

## HOUSE BILL No. 2567

By Representatives Turk, B. Carpenter, Amyx, Ballard, Barth, Blex, Bloom, Bryce, Buehler, Butler, Clifford, Collins, Croft, Dodson, Ellis, Essex, Garber, Goddard, Goetz, Hill, Howerton, Johnson, Martinez, Melton, Neelly, Neighbor, Penn, Pickert, Probst, Proctor, Rahjes, Resman, Rhiley, Roth, Sanders, Sawyer Clayton, Schlingensiepen, Schmoe, C. Smith, E. Smith, Tarwater, Thompson, Titus, Underhill, Waggoner, Waymaster, L. Williams and Woodard

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1 AN ACT concerning veterans and military; establishing the Kansas  
2 national guard educational master's for enhanced readiness and global  
3 excellence (EMERGE) program and the Kansas national guard  
4 educational master's for enhanced readiness and global excellence  
5 program repayment fund.  
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7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. (a) Sections 1 through 5, and amendments thereto, shall be  
9 known and may be cited as the Kansas national guard educational master's  
10 for enhanced readiness and global excellence (EMERGE) program.

11 (b) The purpose of the Kansas national guard EMERGE program is to  
12 establish a master's degree assistance program under which payment of the  
13 tuition and fees charged eligible members of the Kansas national guard for  
14 enrollment in master's degree programs at Kansas educational institutions  
15 shall be provided by the state pursuant to the EMERGE program.

16 Sec. 2. As used in the Kansas national guard educational master's for  
17 enhanced readiness and global excellence (EMERGE) program:

18 (a) "Educational program" means a master's degree program offered  
19 or maintained by a Kansas educational institution that leads to the award  
20 of a master's degree to an eligible guard member upon satisfactory  
21 completion of course work requirements.

22 (b) "Eligible guard member" means any member of the Kansas  
23 national guard who has been accepted into an eligible master's degree  
24 program and who is not under a suspension of favorable flag action or on  
25 the unit unfavorable information file.

26 (c) "Kansas educational institution" means a state educational  
27 institution, as defined in K.S.A. 76-711, and amendments thereto, or  
28 accredited independent institution, as defined in K.S.A. 72-3222, and  
29 amendments thereto.

30 (d) "Kansas national guard educational master's for enhanced  
31 readiness and global excellence program" or "EMERGE program" means  
32 the program established pursuant to the provisions of the Kansas national

1 guard educational master's for enhanced readiness and global excellence  
2 program.

3 Sec. 3. The state board of regents shall administer the Kansas national  
4 guard EMERGE program. The state board of regents shall adopt rules and  
5 regulations for the administration of this act and shall:

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

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

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

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

16 Sec. 4. (a) Subject to the availability of appropriations for the Kansas  
17 national guard EMERGE program and within the limits of any such  
18 appropriations, except as provided in subsections (b) and (c), every  
19 eligible national guard member who is enrolled at a Kansas educational  
20 institution and participating in the program shall receive assistance each  
21 semester in an amount equal to the tuition and required fees for not more  
22 than 15 hours. The aggregate number of credit hours for which assistance  
23 may be provided under the program shall not exceed 150% of the total  
24 credit hours required for the eligible guard member to complete such  
25 member's master's degree program.

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

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

39 Sec. 5. (a) On or before July 1 of each academic year, the adjutant  
40 general shall select up to 100 eligible national guard members who applied  
41 to the program to receive assistance from such program. The number of  
42 eligible guard members in the program shall not exceed 200 eligible guard  
43 members in any one school year.

1 (b) (1) In order to qualify for participation in the Kansas national  
2 guard EMERGE program, an eligible national guard member shall agree,  
3 in writing, to complete such member's current service obligation in the  
4 Kansas national guard and serve actively in good standing with the Kansas  
5 national guard or in a duty status affiliated with the Kansas national guard  
6 for not less than 72 months upon completion of the last semester for which  
7 the member receives assistance under the program.

8 (2) Prior to becoming eligible for participation in the program, each  
9 eligible guard member shall submit the free application for federal student  
10 aid and apply for any other federal tuition assistance that such member  
11 also may be eligible to receive.

12 (c) In order to remain eligible for participation in the program, an  
13 eligible guard member shall remain in good standing at the Kansas  
14 educational institution where such member is enrolled, make satisfactory  
15 progress toward completion of the requirements of such member's master's  
16 degree program, maintain a grade point average of not less than 2.75 and  
17 maintain satisfactory participation in the Kansas national guard. The  
18 eligible guard member shall obtain a certificate from the member's  
19 commanding officer attesting to the member's satisfactory participation in  
20 the Kansas national guard and to present the certificate to the Kansas  
21 educational institution to receive payment under this act. The certificate  
22 shall be presented at the time payment is requested for completed courses.  
23 Upon completion of each semester, each eligible guard member receiving  
24 assistance through the program shall submit a transcript of the credit hours  
25 earned, including the grades for credit hours, to such member's unit of  
26 assignment.

27 (d) (1) Upon failure of any eligible guard member who received  
28 payments under the Kansas national guard EMERGE program to satisfy  
29 the agreement to continue service in the Kansas national guard as provided  
30 by subsection (a), such person shall pay to the state of Kansas an amount  
31 to be determined as follows:

32 (A) Determine the total amount of assistance paid to such member  
33 under the program;

34 (B) divide the amount determined under subsection (d)(1)(A) by 24;  
35 and

36 (C) multiply the amount determined under subsection (d)(1)(B) by  
37 the number of months such member did not serve as required by  
38 subsection (a). The resulting product is the total amount of recoupment to  
39 be paid by such member.

40 (2) All amounts paid to the state under this subsection shall be  
41 deposited in the state treasury and credited to the Kansas national guard  
42 educational master's for enhanced readiness and global excellence program  
43 repayment fund created by section 6, and amendments thereto.

1 (e) Any eligible guard member that received payments under the  
2 program but has failed to satisfy the agreement to continue service in the  
3 Kansas national guard as provided by subsection (a) by reason of  
4 extenuating circumstances or extreme hardship may request a waiver from  
5 recoupment under subsection (d). Such request shall be in writing and  
6 submitted through such member's chain of command to the Kansas  
7 national guard education services office. The chief of staff of the Kansas  
8 army national guard or the director of staff for the Kansas air national  
9 guard shall review all requests for a waiver from recoupment and the  
10 decision to issue such waiver shall be made by either officer as such  
11 officer deems appropriate.

12 Sec. 6. There is hereby created in the state treasury the Kansas  
13 national guard EMERGE program repayment fund. The state board of  
14 regents shall remit all moneys received under section 5, and amendments  
15 thereto, to the state treasurer at least monthly. Upon receipt of such  
16 remittance the state treasurer shall deposit the entire amount thereof in the  
17 state treasury, and such amount shall be credited to the Kansas national  
18 guard EMERGE program repayment fund. All expenditures from the  
19 Kansas national guard EMERGE repayment fund shall be for payments of  
20 assistance under the Kansas national guard EMERGE program and shall  
21 be made in accordance with appropriation acts upon warrants of the  
22 director of accounts and reports issued pursuant to vouchers approved by  
23 the executive director of the state board of regents or a person designated  
24 by the executive officer.

25 Sec. 7. This act shall take effect and be in force from and after its  
26 publication in the statute book.