursuant to K.S.A. 2012 Supp. 76-~~
35 ~~731a, and amendments thereto.~~

36 (b) *Subject to the provisions of subsection (d),* the state board of

1 regents may authorize the following persons, or any class or classes
2 thereof, and their spouses and dependents to pay an amount equal to
3 resident fees:

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

5 (2) persons who are in military service;

6 (3) persons who are domiciliary residents of the state, who were in
7 active military service prior to becoming domiciliary residents of the state,
8 who were present in the state for a period of not less than two years during
9 their tenure in active military service, whose domiciliary residence was
10 established in the state within 30 days of discharge or retirement from
11 active military service under honorable conditions, but whose domiciliary
12 residence was not timely enough established to meet the residence
13 duration requirement of subsection (a);

14 (4) persons having special domestic relations circumstances;

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

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

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

32 (8) persons who have graduated from a high school accredited by the
33 state board of education within six months of enrollment and who, at the
34 time of graduation from such a high school or while enrolled and in
35 attendance at such a high school prior to graduation therefrom, were
36 dependents of a person in military service within the state; if the person,
37 whose dependent is eligible for authorization to pay an amount equal to
38 resident fees under this provision, does not establish domiciliary residence
39 in the state upon retirement from military service, eligibility of the
40 dependent for authorization to pay an amount equal to resident fees shall
41 lapse; and

42 (9) persons who have retired or have been honorably discharged from
43 military service, had a permanent change of station order for active duty in

1 Kansas during such military service and live in Kansas at the time of
2 enrollment.

3 (c) *Subject to the provisions of subsection (d):* (1) The state board of
4 regents shall authorize the following class of persons to pay an amount
5 equal to resident fees: Any dependent or spouse of a person in military
6 service who is reassigned from Kansas to another duty station so long as
7 such dependent or spouse continues to reside in Kansas.

8 (2) So long as a person remains continuously enrolled, exclusive of
9 summer sessions, a person who qualifies to pay resident fees by virtue of
10 being a spouse or dependent of a person in military service shall not lose
11 such status because of a divorce or the death of a spouse.

12 (d) *An alien who is not lawfully present in the United States is not a*
13 *domiciliary resident of the state, and in no event shall such individual be*
14 *entitled to pay resident fees upon enrollment at any state educational*
15 *institution.*

16 (e) As used in this section:

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

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

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

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

26 (5) "Full-time employment" means employment requiring at least
27 1,500 hours of work per year.

28 (6) "Dependent" means: (A) A birth child, adopted child or stepchild;
29 or

30 (B) any child other than the foregoing who is actually dependent in
31 whole or in part on the person in military service and who is related to
32 such individual by marriage or consanguinity.

33 (7) "Military service" means: (A) Any active service in any armed
34 service of the United States; or (B) membership in the Kansas army or air
35 national guard.

36 (8) "Academic year" means the twelve-month period ending June 30.

37 Sec. 2. K.S.A. 2012 Supp. 76-729 and 76-731a are hereby repealed.

38 Sec. 3. This act shall take effect and be in force from and after its
39 publication in the statute book.