

CHAPTER 120
HOUSE BILL No. 2072

AN ACT relating to United States military personnel; concerning tuition and fee waivers; amending K.S.A. 73-1217 and K.S.A. 2004 Supp. 75-3721, 75-4364 and 76-729 and repealing the existing sections.

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

Section 1. K.S.A. 2004 Supp. 75-4364 is hereby amended to read as follows: 75-4364. (a) As used in this section:

(1) “Kansas educational institution” means and includes area vocational schools, area vocational-technical schools, community colleges, the municipal university, state educational institutions, and technical colleges.

(2) “Public safety officer” means a law enforcement officer or a firefighter or an emergency medical services attendant.

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

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

(5) “Emergency medical services attendant” means a first responder, emergency medical technician, emergency medical technician-intermediate, emergency medical technician-defibrillator or a mobile intensive care technician certified by the emergency medical services board pursuant to the statutory provisions contained in article 61 of chapter 65 of Kansas Statutes Annotated.

(6) “Dependent” means (A) a birth child, adopted child or stepchild ~~of a public safety officer~~ or (B) any child other than the foregoing who is actually dependent in whole or in part on ~~a public safety officer~~ *the individual* and who is related to ~~the public safety officer~~ *such individual* by marriage or consanguinity.

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

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

(9) “Prisoner of war” means *any person who was a resident of Kansas at the time the person entered service of the United States armed forces and who, while serving in the United States armed forces, has been declared to be a prisoner of war, as established by the United States secretary of defense, after January 1, 1960.*

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

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

(b) Every Kansas educational institution shall provide for enrollment without charge of tuition or fees for: (1) Any dependent ~~or spouse~~ of a public safety officer who died as the result of injury sustained while performing duties as a public safety officer so long as such dependent ~~or spouse~~ is eligible; (2) *any dependent or spouse of any resident of Kansas who died on or after September 11, 2001, while, and as a result of, serving in military service; and* (3) *any prisoner of war.* Any such dependent ~~or spouse and any prisoner of war~~ shall be eligible for enrollment at a Kansas educational institution without charge of tuition or fees for not to exceed ~~eight~~ *10* semesters of undergraduate instruction, or the equivalent thereof, at all such institutions; ~~in the aggregate, for any such dependent.~~

(c) Subject to appropriations therefor, any Kansas educational institution, at which enrollment, without charge of tuition or fees, of ~~the a prisoner of war or a dependent of a deceased public safety officer or spouse~~ is provided for under subsection (b), may file a claim with the state

board for reimbursement of the amount of such tuition and fees. *The state board shall include in its budget estimates pursuant to K.S.A. 75-3717, and amendments thereto, a request for appropriations to cover tuition and fee claims pursuant to this section.* The state board shall be responsible for payment of reimbursements to Kansas educational institutions upon certification by each such institution of the amount of reimbursement to which entitled. Payments to Kansas educational institutions shall be made upon vouchers approved by the state board and upon warrants of the director of accounts and reports. Payments may be made by issuance of a single warrant to each Kansas educational institution at which one or more eligible dependents *or spouses or prisoners of war* are enrolled for the total amount of tuition and fees not charged eligible dependents for enrollment at that institution. The director of accounts and reports shall cause such warrant to be delivered to the Kansas educational institution at which *any* such eligible dependent ~~or dependents~~ *or spouses or prisoners of war* are enrolled. If an eligible dependent *or spouse or prisoner of war* discontinues attendance before the end of any semester, after the Kansas educational institution has received payment under this subsection, the institution shall pay to the state the entire amount which such eligible dependent *or spouse or prisoner of war* would otherwise qualify to have refunded, not to exceed the amount of the payment made by the state in behalf of such dependent *or spouse or prisoner of war* for the semester. All amounts paid to the state by Kansas educational institutions under this subsection shall be deposited in the state treasury and credited to the state general fund.

