

HOUSE BILL No. 2139

By Representatives Rubin, Barker, Barton, Bradford, Hedke, Hildebrand, Hutchins, K. Jones, Kiegerl, Lunn, Macheners, Osterman, Peck, Read, Suelentrop and Sutton

I-27

Proposed Amendments for HB 2139

March 16, 2015

House Committee on Education

Representative Hedke

Prepared by Tamara Lawrence

Office of Revisor of Statutes

AN ACT concerning postsecondary education; relating to residency for purposes of tuition and fees; amending K.S.A. 2014 Supp. 76-729 and repealing the existing section ~~also repealing K.S.A. 2014 Supp. 76-731a~~.

76-731a and

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

Section 1. K.S.A. 2014 Supp. 76-729 is hereby amended to read as follows: 76-729. (a) (1) Persons enrolling at the state educational institutions under the control and supervision of the state board of regents who, if such persons are adults, have been domiciliary residents of the state of Kansas or, if such persons are minors, whose parents have been domiciliary residents of the state of Kansas for at least 12 months prior to enrollment for any term or session at a state educational institution are residents for fee purposes. A person who has been a resident of the state of Kansas for fee purposes and who leaves the state of Kansas to become a resident of another state or country shall retain status as a resident of the state of Kansas for fee purposes if the person returns to domiciliary residency in the state of Kansas within 60 months of departure. All other persons are nonresidents of the state of Kansas for fee purposes.

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

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

(b) The state board of regents may authorize the following persons, or

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

1 any class or classes thereof, and their spouses and dependents to pay an
2 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
6 active military service prior to becoming domiciliary residents of the state,
7 who were present in the state for a period of not less than two years during
8 their tenure in active military service, whose domiciliary residence was
9 established in the state within 30 days of discharge or retirement from
10 active military service under honorable conditions, but whose domiciliary
11 residence was not timely enough established to meet the residence
12 duration requirement of subsection (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
18 within six months of enrollment, who were domiciliary residents of the
19 state at the time of graduation from high school or within 12 months prior
20 to graduation from high school, and who are entitled to admission at a
21 state educational institution pursuant to K.S.A. 72-116, and amendments
22 thereto;

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

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

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

1 enrollment.

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

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

11 ~~(d) an alien who is not lawfully present in the United States is not a~~
12 ~~domiciliary resident of the state, and in no event shall such individual be~~
13 ~~entitled to pay resident fees upon enrollment at any state educational~~
14 ~~institution. The provisions of subsections (a), (b) and (c) shall be subject~~
15 ~~to the provisions of this subsection.~~

16 ~~(d) (e) As used in this section:~~

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

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

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

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

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

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

37 Sec. 2. K.S.A. 2014 Supp. 76-729 and 76-731a are hereby repealed.

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

Except as provided in K.S.A. 76-731a,
and amendments thereto,

see attached insert

And by renumbering sections accordingly

Sec. 2. K.S.A. 2014 Supp. 76-731a is hereby amended to read as follows: 76-731a. (a) Any individual who is enrolled or has been accepted for admission at a postsecondary educational institution as a postsecondary student on or before September 1, 2017, shall be deemed to be a resident of Kansas for the purpose of tuition and fees for attendance at such postsecondary educational institution for each semester such individual is enrolled at a postsecondary educational institution.

(b) As used in this section:

(1) "Postsecondary educational institution" has the meaning ascribed thereto in K.S.A. 74-3201b, and amendments thereto; and

(2) "individual" means a person who (A) has attended an accredited Kansas high school for three or more years, (B) has either graduated from an accredited Kansas high school or has earned a general educational development (GED) certificate issued within Kansas, regardless of whether the person is or is not a citizen of the United States of America; and (C) in the case of a person without lawful immigration status, has filed with the postsecondary educational institution an affidavit stating that the person or the person's parents have filed an application to legalize such person's immigration status, or such person will file such an application as soon as such person is eligible to do so or, in the case of a person with a legal, nonpermanent immigration status, has filed with the postsecondary educational institution an affidavit stating that such person has filed an application to begin the process for citizenship of the United States or will file such application as soon as such person is eligible to do so.

(c) The provisions of this section shall not apply to any individual who:

(1) Has a valid student visa; or

(2) at the time of enrollment, is eligible to enroll in a public postsecondary educational institution located in another state upon payment of fees and tuition required of residents of such state.

(d) Any individual who: (1) Files an affidavit which contains false information; (2) fails to file an application to legalize such person's immigration status within one year of becoming eligible; (3) fails to begin the process for citizenship within one year of becoming eligible; or (4) fails to maintain an active application for citizenship after filing therefor shall not be deemed a resident of the state of Kansas for the purpose of tuition and fees. In addition, such individual shall be required to repay the difference between the amount of fees and tuition actually paid and the amount such person would have paid as a nonresident of the state of Kansas, plus interest at a rate not to exceed the maximum under K.S.A. 16-201, and amendments thereto, for the time such individual was enrolled as a resident pursuant to this section.

