

Substitute for HOUSE BILL No. 2094

By Committee on Appropriations

2-25

1 AN ACT concerning public safety officers, military personnel and
2 prisoners of war; expanding educational benefits for spouses and
3 dependents of such officers and personnel who are injured while
4 performing service-related duties; amending K.S.A. 75-4364 and
5 repealing the existing section.

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

8 Section 1. K.S.A. 75-4364 is hereby amended to read as follows: 75-
9 4364. (a) As used in this section:

10 (1) "Dependent" means: (A) A birth child, adopted child or stepchild;
11 or (B) any child other than the foregoing who is actually dependent in
12 whole or in part on the individual and who is related to such individual by
13 marriage or consanguinity.

14 (2) "Emergency medical service provider" means the same as defined
15 in K.S.A. 65-6112, and amendments thereto.

16 (3) "Firefighter" means a person who is: (A) Employed by any city,
17 county, township or other political subdivision of the state and who is
18 assigned to the fire department thereof and engaged in the fighting and
19 extinguishment of fires and the protection of life and property therefrom;
20 or (B) a volunteer member of a fire district, fire department or fire
21 company.

22 (4) "Kansas educational institution" means and includes community
23 colleges, the municipal university, state educational institutions, the
24 institute of technology at Washburn university and technical colleges.

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

34 (6) "Military service" means any active service in any armed service
35 of the United States and any active state or federal service in the Kansas
36 army or air national guard.

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

6 (8) "Public safety officer" means a law enforcement officer~~or~~, a
7 firefighter~~or~~, an emergency medical service provider *or a public safety*
8 *employee.*

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

11 (10) "Spouse" means the spouse of a deceased public safety officer or
12 deceased member of the military service who has not remarried.

13 (11) "State board" means the state board of regents.

14 (12) *"Public safety employee" means any employee of a law*
15 *enforcement office, sheriff's department, municipal fire department,*
16 *volunteer and non-volunteer fire protection association, emergency*
17 *medical services provider or correctional institution of the department of*
18 *corrections.*

19 (b) (1) Every Kansas educational institution shall provide for
20 enrollment without charge of tuition or fees for:

21 ~~(A)~~(A) Any *eligible* dependent or spouse of a public safety officer
22 who:

23 (i) *Was injured or disabled while performing duties as a public safety*
24 *officer; or*

25 (ii) *died as the result of injury sustained while performing duties as a*
26 *public safety officer so long as such dependent or spouse is eligible;*

27 ~~(B)~~(B) any dependent or spouse of any resident of Kansas who:

28 (i) *Died or was injured or disabled on or after September 11, 2001,*
29 *while, and as a result of, serving in military service; or*

30 (ii) *is entitled to compensation for a service-connected disability of at*
31 *least 80% because of a public statute administered by the department of*
32 *veterans affairs or a military department as a result of injuries or*
33 *accidents sustained in combat after September 11, 2001; and*

34 ~~(C)~~(C) any prisoner of war.

35 (2) Any such dependent or spouse and any prisoner of war shall be
36 eligible for enrollment at a Kansas educational institution without charge
37 of tuition or fees for not to exceed 10 semesters of undergraduate
38 instruction, or the equivalent thereof, at all such institutions.

39 (c) Subject to appropriations therefor, any Kansas educational
40 institution, at which enrollment, without charge of tuition or fees, of a
41 prisoner of war or a dependent or spouse is provided for under subsection
42 (b), may file a claim with the state board for reimbursement of the amount
43 of such tuition and fees. *In any fiscal year, such reimbursement shall not*

1 *exceed a total of \$350,000.* The state board shall include in its budget
2 estimates pursuant to K.S.A. 75-3717, and amendments thereto, a request
3 for appropriations to cover tuition and fee claims pursuant to this section.
4 The state board shall be responsible for payment of reimbursements to
5 Kansas educational institutions upon certification by each such institution
6 of the amount of reimbursement to which entitled. Payments to Kansas
7 educational institutions shall be made upon vouchers approved by the state
8 board and upon warrants of the director of accounts and reports. Payments
9 may be made by issuance of a single warrant to each Kansas educational
10 institution at which one or more eligible dependents or spouses or
11 prisoners of war are enrolled for the total amount of tuition and fees not
12 charged for enrollment at that institution. The director of accounts and
13 reports shall cause such warrant to be delivered to the Kansas educational
14 institution at which any such eligible dependents or spouses or prisoners of
15 war are enrolled. If an eligible dependent or spouse or prisoner of war
16 discontinues attendance before the end of any semester, after the Kansas
17 educational institution has received payment under this subsection, the
18 institution shall pay to the state the entire amount that such eligible
19 dependent or spouse or prisoner of war would otherwise qualify to have
20 refunded, not to exceed the amount of the payment made by the state in
21 behalf of such dependent or spouse or prisoner of war for the semester. All
22 amounts paid to the state by Kansas educational institutions under this
23 subsection shall be deposited in the state treasury and credited to the state
24 general fund.

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

30 Sec. 2. K.S.A. 75-4364 is hereby repealed.

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