

HOUSE BILL No. 2228

By Committee on Veterans, Military and Homeland Security

2-4

1 AN ACT concerning military members and veterans; relating to
2 postsecondary educational institutions; tuition and fees; amending
3 K.S.A. 2014 Supp. 76-729 and repealing the existing section.
4

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

6 New Section 1. (a) (1) An active duty member of the armed forces of
7 the United States or the member's spouse or dependent child who is
8 enrolled or has been accepted for admission at a postsecondary educational
9 institution as a postsecondary student shall be deemed to be a resident of
10 the state for the purpose of tuition and fees for attendance at such
11 postsecondary educational institution.

12 (2) A person is entitled to pay tuition and fees at an institution of
13 higher education at the rates provided for Kansas residents without regard
14 to the length of time the person has resided in the state if the person files a
15 letter of intent to establish residence in the state with the postsecondary
16 educational institution at which the person intends to register, resides in
17 the state while enrolled in the postsecondary educational institution and
18 the person is eligible for benefits under the federal post-9/11 veterans
19 educational assistance act of 2008, 38 U.S.C. § 3301 et seq., or any other
20 federal law authorizing educational benefits for veterans.

21 (b) As used in this section:

22 (1) "Armed forces" means the army, navy, marine corps, air force,
23 coast guard or any branch of the military reserves of the United States;

24 (2) "Postsecondary educational institution" means the same as
25 provided in K.S.A. 74-3201b, and amendments thereto; and

26 (3) "Veteran" means a person who has been separated from the armed
27 forces and was honorably discharged or received a general discharge under
28 honorable conditions.

29 Sec. 2. K.S.A. 2014 Supp. 76-729 is hereby amended to read as
30 follows: 76-729. (a) (1) Persons enrolling at the state educational
31 institutions under the control and supervision of the state board of regents
32 who, if such persons are adults, have been domiciliary residents of the
33 state of Kansas or, if such persons are minors, whose parents have been
34 domiciliary residents of the state of Kansas for at least 12 months prior to
35 enrollment for any term or session at a state educational institution are
36 residents for fee purposes. A person who has been a resident of the state of

1 Kansas for fee purposes and who leaves the state of Kansas to become a
2 resident of another state or country shall retain status as a resident of the
3 state of Kansas for fee purposes if the person returns to domiciliary
4 residency in the state of Kansas within 60 months of departure. All other
5 persons are nonresidents of the state of Kansas for fee purposes.

6 (2) The provisions of this subsection shall be applicable to any person
7 enrolling at a state educational institution from and after July 1, 2006. Any
8 person who (A) qualifies as a resident of the state of Kansas for fee
9 purposes under the provisions of this subsection, (B) attended a state
10 educational institution during academic year 2006-2007 and (C) paid fees
11 as if such person was not a resident of the state of Kansas, may apply to
12 such state educational institution to be reimbursed in an amount equal to
13 the difference between the amount the person paid in fees and the amount
14 the person would have paid if such person had been treated as a resident of
15 the state of Kansas. Such reimbursement shall be paid by the state
16 educational institution at which such person was enrolled during academic
17 year 2006-2007.

18 (3) The provisions of this subsection shall not apply to a person who
19 is deemed a resident for fee purposes pursuant to K.S.A. 2014 Supp. 76-
20 731a, and amendments thereto.

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

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

25 (2) ~~persons who are in military service;~~

26 ~~(3) persons who are domiciliary residents of the state, who were in~~
27 ~~active military service prior to becoming domiciliary residents of the state,~~
28 ~~who were present in the state for a period of not less than two years during~~
29 ~~their tenure in active military service, whose domiciliary residence was~~
30 ~~established in the state within 30 days of discharge or retirement from~~
31 ~~active military service under honorable conditions, but whose domiciliary~~
32 ~~residence was not timely enough established to meet the residence-~~
33 ~~duration requirement of subsection (a);~~

34 (4) persons having special domestic relations circumstances;

35 (5)(3) persons who have lost their resident status within six months of
36 enrollment;

37 (6)(4) persons who are not domiciliary residents of the state, who
38 have graduated from a high school accredited by the state board of
39 education within six months of enrollment, who were domiciliary residents
40 of the state at the time of graduation from high school or within 12 months
41 prior to graduation from high school, and who are entitled to admission at
42 a state educational institution pursuant to K.S.A. 72-116, and amendments
43 thereto;

1 ~~(7)(5)~~ persons who are domiciliary residents of the state, whose
2 domiciliary residence was established in the state for the purpose of
3 accepting, upon recruitment by an employer, or retaining, upon transfer
4 required by an employer, a position of full-time employment at a place of
5 employment in Kansas, but the domiciliary residence of whom was not
6 timely enough established to meet the residence duration requirement of
7 subsection (a), and who are not otherwise eligible for authorization to pay
8 an amount equal to resident fees under this subsection;

9 ~~(8)~~ persons who have graduated from a high school accredited by the
10 state board of education within six months of enrollment and who, at the
11 time of graduation from such a high school or while enrolled and in
12 attendance at such a high school prior to graduation therefrom, were
13 dependents of a person in military service within the state; if the person,
14 whose dependent is eligible for authorization to pay an amount equal to
15 resident fees under this provision, does not establish domiciliary residence
16 in the state upon retirement from military service, eligibility of the
17 dependent for authorization to pay an amount equal to resident fees shall
18 lapse; and

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

23 ~~(c) (1)~~ The state board of regents shall authorize the following class
24 of persons to pay an amount equal to resident fees: Any dependent or
25 spouse of a person in military service who is reassigned from Kansas to
26 another duty station so long as such dependent or spouse continues to
27 reside in Kansas:

28 ~~(2)~~ So long as a person remains continuously enrolled, exclusive of
29 summer sessions, a person who qualifies to pay resident fees by virtue of
30 being a spouse or dependent of a person in military service shall not lose
31 such status because of a divorce or the death of a spouse *Pursuant to*
32 *section 1, and amendments thereto, a veteran, an active duty member of*
33 *the armed forces and the spouse and dependent child of such veteran or*
34 *active duty member of the armed forces shall be deemed a resident of the*
35 *state for fee purposes.*

36 (d) As used in this section:

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

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

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

43 (4) "Domiciliary resident" means a person who has present and fixed

1 residence in Kansas where the person intends to remain for an indefinite
2 period and to which the person intends to return following absence.

3 (5) "Full-time employment" means employment requiring at least
4 1,500 hours of work per year.

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

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

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

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

14 Sec. 3. K.S.A. 2014 Supp. 76-729 is hereby repealed.

15 Sec. 4. This act shall take effect and be in force from and after its
16 publication in the statute book.