

**SENATE BILL No. 109**

By Committee on Education

1-26

1 AN ACT concerning postsecondary education; relating to residency of  
2 students; deeming certain refugees as residents of the state for purposes  
3 of tuition and fees; amending K.S.A. 76-729 and repealing the existing  
4 section.

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

7 New Section 1. (a) Any individual who is a refugee or special  
8 immigrant visa holder who has not previously established residence in any  
9 state or territory of the United States or the District of Columbia other than  
10 Kansas and is enrolled or has been accepted for admission at a  
11 postsecondary educational institution as a postsecondary student shall be  
12 deemed to be a resident of Kansas for the purposes of tuition and fees for  
13 attendance at such postsecondary educational institution.

14 (b) As used in this section:

15 (1) "Postsecondary educational institution" means the same as  
16 defined in K.S.A. 74-3201b, and amendments thereto.

17 (2) "Refugee" means an individual who is granted refugee status for  
18 admission to the United States by the United States citizenship and  
19 immigration services.

20 (3) "Special immigrant visa holder" means an individual who is  
21 granted humanitarian parole or temporary protected status by the United  
22 States department of homeland security or other federal agency.

23 (c) This section shall not apply to any individual who:

24 (1) Has a valid student visa; or

25 (2) at the time of enrollment, has residency status for purposes of  
26 payment of fees and tuition at a public postsecondary educational  
27 institution located in another state.

28 Sec. 2. K.S.A. 76-729 is hereby amended to read as follows: 76-729.

29 (a) (1) Persons enrolling at the state educational institutions under the  
30 control and supervision of the state board of regents who, if such persons  
31 are adults, have been domiciliary residents of the state of Kansas or, if  
32 such persons are minors, whose parents have been domiciliary residents of  
33 the state of Kansas for at least 12 months prior to enrollment for any term  
34 or session at a state educational institution are residents for fee purposes. A  
35 person who has been a resident of the state of Kansas for fee purposes and  
36 who leaves the state of Kansas to become a resident of another state or

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

5 (2) The provisions of this subsection shall not apply to a person who  
6 is deemed a resident for fee purposes pursuant to K.S.A. 76-731a, and  
7 amendments thereto, *and section 1, and amendments thereto.*

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

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

12 (2) persons having special domestic relations circumstances;

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

15 (4) persons who are not domiciliary residents of the state, who have  
16 graduated from a high school accredited by the state board of education  
17 within six months of enrollment, who were domiciliary residents of the  
18 state at the time of graduation from high school or within 12 months prior  
19 to graduation from high school, and who are entitled to admission at a  
20 state educational institution pursuant to K.S.A. 76-717b, and amendments  
21 thereto; *or*

22 (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.

30 (c) Pursuant to K.S.A. 2022 Supp. 48-3601, and amendments thereto,  
31 a veteran, an active duty member of the armed forces and the spouse and  
32 dependent child of such veteran or active duty member of the armed forces  
33 shall be deemed residents of the state for fee purposes.

34 (d) As used in this section:

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

37 (2) "Guardian" ~~has the meaning ascribed thereto by means the same~~  
38 *as defined in K.S.A. 59-3051, and amendments thereto.*

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

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

1 (5) "Full-time employment" means employment requiring at least  
2 1,500 hours of work per year.

3 (6) "Dependent" means:

4 (A) A birth child, adopted child or stepchild; or

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

8 (7) "Academic year" means the ~~twelve-month~~ *12-month* period  
9 ending June 30.

10 Sec. 3. K.S.A. 76-729 is hereby repealed.

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