

{As Amended by House Committee of the Whole}

As Amended by House Committee

Session of 2015

HOUSE BILL No. 2228

By Committee on Veterans, Military and Homeland Security

2-4

1 AN ACT concerning **{militia, defense and public safety;}** military
2 members and veterans; relating to postsecondary educational
3 institutions; tuition and fees **{for military families;}** amending K.S.A.
4 2014 Supp. 76-729 and repealing the existing section.
5

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

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

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

22 (b) As used in this section:

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

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

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

31 **{(c) This section shall be part of and supplemental to chapter 48
32 of the Kansas Statutes Annotated, and amendments thereto.}**

33 Sec. 2. K.S.A. 2014 Supp. 76-729 is hereby amended to read as
34 follows: 76-729. (a) (1) Persons enrolling at the state educational

1 institutions under the control and supervision of the state board of regents
2 who, if such persons are adults, have been domiciliary residents of the
3 state of Kansas or, if such persons are minors, whose parents have been
4 domiciliary residents of the state of Kansas for at least 12 months prior to
5 enrollment for any term or session at a state educational institution are
6 residents for fee purposes. A person who has been a resident of the state of
7 Kansas for fee purposes and who leaves the state of Kansas to become a
8 resident of another state or country shall retain status as a resident of the
9 state of Kansas for fee purposes if the person returns to domiciliary
10 residency in the state of Kansas within 60 months of departure. All other
11 persons are nonresidents of the state of Kansas for fee purposes.

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

24 (3) The provisions of this subsection shall not apply to a person who
25 is deemed a resident for fee purposes pursuant to K.S.A. 2014 Supp. 76-
26 731a, and amendments thereto.

27 (b) The state board of regents may authorize the following persons, or
28 any class or classes thereof, and their spouses and dependents to pay an
29 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 during~~
35 ~~their tenure in active military service, whose domiciliary residence was~~
36 ~~established in the state within 30 days of discharge or retirement from~~
37 ~~active military service under honorable conditions, but whose domiciliary~~
38 ~~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)(3) persons who have lost their resident status within six months of
42 enrollment;

43 (6)(4) persons who are not domiciliary residents of the state, who

1 have graduated from a high school accredited by the state board of
2 education 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 at
5 a state educational institution pursuant to K.S.A. 72-116, and amendments
6 thereto;

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

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~~
18 ~~attendance at such a high school prior to graduation therefrom, were~~
19 ~~dependents 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 residence~~
22 ~~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; and~~

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

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

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

42 (d) As used in this section:

43 (1) "Parents" means and includes natural parents, adoptive parents,

1 stepparents, guardians and custodians.

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

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

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

9 (5) "Full-time employment" means employment requiring at least
10 1,500 hours of work per year.

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

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

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

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

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

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