

(Corrected)

Session of 2011

HOUSE BILL No. 2006

By Representatives Tyson, Brown, Brunk, DeGraaf, Donohoe, Goodman, Gregory, Grosseode, Hildabrand, Hoffman, Howell, Kinzer, Knox, McLeland, Merrick, O'Brien, Osterman, Patton, Peck, Powell, Prescott, Rubin, Scapa, Seiwert, Vickrey

1-6

1 AN ACT concerning public postsecondary education; concerning residents for
2 purposes of tuition and other fees; amending K.S.A. 2010 Supp. 76-729
3 and repealing the existing section; also repealing K.S.A. 2010 Supp. 76-
4 731a.

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

7 Section 1. K.S.A. 2010 Supp. 76-729 is hereby amended to read as
8 follows: 76-729. (a) *Subject to the provisions of subsection (d):* (1) Persons
9 enrolling at the state educational institutions under the control and supervision
10 of the state board of regents who, if such persons are adults, have been
11 domiciliary residents of the state of Kansas or, if such persons are minors,
12 whose parents have been domiciliary residents of the state of Kansas for at
13 least 12 months prior to enrollment for any term or session at a state
14 educational institution are residents for fee purposes. A person who has been a
15 resident of the state of Kansas for fee purposes and who leaves the state of
16 Kansas to become a resident of another state or country shall retain status as a
17 resident of the state of Kansas for fee purposes if the person returns to
18 domiciliary residency in the state of Kansas within 60 months of departure. All
19 other persons are nonresidents of the state of Kansas for fee purposes.

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

31 ~~(3) The provisions of this subsection shall not apply to a person who is~~
32 ~~deemed a resident for fee purposes pursuant to K.S.A. 2010 Supp. 76-731a,~~
33 ~~and amendments thereto.~~

34 (b) *Subject to the provisions of subsection (d),* the state board of regents

1 may authorize the following persons, or any class or classes thereof, and their
2 spouses and dependents to pay an amount equal to resident fees:

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

4 (2) persons who are in military service;

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

13 (4) persons having special domestic relations circumstances;

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

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

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

30 (8) persons who have graduated from a high school accredited by the
31 state board of education within six months of enrollment and who, at the time
32 of graduation from such a high school or while enrolled and in attendance at
33 such a high school prior to graduation therefrom, were dependents of a person
34 in military service within the state; if the person, whose dependent is eligible
35 for authorization to pay an amount equal to resident fees under this provision,
36 does not establish domiciliary residence in the state upon retirement from
37 military service, eligibility of the dependent for authorization to pay an amount
38 equal to resident fees shall 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) *Subject to the provisions of subsection (d):* (1) The state board of

1 regents shall authorize the following class of persons to pay an amount equal
2 to resident fees: Any dependent or spouse of a person in military service who
3 is reassigned from Kansas to another duty station so long as such dependent or
4 spouse continues to reside in Kansas.

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

9 (d) *An alien who is not lawfully present in the United States is not a*
10 *domiciliary resident of the state, and in no event shall such individual be*
11 *entitled to pay resident fees upon enrollment at any state educational*
12 *institution.*

13 ~~(e)~~ (e) As used in this section:

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

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

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

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

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

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

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

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

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

33 Sec. 2. K.S.A. 2010 Supp. 76-729 and 76-731a are hereby repealed.

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