

HOUSE BILL No. 2646

By Committee on Education

Requested by Fred Patton on behalf of the State Board of Regents

1-31

1 AN ACT concerning postsecondary education; relating to the Kansas
2 hero's scholarship act; modifying the financial limitations on the award
3 of scholarships under the act; expanding the eligibility requirements for
4 a scholarship; amending K.S.A. 2023 Supp. 75-4364 and repealing the
5 existing section.
6

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

8 Section 1. K.S.A. 2023 Supp. 75-4364 is hereby amended to read as
9 follows: 75-4364. (a) This section shall be known and may be cited as the
10 Kansas hero's scholarship act.

11 (b) As used in this section:

12 (1) "Accident" means an undesigned, sudden and unexpected
13 traumatic event, usually of an afflictive or unfortunate nature and often,
14 but not necessarily, accompanied by a manifestation of force. An
15 "accident" shall be identifiable by the time and place of occurrence,
16 produce at the time symptoms of an injury and occur during a single work
17 shift. The "accident" shall be the prevailing factor in causing the injury.

18 (2) "Covered person" means a public safety officer or Kansas resident
19 in military service to whom this section applies.

20 (3) "Dependent" means: (A) A birth child, adopted child or stepchild;
21 or (B) any child other than the foregoing who is actually dependent in
22 whole or in part on the individual and who is related to such individual by
23 marriage or consanguinity.

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

26 (5) "Fees" ~~mean~~ *means* those charges required by an institution to be
27 paid by every student as a condition of enrollment. "Fees" ~~do~~ *does* not
28 include all other charges associated with the student's academic program
29 or living costs.

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

1 (7) "Injured or disabled" means that the covered person, because of
2 the injury or disability, has been rendered incapable of performing the
3 duties of the following:

4 (A) The position being performed at the time the injury or disability
5 was sustained; and

6 (B) any position that is at or above the pay level of the position the
7 covered person was in at the time the injury or disability was sustained, if
8 the covered person is a paid employee.

9 (8) "Injury" and "disability" mean any lesion or change in the
10 physical structure of the body causing damage or harm thereto that is not
11 transitory or minor. "Injury" and "disability" shall occur only by accident,
12 intentional act of violence or repetitive trauma.

13 (9) (A) "Intentional act of violence" means one or a combination of
14 the following:

15 (i) A deliberate act by a third party that results in inflicting harm on a
16 covered person while such person is performing those duties; or

17 (ii) a deliberate act by a covered person in the reasonable
18 performance of duties as a covered person that results in the infliction of
19 harm on the covered person.

20 (B) An "intentional act of violence" shall be identifiable by the time
21 and place of occurrence, produce at the time symptoms of an injury and
22 occur during a single work shift. The "intentional act of violence" shall be
23 the prevailing factor in causing the injury.

24 (C) "Intentional act of violence" does not include repetitive trauma in
25 any form.

26 (10) "Kansas *postsecondary* educational institution" means and
27 includes community colleges, the municipal university, state educational
28 institutions, the institute of technology at Washburn university and
29 technical colleges.

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

40 (12) "Military service" means any active service in any armed service
41 of the United States and any active state or federal service in the Kansas
42 army or air national guard.

43 (13) "Nature of the employment" means that, to the occupation, trade

1 or employment in which the covered person was engaged, there is attached
2 a particular and peculiar hazard of the injury or disability that distinguishes
3 the performance of job duties from other occupations and employments
4 and that creates a hazard of such injury or disability in excess of the hazard
5 of the injury or disability in general.

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

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

16 (16) "Public safety officer" means a law enforcement officer, a
17 firefighter, an emergency medical service provider or a public safety
18 employee.

19 (17) (A) "Repetitive trauma" means the cause of an injury that occurs
20 as a result of repetitive use, cumulative traumas or microtraumas. The
21 repetitive nature of the injury shall be demonstrated by diagnostic or
22 clinical tests. The "repetitive trauma" shall be the prevailing factor in
23 causing the injury.

