

SENATE BILL No. 401

By Senators Holland, Kultala, Abrams, Francisco, Haley, Hensley, Kelly, Marshall,
McGinn, Merrick, Morris, Olson, Owens, Petersen, A. Schmidt, Umbarger and
Vratil

2-8

1 AN ACT concerning colleges and universities, relating to tuition;
2 amending K.S.A. 2011 Supp. 76-729 and repealing the existing section.
3

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

5 Section 1. K.S.A. 2011 Supp. 76-729 is hereby amended to read as
6 follows: 76-729. (a) (1) Persons enrolling at the state educational
7 institutions under the control and supervision of the state board of regents
8 who, if such persons are adults, have been domiciliary residents of the
9 state of Kansas or, if such persons are minors, whose parents have been
10 domiciliary residents of the state of Kansas for at least 12 months prior to
11 enrollment for any term or session at a state educational institution are
12 residents for fee purposes. A person who has been a resident of the state of
13 Kansas for fee purposes and who leaves the state of Kansas to become a
14 resident of another state or country shall retain status as a resident of the
15 state of Kansas for fee purposes if the person returns to domiciliary
16 residency in the state of Kansas within 60 months of departure. All other
17 persons are nonresidents of the state of Kansas for fee purposes.

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

30 (3) The provisions of this subsection shall not apply to a person who
31 is deemed a resident for fee purposes pursuant to K.S.A. 2011 Supp. 76-
32 731a, and amendments thereto.

33 (b) The state board of regents may authorize the following persons, or
34 any class or classes thereof, and their spouses and dependents to pay an

1 amount equal to resident fees:

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

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

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

12 (4) persons having special domestic relations circumstances;

13 ~~(5)(3)~~ persons who have lost their resident status within six months of
14 enrollment;

15 ~~(6)(4)~~ persons who are not domiciliary residents of the state, who
16 have graduated from a high school accredited by the state board of
17 education within six months of enrollment, who were domiciliary residents
18 of the state at the time of graduation from high school or within 12 months
19 prior to graduation from high school, and who are entitled to admission at
20 a state educational institution pursuant to K.S.A. 72-116, and amendments
21 thereto;

22 ~~(7)(5)~~ persons who are domiciliary residents of the state, whose
23 domiciliary residence was established in the state for the purpose of
24 accepting, upon recruitment by an employer, or retaining, upon transfer
25 required by an employer, a position of full-time employment at a place of
26 employment in Kansas, but the domiciliary residence of whom was not
27 timely enough established to meet the residence duration requirement of
28 subsection (a), and who are not otherwise eligible for authorization to pay
29 an amount equal to resident fees under this subsection; *and*

30 ~~(8)(6)~~ persons who have graduated from a high school accredited by
31 the state board of education within six months of enrollment and who, at
32 the time of graduation from such a high school or while enrolled and in
33 attendance at such a high school prior to graduation therefrom, were
34 dependents of a person in military service within the state; if the person,
35 whose dependent is eligible for authorization to pay an amount equal to
36 resident fees under this provision, does not establish domiciliary residence
37 in the state upon retirement from military service, eligibility of the
38 dependent for authorization to pay an amount equal to resident fees shall
39 lapse; ~~and~~

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

1 (c) (1) The state board of regents shall authorize the following class
2 of persons to pay an amount equal to resident fees:

3 (A) *Persons who are in military service;*

4 (B) *persons who are domiciliary residents of the state at the time of*
5 *enrollment, were in active military service for a period of not less than 36*
6 *months prior to becoming domiciliary residents of the state and have been*
7 *discharged or retired from military service under honorable conditions;*
8 *and*

9 (C) any dependent or spouse of a person in military service who is
10 reassigned from Kansas to another duty station so long as such dependent
11 or spouse continues to reside in Kansas.

12 (2) So long as a ~~person~~*dependent or spouse of a person in military*
13 *service, as described in paragraph (1) of this subsection,* remains
14 continuously enrolled, exclusive of summer sessions, a person who
15 qualifies to pay resident fees by virtue of being a spouse or dependent of a
16 person in military service shall not lose such status because of a divorce or
17 the death of a spouse.

18 (d) As used in this section:

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

21 (2) "Guardian" has the meaning ~~ascribed thereto by~~*provided by*
22 K.S.A. 59-3051, and amendments thereto.

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

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

28 (5) "Full-time employment" means employment requiring at least
29 1,500 hours of work per year.

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

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

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

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

39 Sec. 2. K.S.A. 2011 Supp. 76-729 is hereby repealed.

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