(d) The state board shall adopt rules and regulations for administration of the provisions of this section and shall determine the qualification of persons as dependents *and spouses* of public safety officers *or United States military personnel* and the eligibility of such persons for the benefits provided for under this section.

Sec. 2. K.S.A. 2004 Supp. 75-3721 is hereby amended to read as follows: 75-3721. (a) On or before the eighth calendar day of each regular legislative session, the governor shall submit the budget report to the legislature, except that in the case of the regular legislative session immediately following the election of a governor who was elected to the office of governor for the first time, that governor shall submit the budget report to the legislature on or before the 21st calendar day of that regular legislative session.

(b) The budget report of the governor shall be set up in three parts, the nature and contents of which shall include the following:

(1) Part one shall consist of a budget message by such governor, including the governor's recommendations with reference to the fiscal policy of the state government for the current fiscal year and the ensuing fiscal year, describing the important features of the budget plan for each of the fiscal years included, embracing a general budget summary setting forth the aggregate figures of the budget so as to show the balanced relation between the total proposed expenditures and the total anticipated income for the current fiscal year and the ensuing fiscal year, with the basis and factors upon which the estimates were made, and the means of financing the budget plan for the each of the fiscal years included, compared with the corresponding figures for at least the last completed fiscal year, and the director of the budget shall prepare the figures for the governor for such comparisons.

(A) The budget plan shall not include (i) any proposed expenditures of anticipated income attributable to proposed legislation that would provide additional revenues from either current or new sources of revenue, or (ii) any proposed expenditures of moneys in the ending balance in the state general fund required by K.S.A. 75-6702, and amendments thereto.

(B) The general budget summary may be supported by explanatory schedules or statements, classifying the expenditures contained therein by state agencies, objects, and funds, and the income by state agencies, funds, sources and types. The general budget summary shall include all special or fee funds as well as the state general fund, and shall include the estimated amounts of federal aids, for whatever purpose provided, together with estimated expenditures therefrom.

(2) Part two shall embrace the detailed budget estimates for each of the fiscal years included, both of expenditures and revenues, showing the requests of the state agencies, if any, and the ~~incoming~~ governor's recommendations thereon, *which shall include amounts for payments by the*

state board of regents pursuant to K.S.A. 75-4364 and amendments thereto. It shall also include statements of the bonded indebtedness of the state, showing the actual amount of the debt service for at least the last completed fiscal year, and the estimated amount for the current fiscal year and for each of the ensuing fiscal years included, the debt authorized and unissued, and the condition of the sinking funds.

(3) Part three shall consist of a draft of a legislative measure or measures reflecting the ~~incoming~~ governor's budget for all of the fiscal years included in the budget report.

(c) The division of the budget shall compile a children's budget document consisting of the information contained in agency budget estimates regarding programs that provide services for children and their families. Such document shall be provided to the Kansas children's cabinet established by K.S.A. 38-1901, and amendments thereto, and other persons or entities on request.

(d) The division of the budget, upon request, shall furnish the governor or the legislature with any further information required concerning the budget.

(e) Nothing in this section shall be construed to restrict or limit the privilege of the governor to present supplemental budget messages or amendments to previous budget messages, which may include proposals for expenditure of new or increased sources of revenue derived from proposed legislation.

(f) The budget estimate for the judicial branch of state government as submitted to the director of the budget pursuant to K.S.A. 20-158, and amendments thereto, shall be included in the governor's budget report.

(g) The division of the budget shall compile a Kansas homeland security budget document consisting of the information contained in agency budget estimates under subsection (a)(3) of K.S.A. 75-3717, and amendments thereto. Such document shall be provided to the house of representatives committee on appropriations, the senate committee on ways and means and such other committees upon request.

