

HOUSE BILL No. 2716

By Committee on Appropriations

2-21

1 AN ACT concerning educational benefits for spouses and dependents of
2 deceased, injured or disabled public safety officers and employees and
3 certain deceased, injured or disabled military personnel and prisoners
4 of war; definitions; increasing the limitation on reimbursements to
5 Kansas educational institutions; amending K.S.A. 2021 Supp. 75-4364
6 and repealing the existing section.

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

9 Section 1. K.S.A. 2021 Supp. 75-4364 is hereby amended to read as
10 follows: 75-4364. (a) As used in this section:

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

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

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

23 ~~(2)~~(4) *"Emergency medical service provider" means the same as*
24 *defined in K.S.A. 65-6112, and amendments thereto.*

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

29 ~~(3)~~(6) *"Firefighter" means a person who is: (A) Employed by any*
30 *city, county, township or other political subdivision of the state and who is*
31 *assigned to the fire department thereof and engaged in the fighting and*
32 *extinguishment of fires and the protection of life and property therefrom;*
33 *or (B) a volunteer member of a fire district, fire department or fire*
34 *company.*

35 (7) *"Injured or disabled" means that the covered person, because of*
36 *the injury or disability, has been rendered incapable of performing the*

1 *duties of the following:*

2 (A) *The position being performed at the time the injury or disability*
3 *was sustained; and*

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

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

11 (9) (A) *"Intentional act of violence" means one or a combination of*
12 *the following:*

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

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

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

22 (C) *"Intentional act of violence" does not include repetitive trauma in*
23 *any form.*

24 ~~(4)~~(10) *"Kansas educational institution" means and includes*
25 *community colleges, the municipal university, state educational*
26 *institutions, the institute of technology at Washburn university and*
27 *technical colleges.*

28 ~~(5)~~(11) *"Law enforcement officer" means a person who by virtue of*
29 *office or public employment is vested by law with a duty to maintain*
30 *public order or to make arrests for violation of the laws of the state of*
31 *Kansas or ordinances of any municipality thereof or with a duty to*
32 *maintain or assert custody or supervision over persons accused or*
33 *convicted of crime, and includes wardens, superintendents, directors,*
34 *security personnel, officers and employees of adult and juvenile*
35 *correctional institutions, jails or other institutions or facilities for the*
36 *detention of persons accused or convicted of crime, while acting within the*
37 *scope of their authority.*

38 ~~(6)~~(12) *"Military service" means any active service in any armed*
39 *service of the United States and any active state or federal service in the*
40 *Kansas army or air national guard.*

41 (13) *"Nature of the employment" means that, to the occupation, trade*
42 *or employment in which the covered person was engaged, there is*
43 *attached a particular and peculiar hazard of the injury or disability that*

1 *distinguishes the performance of job duties from other occupations and*
2 *employments and that creates a hazard of such injury or disability in*
3 *excess of the hazard of the injury or disability in general.*

4 ~~(7)~~(14) "Prisoner of war" means any person who was a resident of
5 Kansas at the time the person entered service of the United States armed
6 forces and who, while serving in the United States armed forces, has been
7 declared to be a prisoner of war, as established by the United States
8 secretary of defense, after January 1, 1960.

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

14 ~~(8)~~(16) "Public safety officer" means a law enforcement officer, a
15 firefighter, an emergency medical service provider or a public safety
16 employee.

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

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

33 ~~(9)~~(18) "Resident of Kansas" means a person who is a domiciliary
34 resident as defined by K.S.A. 76-729, and amendments thereto.

35 ~~(10)~~(19) "Spouse" means the spouse of a ~~deceased~~ public safety
36 officer or ~~deceased~~ member of the military service who has not remarried.

37 ~~(11)~~(20) "State board" means the state board of regents.

38 ~~(12)~~ "Public safety employee" means any employee of a law
39 enforcement office, sheriff's department, municipal fire department,
40 volunteer and non-volunteer fire protection association, emergency
41 medical services provider or correctional institution of the department of
42 corrections.

43 (b) (1) Every Kansas educational institution shall provide for

1 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; or

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

14 (C) any prisoner of war.

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

19 (c) Subject to appropriations therefor, any Kansas educational
20 institution, at which enrollment, without charge of tuition or fees, of a
21 prisoner of war or a dependent or spouse is provided for under subsection
22 (b), may file a claim with the state board for reimbursement of the amount
23 of such tuition and fees. In any fiscal year, such reimbursement shall not
24 exceed a total of ~~\$350,000~~ \$500,000. The state board shall include in its
25 budget estimates pursuant to K.S.A. 75-3717, and amendments thereto, a
26 request for appropriations to cover tuition and fee claims pursuant to this
27 section. The state board shall be responsible for payment of
28 reimbursements to Kansas educational institutions upon certification by
29 each such institution of the amount of reimbursement to which entitled.
30 Payments to Kansas educational institutions shall be made upon vouchers
31 approved by the state board and upon warrants of the director of accounts
32 and reports. Payments may be made by issuance of a single warrant to
33 each Kansas educational institution at which one or more eligible
34 dependents or spouses or prisoners of war are enrolled for the total amount
35 of tuition and fees not charged for enrollment at that institution. The
36 director of accounts and reports shall cause such warrant to be delivered to
37 the Kansas educational institution at which any such eligible dependents or
38 spouses or prisoners of war are enrolled. If an eligible dependent or spouse
39 or prisoner of war discontinues attendance before the end of any semester,
40 after the Kansas educational institution has received payment under this
41 subsection, the institution shall pay to the state the entire amount that such
42 eligible dependent or spouse or prisoner of war would otherwise qualify to
43 have refunded, not to exceed the amount of the payment made by the state

1 in behalf of such dependent or spouse or prisoner of war for the semester.
2 All amounts paid to the state by Kansas educational institutions under this
3 subsection shall be deposited in the state treasury and credited to the state
4 general fund.

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

10 Sec. 2. K.S.A. 2021 Supp. 75-4364 is hereby repealed.

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