

HOUSE BILL No. 2001

By Legislative Post Audit Committee

12-11

AN ACT concerning the Kansas national guard educational assistance act relating to eligibility; amending K.S.A. 2012 Supp. 74-32,146 and repealing the existing section.

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

Section 1. K.S.A. 2012 Supp. 74-32,146 is hereby amended to read as follows: 74-32,146. As used in the Kansas national guard educational assistance act:

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

(b) "Eligible guard member" means a newly enlisted or reenlisted member of the Kansas national guard with not more than 20 years of service and who is enrolled at a Kansas educational institution. The term eligible guard member does not include within its meaning any member of the Kansas national guard who is the holder of a baccalaureate or higher academic degree, who does not hold a high school diploma or general educational development (GED) credential, or who is entitled to federal educational benefits earned by membership in the Kansas national guard except financial assistance under the federal education assistance program (FEAP) federal tuition assistance for members of the selected reserve.

(c) "Kansas national guard educational assistance program" or "program" means the program established pursuant to the provisions of the Kansas national guard educational assistance act.

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

Sec. 2. K.S.A. 2012 Supp. 74-32,146 is hereby repealed.

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

Proposed Amendments for HB 2001
offered by Chairman Goico
For Committee on Veterans, Military and Homeland Security
February 12, 2013
Prepared by: Eunice Peters
Office of Revisor of Statutes

If there is a motion for this amendment to be a substitute bill, insert: "Committee on Veterans, Military and Homeland Security"

If there is a motion for this amendment to be a substitute bill, insert: "An ACT concerning military service members; also repealing K.S.A. 74-32,145, 74-32,147, 74-32,148, 74-32,149 and 74-32,150 and K.S.A. 2012 Supp. 74-32,146."

Veteran/Military/Homeland Security Comm

Date: FEB 12, 2013

Attachment #: 4

APPENDIX

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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