

HOUSE BILL No. 2205

By Representatives Kinzer and A. Brown, Donohoe, Huebert, Kiegerl,
Mast, Myers, Otto, Patton and Peck

2-2

10 AN ACT concerning public postsecondary education; concerning resi-
11 dents for purposes of tuition and other fees; amending K.S.A. 2008
12 Supp. 76-729 and repealing the existing section; also repealing K.S.A.
13 2008 Supp. 76-731a.
14

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

16 Section 1. K.S.A. 2008 Supp. 76-729 is hereby amended to read as
17 follows: 76-729. (a) (1) Persons enrolling at the state educational institu-
18 tions under the control and supervision of the state board of regents who,
19 if such persons are adults, have been domiciliary residents of the state of
20 Kansas or, if such persons are minors, whose parents have been domicil-
21 iary residents of the state of Kansas for at least 12 months prior to en-
22 rollment for any term or session at a state educational institution are
23 residents for fee purposes. A person who has been a resident of the state
24 of Kansas for fee purposes and who leaves the state of Kansas to become
25 a resident of another state or country shall retain status as a resident of
26 the state of Kansas for fee purposes if the person returns to domiciliary
27 residency in the state of Kansas within 60 months of departure. All other
28 persons are nonresidents of the state of Kansas for fee purposes. *An alien*
29 *who is not lawfully present in the United States is not a domiciliary res-*
30 *ident of the state.*

31 (2) The provisions of this subsection shall be applicable to any person
32 enrolling at a state educational institution from and after July 1, 2006.
33 Any person who (A) qualifies as a resident of the state of Kansas for fee
34 purposes under the provisions of this subsection, (B) attended a state
35 educational institution during academic year 2006-2007 and (C) paid fees
36 as if such person was not a resident of the state of Kansas, may apply to
37 such state educational institution to be reimbursed in an amount equal
38 to the difference between the amount the person paid in fees and the
39 amount the person would have paid if such person had been treated as a
40 resident of the state of Kansas. Such reimbursement shall be paid by the
41 state educational institution at which such person was enrolled during
42 academic year 2006-2007.

43 ~~(3) The provisions of this subsection shall not apply to a person who~~

1 ~~is deemed a resident for fee purposes pursuant to K.S.A. 2008 Supp. 76-~~
2 ~~731a, and amendments thereto.~~

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

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

7 (2) persons who are in military service;

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

16 (4) persons having special domestic relations circumstances;

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

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

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

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

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

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

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

14 (d) As used in this section:

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

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

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

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

24 (5) "Full-time employment" means employment requiring at least
25 1,500 hours of work per year.

26 (6) "Dependent" means: (A) A birth child, adopted child or stepchild;
27 or

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

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

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

35 Sec. 2. K.S.A. 2008 Supp. 76-729 and 76-731a are hereby repealed.

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