

**HOUSE BILL No. 2123**

By Committee on Veterans and Military

2-1

1 AN ACT concerning postsecondary education; relating to the Kansas  
2 national guard educational assistance act; participant qualifications;  
3 amending K.S.A. 74-32,149 and repealing the existing section.  
4

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

6 Section 1. K.S.A. 74-32,149 is hereby amended to read as follows:  
7 74-32,149. (a) (1) In order to qualify for participation in the Kansas  
8 national guard educational assistance program, an eligible guard member  
9 must agree, in writing, to complete such member's current service  
10 obligation in the Kansas national guard, ~~have at least one year remaining~~  
11 ~~on such member's enlistment contract at the beginning of any semester for~~  
12 ~~which the member receives assistance under the program and must agree~~  
13 ~~to serve actively in good standing with the Kansas national guard for not~~  
14 ~~less than 24 months upon completion of the last semester for which the~~  
15 ~~member receives assistance under the program.~~

16 (2) Prior to becoming eligible for participation in the program, each  
17 eligible guard member shall submit the free application for federal student  
18 aid, and apply for any other federal tuition assistance that such member  
19 also may be eligible to receive.

20 (b) In order to remain eligible for participation in the program, an  
21 eligible guard member must remain in good standing at the Kansas  
22 educational institution where enrolled, make satisfactory progress toward  
23 completion of the requirements of the educational program in which  
24 enrolled, maintain a grade point average of not less than 2.0 and maintain  
25 satisfactory participation in the Kansas national guard. It shall be the  
26 responsibility of the eligible guard member to obtain a certificate from the  
27 member's commanding officer attesting to the member's satisfactory  
28 participation in the Kansas national guard and to present the certificate to  
29 the educational institution, in order to obtain a payment under this act. The  
30 certificate shall be presented at the time payment is requested for  
31 completed courses. Upon completion of each semester, each eligible guard  
32 member receiving assistance under the program shall submit a transcript of  
33 the credit hours earned, including the grades for credit hours, to such  
34 member's unit of assignment.

35 (c) Upon failure of any person, who as an eligible guard member  
36 received payments under the Kansas national guard educational assistance

1 act, to satisfy the agreement to continue service in the Kansas national  
2 guard as provided by subsection (a), such person shall pay to the state of  
3 Kansas an amount to be determined as follows:

4 (1) Determine the total amount of assistance paid to such member  
5 under the program;

6 (2) divide the amount determined under subsection (c)(1) by 24; and

7 (3) multiply the amount determined under subsection (c)(2) by the  
8 number of months such member did not serve as required by subsection  
9 (a). The resulting product is the total amount of recoupment from such  
10 member.

11 All amounts paid to the state under this subsection shall be deposited in  
12 the state treasury and credited to the Kansas national guard educational  
13 assistance program repayment fund created by K.S.A. 74-32,150, and  
14 amendments thereto.

15 (d) Any eligible guard member that received payments under the  
16 program but has failed to satisfy the agreement to continue service in the  
17 Kansas national guard as provided by subsection (a) by reason of  
18 extenuating circumstances or extreme hardship may request a waiver from  
19 recoupment. Such request shall be in writing and submitted through such  
20 member's chain of command to the Kansas national guard education  
21 services office. The chief of staff of the Kansas army national guard or the  
22 director of staff for the Kansas air national guard shall review all requests  
23 for a waiver from recoupment and the decision to issue such waiver shall  
24 be made by either officer as such officer deems appropriate.

25 Sec. 2. K.S.A. 74-32,149 is hereby repealed.

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