

As Amended by House Committee

Session of 2005

HOUSE BILL No. 2234

By Committee on Higher Education

2-1

10 AN ACT relating to state educational institutions; concerning tuition;
11 amending K.S.A. 2004 Supp. 76-729 and repealing the existing section.
12

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

14 Section 1. K.S.A. 2004 Supp. 76-729 is hereby amended to read as
15 follows: 76-729. (a) Persons enrolling at the state educational institutions
16 under the control and supervision of the state board of regents who, if
17 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 *by rule and regulation*
28 the following persons, or any class or classes thereof, and their spouses
29 and dependents to pay 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) (4) persons who have lost their resident status within six months~~
42 ~~of enrollment;~~

43 ~~(6) (5) persons who are not domiciliary residents of the state, who~~

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

7 ~~(7)~~ (6) persons who are domiciliary residents of the state, whose dom-
 8 iciliary 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; and

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.

25 (c) *The state board of regents shall authorize the following classes of*
 26 *persons to pay an amount equal to resident fees:*

27 ~~(1)~~ *Any person who has ever been assigned to an active military duty*
 28 *station in Kansas and who is living in Kansas at the time of enrollment,*
 29 *is a Kansas registered voter and has registered any personal motor vehi-*
 30 *cles in Kansas, and such person's dependents and spouse;*

31 ~~(2)~~ *any person who has retired from military service or has been*
 32 *honorably discharged from military service, is a Kansas registered voter*
 33 *and has registered any personal motor vehicles in Kansas; and*

34 ~~(3)~~ *any spouse or dependent children of a military person who is*
 35 *reassigned from Kansas to another duty station so long as such spouse or*
 36 *dependent children continue to reside in Kansas.*

37 (1) **Any person in the military service who:**

38 (A) **Has had a permanent change of station order for active**
 39 **duty in Kansas at some time during such person's military service;**

40 (B) **is living in Kansas at the time of enrollment;**

41 (C) **is a Kansas registered voter; and**

42 (D) **has registered in Kansas all personal motor vehicles which**
 43 **the person owns and the person's spouse and dependents who live**

1 in Kansas have registered in Kansas all personal motor vehicles
 2 they own;

3 (2) any person who has retired from military service or has
 4 been honorably discharged from military service who:

5 (A) Has had a permanent change of station order for active
 6 duty in Kansas at some time during such person’s military service;

7 (B) is living in Kansas at the time of enrollment;

8 (C) is a Kansas registered voter; and

9 (D) has registered in Kansas all personal motor vehicles which
 10 the person owns and the person’s spouse and dependents who live
 11 in Kansas have registered in Kansas all personal motor vehicles
 12 they own;

13 (3) dependents and spouses of persons described in subsection
 14 (c)(1) and subsection (c)(2); and

15 (4) any dependent or spouse of a person in military service who
 16 is reassigned from Kansas to another duty station so long as such
 17 dependent or spouse continues to reside in Kansas.

18 (d) *So long as a person remains continuously enrolled, exclusive of*
 19 *summer sessions, a person who qualifies to pay resident fees by virtue of*
 20 *being a spouse or dependent of a ~~military~~ person in military service*
 21 *shall not lose such status because of a change in marital status or the*
 22 *death of a spouse.*

23 (e) *The provisions of subsections (c) and (d) shall be controlling over*
 24 *any conflicting rules and regulations.*

25 ~~(f)~~ (f) As used in this section:

26 (1) “Parents” means and includes natural parents, adoptive parents,
 27 stepparents, guardians and custodians.

28 (2) “Guardian” has the meaning ascribed thereto by K.S.A. 2004
 29 Supp. 59-3051, and amendments thereto.

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

32 (4) “Domiciliary resident” means a person who has present and fixed
 33 residence in Kansas where the person intends to remain for an indefinite
 34 period and to which the person intends to return following absence.

35 (5) “Full-time employment” means employment requiring at least
 36 1,500 hours of work per year.

37 (6) “**Dependent**” means (A) a birth child, adopted child or step-
 38 child or (B) any child other than the foregoing who is actually de-
 39 pendent in whole or in part on the person in military service and
 40 who is related to such individual by marriage or consanguinity.

41 (7) “Military service” means any active service in any armed
 42 service of the United States and any active state or federal service
 43 in the Kansas army or air national guard.

- 1 Sec. 2. K.S.A. 2004 Supp. 76-729 is hereby repealed.
- 2 Sec. 3. This act shall take effect and be in force from and after its
- 3 publication in the statute book.