

## HOUSE BILL No. 2352

By Representative Tafanelli

2-2

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9 AN ACT concerning state educational institutions; relating to fees and  
10 tuition; amending K.S.A. 2006 Supp. 76-729 and repealing the existing  
11 section; also repealing K.S.A. 2006 Supp. 76-729a.  
12

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

14 Section 1. K.S.A. 2006 Supp. 76-729 is hereby amended to read as  
15 follows: 76-729. (a) Persons enrolling at the state educational institu-  
16 tions under the control and supervision of the state board of regents who,  
17 if such persons are adults, have been domiciliary residents of the state of  
18 Kansas or, if such persons are minors, whose parents have been domicil-  
19 iary residents of the state of Kansas for at least 12 months prior to en-  
20 rollment for any term or session at a state educational institution are  
21 residents for fee purposes. A person who has been a resident of the state  
22 of Kansas for fee purposes and who leaves the state of Kansas to become  
23 a resident of another state or country shall retain status as a resident of  
24 the state of Kansas for fee purposes if the person returns to domiciliary  
25 residency in the state of Kansas within 12 months of departure. All other  
26 persons are nonresidents of the state of Kansas for fee purposes.

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

- 30 (1) Persons who are employees of a state educational institution;
- 31 (2) persons who are in military service;
- 32 (3) persons who are domiciliary residents of the state, who were in  
33 active military service prior to becoming domiciliary residents of the state,  
34 who were present in the state for a period of not less than two years  
35 during their tenure in active military service, whose domiciliary residence  
36 was established in the state within 30 days of discharge or retirement  
37 from active military service under honorable conditions, but whose dom-  
38 iciliary residence was not timely enough established to meet the residence  
39 duration requirement of subsection (a);
- 40 (4) persons having special domestic relations circumstances;
- 41 (5) persons who have lost their resident status within six months of  
42 enrollment;
- 43 (6) persons who are not domiciliary residents of the state, who have

1 graduated from a high school accredited by the state board of education  
2 within six months of enrollment, who were domiciliary residents of the  
3 state at the time of graduation from high school or within 12 months prior  
4 to graduation from high school, and who are entitled to admission at a  
5 state educational institution pursuant to K.S.A. 72-116, and amendments  
6 thereto;

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

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

25 (9) persons who have retired or have been honorably discharged from  
26 military service, had a permanent change of station order for active duty  
27 in Kansas during such military service and live in Kansas at the time of  
28 enrollment.

29 (c) (1) The state board of regents shall authorize the following class  
30 of persons to pay an amount equal to resident fees: Any dependent or  
31 spouse of a person in military service who is reassigned from Kansas to  
32 another duty station so long as such dependent or spouse continues to  
33 reside in Kansas.

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

38 (d) As used in this section:

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

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

43 (3) "Custodian" means a person, agency or association granted legal

- 1 custody of a minor under the *revised* Kansas code for care of children.
- 2 (4) “Domiciliary resident” means a person who has present and fixed  
3 residence in Kansas where the person intends to remain for an indefinite  
4 period and to which the person intends to return following absence.
- 5 (5) “Full-time employment” means employment requiring at least  
6 1,500 hours of work per year.
- 7 (6) “Dependent” means: (A) A birth child, adopted child or stepchild;  
8 or  
9 (B) any child other than the foregoing who is actually dependent in  
10 whole or in part on the person in military service and who is related to  
11 such individual by marriage or consanguinity.
- 12 ~~(7) “Military service” means any active service in any armed service~~  
13 ~~of the United States and any active state or federal service in the Kansas~~  
14 ~~army or air national guard.~~
- 15 (7) “*Military service*” means (A) *active military duty in any branch*  
16 *of the armed services of the United States* or (B) *membership in the Kansas*  
17 *army or air national guard.*
- 18 New Sec. 2. For the purposes of K.S.A. 76-729, and amendments  
19 thereto, the adjutant general shall define, by rule and regulation, the term  
20 “member in good standing”.
- 21 Sec. 3. K.S.A. 2006 Supp. 76-729 and 76-729a are hereby repealed.
- 22 Sec. 4. This act shall take effect and be in force from and after its  
23 publication in the statute book.