

As Amended by House Committee

Session of 2012

HOUSE BILL No. 2652

By Committee on Veterans, Military and Homeland Security

2-7

1 AN ACT concerning colleges and universities, relating to ~~tuition~~  
2 **requirements for resident fee purposes**; amending K.S.A. 2011 Supp.  
3 76-729 and repealing the existing section.

4  
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2011 Supp. 76-729 is hereby amended to read as  
7 follows: 76-729. (a) (1) Persons enrolling at the state educational  
8 institutions under the control and supervision of the state board of regents  
9 who, if such persons are adults, have been domiciliary residents of the  
10 state of Kansas or, if such persons are minors, whose parents have been  
11 domiciliary residents of the state of Kansas for at least 12 months prior to  
12 enrollment for any term or session at a state educational institution are  
13 residents for fee purposes. A person who has been a resident of the state of  
14 Kansas for fee purposes and who leaves the state of Kansas to become a  
15 resident of another state or country shall retain status as a resident of the  
16 state of Kansas for fee purposes if the person returns to domiciliary  
17 residency in the state of Kansas within 60 months of departure. All other  
18 persons are nonresidents of the state of Kansas for fee purposes.

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

31 (3) The provisions of this subsection shall not apply to a person who  
32 is deemed a resident for fee purposes pursuant to K.S.A. 2011 Supp. 76-  
33 731a, and amendments thereto.

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

- 1 (1) Persons who are employees of a state educational institution;
- 2 (2) ~~persons who are in military service;~~
- 3 ~~(3) persons who are domiciliary residents of the state, who were in~~  
4 ~~active military service prior to becoming domiciliary residents of the state,~~  
5 ~~who were present in the state for a period of not less than two years during~~  
6 ~~their tenure in active military service, whose domiciliary residence was~~  
7 ~~established in the state within 30 days of discharge or retirement from~~  
8 ~~active military service under honorable conditions, but whose domiciliary~~  
9 ~~residence was not timely enough established to meet the residence-~~  
10 ~~duration requirement of subsection (a);~~
- 11 (4) persons having special domestic relations circumstances;
- 12 ~~(5)~~(3) persons who have lost their resident status within six months of  
13 enrollment;
- 14 ~~(6)~~(4) persons who are not domiciliary residents of the state, who  
15 have graduated from a high school accredited by the state board of  
16 education within six months of enrollment, who were domiciliary residents  
17 of the state at the time of graduation from high school or within 12 months  
18 prior to graduation from high school, and who are entitled to admission at  
19 a state educational institution pursuant to K.S.A. 72-116, and amendments  
20 thereto;
- 21 ~~(7)~~(5) persons who are domiciliary residents of the state, whose  
22 domiciliary residence was established in the state for the purpose of  
23 accepting, upon recruitment by an employer, or retaining, upon transfer  
24 required by an employer, a position of full-time employment at a place of  
25 employment in Kansas, but the domiciliary residence of whom was not  
26 timely enough established to meet the residence duration requirement of  
27 subsection (a), and who are not otherwise eligible for authorization to pay  
28 an amount equal to resident fees under this subsection; *and*
- 29 ~~(8)~~(6) persons who have graduated from a high school accredited by  
30 the state board of education within six months of enrollment and who, at  
31 the time of graduation from such a high school or while enrolled and in  
32 attendance at such a high school prior to graduation therefrom, were  
33 dependents of a person in military service within the state; if the person,  
34 whose dependent is eligible for authorization to pay an amount equal to  
35 resident fees under this provision, does not establish domiciliary residence  
36 in the state upon retirement from military service, eligibility of the  
37 dependent for authorization to pay an amount equal to resident fees shall  
38 lapse; *and*
- 39 ~~(9) persons who have retired or have been honorably discharged from~~  
40 ~~military service, had a permanent change of station order for active duty in~~  
41 ~~Kansas during such military service and live in Kansas at the time of~~  
42 ~~enrollment.~~
- 43 (c) (1) The state board of regents shall authorize the following class

1 of persons to pay an amount equal to resident fees:

2 (A) *Persons who are in military service;*

3 (B) *persons who are domiciliary residents of the state at the time of*  
4 *enrollment, were in active military service for a period of not less than 36*  
5 *months prior to becoming domiciliary residents of the state and have been*  
6 *discharged or retired from military service under honorable conditions;*  
7 *and*

8 (C) any dependent or spouse of a person in military service who is  
9 reassigned from Kansas to another duty station so long as such dependent  
10 or spouse continues to reside in Kansas.

11 (2) So long as a ~~person~~ *dependent or spouse of a person in military*  
12 *service, as described in paragraph (1) of this subsection, remains*  
13 *continuously enrolled, exclusive of summer sessions, a person who*  
14 *qualifies to pay resident fees by virtue of being a spouse or dependent of a*  
15 *person in military service shall not lose such status because of a divorce or*  
16 *the death of a spouse.*

17 (d) As used in this section:

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

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

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

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

27 (5) "Full-time employment" means employment requiring at least  
28 1,500 hours of work per year.

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

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

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

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

38 Sec. 2. K.S.A. 2011 Supp. 76-729 is hereby repealed.

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

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