

## SUBSTITUTE FOR HOUSE BILL No. 2001

By Committee on Veterans, Military and Homeland Security

2-13

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1 AN ACT concerning military service members; repealing K.S.A. 74-  
2 32,145, 74-32,147, 74-32,148, 74-32,149 and 74-32,150 and K.S.A.  
3 2012 Supp. 74-32,146.

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

6 Section 1. (a) Sections 1 through 6, and amendments thereto, shall be  
7 known and may be cited as the Kansas national guard educational  
8 assistance act. It is the purpose of the Kansas national guard educational  
9 assistance act to establish an educational assistance program under which  
10 payment of the tuition and fees charged eligible members of the Kansas  
11 national guard for enrollment at Kansas educational institutions shall be  
12 provided for by the state.

13 (b) This section shall be part of and supplemental to chapter 48 of the  
14 Kansas Statutes Annotated, and amendments thereto.

15 Sec. 2. (a) As used in the Kansas national guard educational  
16 assistance act:

17 (1) "Kansas educational institution" means and includes community  
18 colleges, the municipal university, state educational institutions, technical  
19 colleges, the institute of technology at Washburn university and accredited  
20 independent institutions.

21 (2) "Eligible guard member" means a newly enlisted or reenlisted  
22 member of the Kansas national guard with not more than 20 years of  
23 service and who is enrolled at a Kansas educational institution. The term  
24 "eligible guard member" does not include within its meaning any member  
25 of the Kansas national guard who is the holder of a baccalaureate or higher  
26 academic degree, who does not hold a high school diploma or general  
27 educational development (GED) credentials, or who is entitled to federal  
28 educational benefits earned by membership in the Kansas national guard,  
29 except federal tuition assistance for members of the selected reserve.

30 (3) "Kansas national guard educational assistance program" or  
31 "program" means the program established pursuant to the provisions of the  
32 Kansas national guard educational assistance act.

33 (4) "Educational program" means a program which is offered and  
34 maintained by a Kansas educational institution and leads to the award of a  
35 certificate, diploma or degree upon satisfactory completion of course work  
36 requirements.

1 (b) This section shall be part of and supplemental to chapter 48 of the  
2 Kansas Statutes Annotated, and amendments thereto.

3 Sec. 3. (a) The state board of regents shall adopt rules and regulations  
4 for administration of the Kansas national guard educational assistance act  
5 and shall:

6 (1) Establish a mechanism to ensure distribution of funds for tuition  
7 and fee reimbursement to Kansas educational institutions;

8 (2) enter into a cooperative relationship with the adjutant general to  
9 ensure efficient operation of the program;

10 (3) develop and effectuate a system of accountability for all  
11 disbursements under the program and provide written reports as  
12 prescribed; and

13 (4) coordinate with the adjutant general a procedure to ensure initial  
14 and on-going eligibility of all guard members who are program  
15 participants.

16 (b) This section shall be part of and supplemental to chapter 48 of the  
17 Kansas Statutes Annotated, and amendments thereto.

18 Sec. 4. (a) Subject to the availability of appropriations for the Kansas  
19 national guard educational assistance program and within the limits of any  
20 such appropriations, every eligible guard member who is enrolled at a  
21 Kansas educational institution and who is participating in the program  
22 shall be paid the amount of tuition and required fees charged by the  
23 Kansas educational institution for enrollment in courses necessary to  
24 satisfy the requirements of an educational program.

25 (b) Notwithstanding the provisions of subsection (a), eligible guard  
26 members shall not be paid the amount of tuition and required fees charged  
27 for any course repeated or taken in excess of the requirements for  
28 completion of the educational program in which the eligible guard member  
29 is enrolled. The amount of tuition and required fees paid an eligible guard  
30 member pursuant to subsection (a) shall be at a rate not to exceed the  
31 maximum rate that would be charged by the state educational institutions  
32 for enrollment of the eligible guard member.

33 (c) Amounts of assistance for which an eligible guard member is  
34 eligible to receive under this act shall be offset by the aggregate amount of  
35 federal financial assistance received by such guard member, as a result of  
36 active national guard membership, to pay costs of tuition and fees for  
37 enrollment at Kansas educational institutions.

38 (d) This section shall be part of and supplemental to chapter 48 of the  
39 Kansas Statutes Annotated, and amendments thereto.

40 Sec. 5. (a) In order to qualify for participation in the Kansas national  
41 guard educational assistance program, an eligible guard member must  
42 agree in writing to complete such member's current service obligation in  
43 the Kansas national guard, plus three months service for each semester, or

1 part thereof, of assistance received.

2 (b) In order to remain eligible for participation in the program, an  
3 eligible guard member must remain in good standing at the Kansas  
4 educational institution where enrolled, make satisfactory progress toward  
5 completion of the requirements of the educational program in which  
6 enrolled, and maintain satisfactory participation in the Kansas national  
7 guard. It shall be the responsibility of the eligible guard member to obtain  
8 a certificate from the member's commanding officer attesting to the  
9 member's satisfactory participation in the Kansas national guard and to  
10 present the certificate to the educational institution, in order to obtain a  
11 payment under this act. The certificate shall be presented at the time  
12 payment is requested for completed courses.

13 (c) Upon failure of any person, who as an eligible guard member  
14 received payments under the Kansas national guard educational assistance  
15 act, to satisfy the agreement to continue service in the Kansas national  
16 guard as provided by subsection (a), such person shall pay to the state of  
17 Kansas an amount equal to the total amount received. All amounts paid to  
18 the state under this subsection shall be deposited in the state treasury and  
19 credited to the Kansas national guard educational assistance program  
20 repayment fund created by section 6, and amendments thereto.

21 (d) This section shall be part of and supplemental to chapter 48 of the  
22 Kansas Statutes Annotated, and amendments thereto.

23 Sec. 6. (a) There is hereby created in the state treasury the Kansas  
24 national guard educational assistance program repayment fund. The state  
25 board of regents shall remit all moneys received under section 5, and  
26 amendments thereto, to the state treasurer at least monthly. Upon receipt of  
27 each such remittance, the state treasurer shall deposit the entire amount  
28 thereof in the state treasury, and such amount shall be credited to the  
29 Kansas national guard educational assistance program repayment fund. All  
30 expenditures from the Kansas national guard educational assistance  
31 program repayment fund shall be for payments of assistance under the  
32 Kansas national guard educational assistance act, and shall be made in  
33 accordance with appropriation acts upon warrants of the director of  
34 accounts and reports issued pursuant to vouchers approved by the  
35 executive officer of the state board of regents or a person designated by the  
36 executive officer.

37 (b) This section shall be part of and supplemental to chapter 48 of the  
38 Kansas Statutes Annotated, and amendments thereto.

39 Sec. 7. K.S.A. 74-32,145, 74-32,147, 74-32,148, 74-32,149 and 74-  
40 32,150 and K.S.A. 2012 Supp. 74-32,146 are hereby repealed.

41 Sec. 8. This act shall take effect and be in force from and after its  
42 publication in the statute book.