

**SENATE BILL No. 96**

By Senator Peck

1-28

1 AN ACT concerning postsecondary education; relating to residency for  
2 purposes of tuition and fees; repealing the provision of residency status  
3 for individuals not lawfully present in the United States; amending  
4 K.S.A. 76-729 and repealing the existing section; also repealing K.S.A.  
5 76-731a.  
6

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

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

21 ~~(2) The provisions of this subsection shall not apply to a person who~~  
22 ~~is deemed a resident for fee purposes pursuant to K.S.A. 76-731a, and~~  
23 ~~amendments thereto.~~

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

- 27 (1) Persons who are employees of a state educational institution;  
28 (2) persons having special domestic relations circumstances;  
29 (3) persons who have lost their resident status within six months of  
30 enrollment;  
31 (4) persons who are not domiciliary residents of the state, who have  
32 graduated from a high school accredited by the state board of education  
33 within six months of enrollment, who were domiciliary residents of the  
34 state at the time of graduation from high school or within 12 months prior  
35 to graduation from high school, and who are entitled to admission at a  
36 state educational institution pursuant to K.S.A. 76-717b, and amendments

1 thereto;

2 (5) persons who are domiciliary residents of the state, whose  
3 domiciliary residence was established in the state for the purpose of  
4 accepting, upon recruitment by an employer, or retaining, upon transfer  
5 required by an employer, a position of full-time employment at a place of  
6 employment in Kansas, but the domiciliary residence of whom was not  
7 timely enough established to meet the residence duration requirement of  
8 subsection (a), and who are not otherwise eligible for authorization to pay  
9 an amount equal to resident fees under this subsection.

10 (c) Pursuant to K.S.A. 2020 Supp. 48-3601, and amendments thereto,  
11 a veteran, an active duty member of the armed forces and the spouse and  
12 dependent child of such veteran or active duty member of the armed forces  
13 shall be deemed residents of the state for fee purposes.

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 *"Domiciliary resident" does not include any alien who is not lawfully*  
25 *present in the United States.*

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

34 Sec. 2. K.S.A. 76-729 and 76-731a are hereby repealed.

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