

## 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.