

As Amended by House Committee

Session of 2007

HOUSE BILL No. 2209

By Committee on Veterans, Military, and Homeland Security

1-25

10 AN ACT relating to military service; concerning tuition and fees of Kan-
11 sas educational institutions; amending K.S.A. 2006 Supp. 75-4364 and
12 repealing the existing section.

13

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

15 Section 1. K.S.A. 2006 Supp. 75-4364 is hereby amended to read as
16 follows: 75-4364. (a) As used in this section:

17 (1) "Kansas educational institution" means and includes area voca-
18 tional schools, area vocational-technical schools, community colleges, the
19 municipal university, state educational institutions, and technical colleges.

20 (2) "Public safety officer" means a law enforcement officer or a fire-
21 fighter or an emergency medical services attendant.

22 (3) "Law enforcement officer" means a person who by virtue of office
23 or public employment is vested by law with a duty to maintain public
24 order or to make arrests for violation of the laws of the state of Kansas
25 or ordinances of any municipality thereof or with a duty to maintain or
26 assert custody or supervision over persons accused or convicted of crime,
27 and includes wardens, superintendents, directors, security personnel, of-
28 ficers and employees of adult and juvenile correctional institutions, jails
29 or other institutions or facilities for the detention of persons accused or
30 convicted of crime, while acting within the scope of their authority.

31 (4) "Firefighter" means a person who is: (1) Employed by any city,
32 county, township or other political subdivision of the state and who is
33 assigned to the fire department thereof and engaged in the fighting and
34 extinguishment of fires and the protection of life and property therefrom;
35 or (2) a volunteer member of a fire district, fire department or fire
36 company.

37 (5) "Emergency medical services attendant" means a first responder,
38 emergency medical technician, emergency medical technician-interme-
39 diate, emergency medical technician-defibrillator or a mobile intensive
40 care technician certified by the emergency medical services board pur-
41 suant to the statutory provisions contained in article 61 of chapter 65 of
42 Kansas Statutes Annotated.

43 (6) "Dependent" means (A) a birth child, adopted child or stepchild

1 or (B) any child other than the foregoing who is actually dependent in
2 whole or in part on the individual and who is related to such individual
3 by marriage or consanguinity.

4 (7) “State board” means the state board of regents.

5 (8) “Military service” means any active service in any armed service
6 of the United States and any active state or federal service in the Kansas
7 army or air national guard *or reserves*.

8 (9) “Prisoner of war” means any person who was a resident of Kansas
9 at the time the person entered service of the United States armed forces
10 and who, while serving in the United States armed forces, has been de-
11 clared to be a prisoner of war, as established by the United States sec-
12 retary of defense, after January 1, 1960.

13 (10) “Resident of Kansas” means a person who is a domiciliary resi-
14 dent as defined by K.S.A. 76-729, and amendments thereto.

15 (11) “Spouse” means the spouse of a deceased public safety officer
16 or deceased member of the military service who has not remarried.

17 (b) Every Kansas educational institution shall provide for enrollment
18 without charge of tuition or fees **for up to 10 semesters of under-**
19 **graduate instruction, or the equivalent thereof, at all such insti-**
20 **tutions** for: (1) Any dependent or spouse of a public safety officer who
21 died as the result of injury sustained while performing duties as a public
22 safety officer so long as such dependent or spouse is eligible; (2) any
23 dependent or spouse of any resident of Kansas who died on or after
24 September 11, 2001, while, and as a result of, serving in military service
25 **in Iraq or Afghanistan; and** (3) any prisoner of war; *and (4) any person*
26 ~~*who*~~: **(A) Who graduated from high school in Kansas or who as a resi-**
27 **dent of Kansas has received a general educational development**
28 **(G.E.D.) credential; and (B) who has served in military service in Iraq**
29 **or Afghanistan at least 90 days after September 11, 2001 or served less**
30 **than such 90-days because of injuries received in Iraq or Afghan-**
31 **istan.** ~~Any such dependent or spouse and, any prisoner of war or person~~
32 ~~*who was in military service in Iraq or Afghanistan*~~ shall be eligible for
33 enrollment at a Kansas educational institution without charge of tuition
34 or fees for not to exceed 10 semesters of undergraduate instruction, or
35 the equivalent thereof, at all such institutions.

36 (c) ~~Subject to appropriations therefor, any~~ **Any** Kansas educational
37 institution, at which enrollment, without charge of tuition or fees, ~~of a~~
38 ~~prisoner of war or a dependent or spouse~~ is provided for under subsection
39 (b), may file a claim with the state board for reimbursement of the amount
40 of such tuition and fees, **less any amounts received from federal mil-**
41 **itary tuition assistance.** ~~The state board shall include in its budget es-~~
42 ~~timates pursuant to K.S.A. 75-3717, and amendments thereto, a request~~
43 ~~for appropriations to cover tuition and fee claims pursuant to this section.~~

1 The state board shall be responsible for payment of reimbursements to
2 Kansas educational institutions upon certification by each such institution
3 of the amount of reimbursement to which entitled. Payments to Kansas
4 educational institutions shall be made upon vouchers approved by the
5 state board and upon warrants of the director of accounts and reports.
6 Payments may be made by issuance of a single warrant to each Kansas
7 educational institution at which one or more eligible ~~dependents or~~
8 ~~spouses or prisoners of war~~ **persons** are enrolled for the total amount of
9 tuition and fees not charged for enrollment at that institution. The direc-
10 tor of accounts and reports shall cause such warrant to be delivered to
11 the Kansas educational institution at which any such ~~eligible dependents~~
12 ~~or spouses or prisoners of war~~ **persons** are enrolled. If an eligible ~~de-~~
13 ~~pendent or spouse or prisoner of war~~ **person** discontinues attendance
14 before the end of any semester, after the Kansas educational institution
15 has received payment under this subsection, the institution shall pay to
16 the state the entire amount which such eligible ~~dependent or spouse or~~
17 ~~prisoner of war~~ **person** would otherwise qualify to have refunded, not to
18 exceed the amount of the payment made by the state in behalf of such
19 ~~dependent or spouse or prisoner of war~~ **person** for the semester. All
20 amounts paid to the state by Kansas educational institutions under this
21 subsection shall be deposited in the state treasury and credited to the
22 state general fund. **There is hereby created in the state treasury the**
23 **tuition waiver fund to be administered by the state board. Upon**
24 **certification to the director of accounts and reports by the chief**
25 **executive officer of the state board, or such officer's designee, of**
26 **amounts needed to pay claims pursuant to this section, the director**
27 **of accounts and reports shall transfer the amount certified from**
28 **the state general fund to the tuition waiver fund.**

29 (d) The state board shall adopt rules and regulations for administra-
30 tion of the provisions of this section and shall determine the qualification
31 of persons ~~as dependents and spouses of public safety officers or United~~
32 ~~States military personnel~~ and the eligibility of such persons for the ben-
33 efits provided for under this section.

34 Sec. 2. K.S.A. 2006 Supp. 75-4364 is hereby repealed.

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