

HOUSE BILL No. 2541

AN ACT concerning postsecondary education; relating to the Kansas national guard educational assistance act; relating to participant qualifications and recoupment of assistance; amending K.S.A. 74-32,148 and 74-32,149 and K.S.A. 2017 Supp. 74-32,146 and repealing the existing sections.

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

Section 1. K.S.A. 2017 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~~ *any current* member of the Kansas national guard ~~with not more than 20 years of service and~~ who is enrolled at a Kansas educational institution ~~and who is not under a suspension of favorable action flag or currently on the unit unfavorable information file.~~ 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, *or* 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 financial assistance under the federal education assistance program (FEAP) 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. 74-32,148 is hereby amended to read as follows: 74-32,148. (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~~ *receive assistance each semester in an amount equal to the tuition and required fees for not more than 15 credit hours. The aggregate number of credit hours for which assistance may be provided under the program shall not exceed 150% of the total credit hours required for the eligible guard member to complete such member’s 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~~ *a* state educational ~~institution~~ *institution, as defined in K.S.A. 76-711, and amendments thereto,* for enrollment of the eligible guard member.

(c) Amounts of assistance for which an eligible guard member is eligible 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.

Sec. 3. K.S.A. 74-32,149 is hereby amended to read as follows: 74-32,149. (a) *(1)* 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~~ *have at least one year remaining on such member’s enlistment contract at the beginning of any semester for which the member receives assistance under the program and must agree to serve actively in good standing with the Kansas national guard*

for not less than 24 months upon completion of the last semester for which the member receives assistance under the program.

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

(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, maintain a grade point average of not less than 2.0 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. Upon completion of each semester, each eligible guard member receiving assistance under the program shall submit a transcript of the credit hours earned, including the grades for credit hours, to such member's unit of assignment.

(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~~ to be determined as follows:

(1) Determine the total amount of assistance paid to such member under the program;

(2) divide the amount determined under subsection (c)(1) by 24; and

(3) multiply the amount determined under subsection (c)(2) by the number of months such member did not serve as required by subsection (a). The resulting product is the total amount of recoupment from such member.

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 K.S.A. 74-32,150, and amendments thereto.

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

Sec. 4. K.S.A. 74-32,148 and 74-32,149 and K.S.A. 2017 Supp. 74-32,146 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and passed that body

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.