Sec. 3. K.S.A. 73-1217 is hereby amended to read as follows: 73-1217. The board of trustees of every community ~~junior~~ college, the board of regents of Washburn university of Topeka, the board of control of every area vocational school and the governing body of every other institution of post-high school education which is supported by any state moneys shall provide for enrollment without charge of tuition or fees for any dependent of a prisoner of war or a person missing in action, so long as such dependent is eligible, but not to exceed ~~twelve (12)~~ 12 semesters of instruction or the equivalent thereof at all such institutions for any person *if the person started such instruction prior to July 1, 2005, or 10 semesters if the person started such instruction on or after July 1, 2005.* Once a person qualifies as a dependent under the terms and provisions of this act, no occurrence, such as the return of the dependent's father or his reported death, shall disqualify the dependent from the provisions or benefits of this act. The state board of regents, the board of trustees of any community ~~junior~~ college, or the governing body of any other institution which grants tuition for fees without charge to a dependent under this act may file a claim with the Kansas veterans' commission for reimbursement of the amount of such tuition or fees. The Kansas veterans' commission shall administer this act and qualifications of persons as dependents shall be determined by such commission. Such commission may adopt rules and regulations making more specific the definitions herein contained and for the administration of this act.

Sec. 4. K.S.A. 2004 Supp. 76-729 is hereby amended to read as follows: 76-729. (a) 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 12 months of departure. All other persons are nonresidents of the state of Kansas for fee purposes.

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

or any class or classes thereof, and their spouses and dependents to pay an amount equal to resident fees:

- (1) Persons who are employees of a state educational institution;
- (2) persons who are in military service;
- (3) persons who are domiciliary residents of the state, who were in active military service prior to becoming domiciliary residents of the state, who were present in the state for a period of not less than two years during their tenure in active military service, whose domiciliary residence was established in the state within 30 days of discharge or retirement from active military service under honorable conditions, but whose domiciliary residence was not timely enough established to meet the residence duration requirement of subsection (a);
- (4) persons having special domestic relations circumstances;
- (5) persons who have lost their resident status within six months of enrollment;
- (6) persons who are not domiciliary residents of the state, who have graduated from a high school accredited by the state board of education within six months of enrollment, who were domiciliary residents of the state at the time of graduation from high school or within 12 months prior to graduation from high school, and who are entitled to admission at a state educational institution pursuant to K.S.A. 72-116, and amendments thereto;
- (7) persons who are domiciliary residents of the state, whose domiciliary residence was established in the state for the purpose of accepting, upon recruitment by an employer, or retaining, upon transfer required by an employer, a position of full-time employment at a place of employment in Kansas, but the domiciliary residence of whom was not timely enough established to meet the residence duration requirement of subsection (a), and who are not otherwise eligible for authorization to pay an amount equal to resident fees under this subsection; and
- (8) persons who have graduated from a high school accredited by the state board of education within six months of enrollment and who, at the time of graduation from such a high school or while enrolled and in attendance at such a high school prior to graduation therefrom, were dependents of a person in military service within the state; if the person, whose dependent is eligible for authorization to pay an amount equal to resident fees under this provision, does not establish domiciliary residence in the state upon retirement from military service, eligibility of the dependent for authorization to pay an amount equal to resident fees shall lapse.

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

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

(d) As used in this section:

- (1) "Parents" means and includes natural parents, adoptive parents, stepparents, guardians and custodians.
- (2) "Guardian" has the meaning ascribed thereto by K.S.A. 59-3051, and amendments thereto.
- (3) "Custodian" means a person, agency or association granted legal custody of a minor under the Kansas code for care of children.
- (4) "Domiciliary resident" means a person who has present and fixed residence in Kansas where the person intends to remain for an indefinite period and to which the person intends to return following absence.
- (5) "Full-time employment" means employment requiring at least 1,500 hours of work per year.
- (6) "Dependent" means: (A) *A birth child, adopted child or stepchild;*
or
(B) *any child other than the foregoing who is actually dependent in whole or in part on the person in military service and who is related to such individual by marriage or consanguinity.*
- (7) "Military service" means *any active service in any armed service of the United States and any active state or federal service in the Kansas army or air national guard.*

Sec. 5. K.S.A. 73-1217 and K.S.A. 2004 Supp. 75-3721, 75-4364 and 76-729 are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 12, 2005.
