

SESSION OF 2022

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2716**

As Recommended by House Committee on  
Appropriations

**Brief\***

HB 2716 would add definitions and increase the amount of reimbursement to Kansas educational institutions from \$350,000 to \$500,000 in any fiscal year for educational benefits.

Current law allows eligible students to enroll in a Kansas educational institution without charge of tuition and fees. Eligible students would include spouses and dependents of deceased, injured, or disabled public safety officers and employees and certain deceased, injured, or disabled military personnel and prisoners of war.

**Definitions**

The bill would add the following terms:

- Accident—Defined as an undesigned, sudden and unexpected traumatic event, usually of an afflictive or unfortunate nature and often, but not necessarily, accompanied by a manifestation of force. An accident would be identifiable by the time and place of occurrence, produce at the time symptoms of an injury, and occur during a single work shift. The accident would be the prevailing factor in causing the injury.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- Covered person—Defined as a public safety officer or Kansas resident in military service to whom this section applies.
- Fees—Defined as those charges required by an institution to be paid by every student as a condition of enrollment. Fees would not include all other charges associated with the student's academic program or living costs.
- Injured or disabled—Defined as meaning the covered person, because of the injury or disability, has been incapable of performing the following duties:
  - The position being performed at the time the injury or disability was sustained; and
  - Any position that is at or above the pay level of the position the covered person was in at the time the injury or disability was sustained, if the covered person is a paid employee.
- Injury and Disability—Defined as any lesion or change in the physical structure of the body causing damage or harm thereto that is not transitory or minor. Injury and disability would occur only by accident, intentional act of violence, or repetitive trauma.
- Intentional act of violence—Defined as one or a combination of the following:
  - A deliberate act by a third party that results in inflicting harm on a covered person while such person is performing those duties; or
  - A deliberate act by a covered person in the reasonable performance of duties as a covered person that results in the infliction of harm on the covered person.

An intentional act of violence would be identifiable by the time and place of occurrence, produce at the time symptoms of an injury, and occur during a single work shift. The intentional act of violence would be the prevailing factor in causing the injury.

An intentional act of violence would not include repetitive trauma in any form.

- Nature of the employment—Defined to mean that to the occupation, trade, or employment in which the covered person was engaged, there is attached a particular and peculiar hazard of the injury or disability that distinguishes the performance of job duties from other occupations and employments and that creates a hazard of such injury or disability in excess of the hazard of the injury or disability in general.
- Repetitive trauma—Defined as the cause of an injury that occurs as a result of repetitive use, cumulative traumas or microtraumas. The repetitive nature of the injury would be demonstrated by diagnostic or clinical tests. The repetitive trauma would be the prevailing factor in causing the injury.

Repetitive trauma would include only an injury arising out of the performing of duties and resulting from the nature of the employment in which a covered person was engaged and that was actually contracted while so engaged. The injury would appear to have had its origin in a special risk of injury connected with the particular type of employment and to have resulted from the source as reasonable consequence of the risk. Ordinary injuries of life and conditions to which the general public is or could be exposed outside of the particular employment, and hazards of injuries and conditions attending employment in general, would not qualify as repetitive trauma.

## **Background**

The bill was introduced by the House Committee on Appropriations at the request of Representative Waymaster.

## **House Committee on Appropriations**

In the House Committee hearing on March 7, 2022, **proponent** testimony was provided by representatives of the Board of Regents, Fraternal Order of Police, and United WE and a representative of the Kansas Association of Chiefs of Police, Kansas Sheriffs Association, and Kansas Peace Officers Association. Proponents generally spoke to the additional definitions adding clarification, which would help the program be administered. Proponents also noted additional funding would allow more participation in the program.

There was no neutral or opponent testimony provided.

## **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill, an additional State General Fund appropriation of \$150,000 would be needed to cover the maximum amount of tuition waivers authorized by HB 2716.

Scholarship; higher education; tuition and fees