24 (B) For purposes of the educational benefit conferred by this section,
25 "repetitive trauma" includes only an injury arising out of the performing of
26 duties and resulting from the nature of the employment in which a covered
27 person was engaged and that was actually contracted while so engaged.
28 The injury shall appear to have had its origin in a special risk of the injury
29 connected with the particular type of employment and to have resulted
30 from that source as a reasonable consequence of the risk. Ordinary injuries
31 of life and conditions to which the general public is or could be exposed
32 outside of the particular employment, and hazards of injuries and
33 conditions attending employment in general, shall not qualify as
34 "repetitive trauma."

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

37 (19) "Spouse" means the spouse of a public safety officer or member
38 of the military service who has not remarried.

39 (20) "State board" means the state board of regents.

40 (c) (1) *Up to the aggregate limit for such financial assistance*
41 *established for each academic year by the state board of regents based on*
42 *the annual appropriated amounts for the reimbursements paid pursuant to*
43 *subsection (d), every Kansas postsecondary educational institution shall*

1 provide for enrollment without charge of tuition or fees for:

2 (A) Any eligible dependent or spouse of a public safety officer who:

3 (i) Was injured or disabled while performing duties as a public safety
4 officer; or

5 (ii) died as the result of injury sustained while performing duties as a
6 public safety officer;

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

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

10 (ii) *sustained an injury or disability that rendered the servicemember*
11 *incapable of continuing such servicemember's military service; or*

12 ~~(ii)(iii) is entitled to compensation from the United States department~~
13 ~~of veterans affairs for a service-connected disability of at least 80%~~
14 ~~because of a public statute administered by the department of veterans~~
15 ~~affairs or a military department as a result of injuries or accidents sustained~~
16 ~~in combat after September 11, 2001; and~~

17 (C) any prisoner of war.

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

22 (d) Subject to appropriations therefor, any Kansas *postsecondary*
23 educational institution, at which enrollment, without charge of tuition or
24 fees, of a prisoner of war or a dependent or spouse is provided for under
25 subsection ~~(b)~~ (c), may file a claim with the state board for reimbursement
26 of the amount of such tuition and fees. ~~In any fiscal year, such~~
27 ~~reimbursement shall not exceed a total of \$500,000.~~ The state board shall
28 include in its budget estimates pursuant to K.S.A. 75-3717, and
29 amendments thereto, a request for appropriations to cover tuition and fee
30 claims pursuant to this section. The state board shall be responsible for
31 payment of reimbursements to Kansas *postsecondary* educational
32 institutions upon certification by each such institution of the amount of
33 reimbursement to which *such institution* is entitled. Payments to Kansas
34 *postsecondary* educational institutions shall be made upon vouchers
35 approved by the state board, *or the state board's designee*, and upon
36 warrants of the director of accounts and reports. Payments may be made
37 by issuance of a single warrant to each Kansas *postsecondary* educational
38 institution at which one or more eligible dependents or spouses or
39 prisoners of war are enrolled for the total amount of tuition and fees not
40 charged for enrollment at that institution. The director of accounts and
41 reports shall cause such warrant to be delivered to the Kansas
42 *postsecondary* educational institution at which any such eligible
43 dependents or spouses or prisoners of war are enrolled. If an eligible

1 dependent or spouse or prisoner of war discontinues attendance before the
2 end of any semester, after the Kansas *postsecondary* educational institution
3 has received payment under this subsection, ~~the~~ *such* institution shall pay
4 to the state the entire amount that such eligible dependent or spouse or
5 prisoner of war would otherwise qualify to have refunded, not to exceed
6 the amount of the payment made by the state in behalf of such dependent
7 or spouse or prisoner of war for the semester. All amounts paid to the state
8 by Kansas *postsecondary* educational institutions under this subsection
9 shall be deposited in the state treasury and credited to the state general
10 fund.

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

16 Sec. 2. K.S.A. 2023 Supp. 75-4364 is hereby repealed.

17 Sec. 3. This act shall take effect and be in force from and after its
18 publication in the Kansas register.