

Senate Substitute for HOUSE BILL No. 2645

By Committee on Education

3-21

1 AN ACT concerning postsecondary education; relating to scholarship
2 programs; removing limits on Kansas nursing service scholarship
3 awards and modifying the interest rate terms and repayment obligations
4 for such awards; abolishing the nursing service scholarship review
5 committee; modifying financial limitations on Kansas hero's
6 scholarship awards and broadening eligibility requirements for such
7 awards; amending K.S.A. 74-3292, 74-3293, 74-3294, 74-3295, 74-
8 3296, 74-3297 and 74-3298 and K.S.A. 2023 Supp. 75-4364 and
9 repealing the existing sections; also repealing K.S.A. 74-3299.

10

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

12

Section 1. K.S.A. 74-3292 is hereby amended to read as follows: 74-
13 3292. As used in this act:

14

(a) ~~"Committee" means the nursing service scholarship review
15 committee established under K.S.A. 74-3299, and amendments thereto.~~

16

(b) ~~"Executive officer" means the chief executive officer of the state
17 board of regents appointed under K.S.A. 74-3203a, and amendments
18 thereto.~~

19

(c) ~~"Mental health or treatment facility" means:~~

20

(1) ~~Any private treatment facility as such term is defined in K.S.A.
21 59-29b46, and amendments thereto;~~

22

(2) ~~any public treatment facility as such term is defined in K.S.A. 59-
23 29b46, and amendments thereto;~~

24

(3) ~~any community mental health center organized pursuant to the
25 provisions of K.S.A. 19-4001 through 19-4015, and amendments thereto,
26 and licensed pursuant to K.S.A. 39-2001 et seq., and amendments thereto;~~

27

(4) ~~any mental health clinic organized pursuant to the provisions of
28 K.S.A. 65-211 through 65-215, and amendments thereto, and licensed
29 pursuant to K.S.A. 39-2001 et seq., and amendments thereto;~~

30

(5) ~~any psychiatric hospital, psychiatric residential treatment facility
31 or residential care facility as such terms are defined in K.S.A. 39-2002,
32 and amendments thereto;~~

33

(6) ~~any hospital as defined in K.S.A. 65-425, and amendments
34 thereto, provided: (A) The hospital has a psychiatric unit; and (B) the
35 scholarship recipient is required to fulfill the nursing service scholarship's
36 employment obligations as an employee in the psychiatric unit of the~~

1 hospital; or

2 ~~(7) Osawatomie state hospital, Rainbow mental health facility, Larned~~
 3 ~~state hospital, Parsons state hospital and training center or the Kansas~~
 4 ~~neurological institute.~~

5 ~~(d) "Rural area" means any county of this state other than Douglas,~~
 6 ~~Johnson, Sedgwick, Shawnee and Wyandotte counties.~~

7 ~~(e)(b) "Mental health or treatment facility" means:~~

8 ~~(1) Any private treatment facility as defined in K.S.A. 59-29b46, and~~
 9 ~~amendments thereto;~~

10 ~~(2) any public treatment facility as defined in K.S.A. 59-29b46, and~~
 11 ~~amendments thereto;~~

12 ~~(3) any community mental health center organized pursuant to the~~
 13 ~~provisions of K.S.A. 19-4001 through 19-4015, and amendments thereto,~~
 14 ~~and licensed pursuant to K.S.A. 39-2001 et seq., and amendments thereto;~~

15 ~~(4) any mental health clinic organized pursuant to the provisions of~~
 16 ~~K.S.A. 65-211 through 65-215, and amendments thereto, and licensed~~
 17 ~~pursuant to K.S.A. 39-2001 et seq., and amendments thereto;~~

18 ~~(5) any psychiatric hospital, psychiatric residential treatment facility~~
 19 ~~or residential care facility as such terms are defined in K.S.A. 39-2002,~~
 20 ~~and amendments thereto;~~

21 ~~(6) any hospital as defined in K.S.A. 65-425, and amendments~~
 22 ~~thereto, if:~~

23 ~~(A) The hospital has a psychiatric unit; and~~

24 ~~(B) the scholarship recipient is required to fulfill the nursing service~~
 25 ~~scholarship's employment obligations as an employee in the psychiatric~~
 26 ~~unit of the hospital; or~~

27 ~~(7) Osawatomie state hospital, Rainbow mental health facility,~~
 28 ~~Larned state hospital, Parsons state hospital and training center or the~~
 29 ~~Kansas neurological institute.~~

30 ~~(c) "School of nursing" means a school within the state of Kansas~~
 31 ~~which that is approved by the state board of nursing to grant an associate~~
 32 ~~degree or a baccalaureate degree in professional nursing or a certificate of~~
 33 ~~completion in practical nursing and is:~~

34 ~~(1) Under the control and supervision of the state board of regents;~~

35 ~~(2) a municipal university; or~~

36 ~~(3) a not-for-profit independent institution of higher education that~~
 37 ~~has its main campus or principal place of operation in Kansas, maintains~~
 38 ~~open enrollment as such term is defined in K.S.A. 74-32,120, and~~
 39 ~~amendments thereto, and is operated independently and not controlled or~~
 40 ~~administered by the state or any agency or subdivision thereof.~~

41 ~~(f) "Sponsor" means any adult care home licensed under the adult~~
 42 ~~care home licensure act, any medical care facility licensed under K.S.A.~~
 43 ~~65-425 et seq., and amendments thereto, any home health agency licensed~~

1 under K.S.A. 65-5101 et seq., and amendments thereto, any local health
2 department as defined in K.S.A. 65-241, and amendments thereto, any
3 mental health or treatment facility and any state agency which employs
4 licensed practical nurses or licensed professional nurses.

5 (d) "Sponsor" means any of the following that is located in a rural
6 opportunity zone as defined in K.S.A. 74-50,222, and amendments thereto:

7 (1) An adult care home licensed under the adult care home licensure
8 act, K.S.A. 39-923 et seq., and amendments thereto;

9 (2) a medical care facility licensed under K.S.A. 65-425 et seq., and
10 amendments thereto;

11 (3) a home health agency licensed under K.S.A. 65-5101 et seq., and
12 amendments thereto;

13 (4) a local health department as defined in K.S.A. 65-241, and
14 amendments thereto;

15 (5) a mental health or treatment facility; or

16 (6) a state agency that employs licensed practical nurses or licensed
17 professional nurses.

18 Sec. 2. K.S.A. 74-3293 is hereby amended to read as follows: 74-
19 3293. (a) There is hereby established the nursing service scholarship
20 program. A scholarship may be awarded under the nursing service
21 scholarship program to any qualified nursing student enrolled in or
22 admitted to a school of nursing in a course of instruction leading to
23 licensure as a licensed professional nurse or licensed practical nurse. A
24 nursing student shall not be required to be a resident of Kansas to qualify
25 for a scholarship under the nursing service scholarship program. ~~The~~
26 ~~number of new scholarships awarded under the nursing service scholarship~~
27 ~~program in each year shall not exceed 250. Of this number, except as~~
28 ~~otherwise provided in this section, 100 scholarships shall be awarded to~~
29 ~~nursing students whose sponsors are located in rural areas and who are~~
30 ~~enrolled in a course of instruction leading to licensure as a registered~~
31 ~~professional nurse, 50 scholarships shall be awarded to nursing students~~
32 ~~enrolled in a course of instruction leading to licensure as a licensed~~
33 ~~practical nurse and the remaining 100 scholarships shall be awarded to any~~
34 ~~nursing students who have a sponsor and who are enrolled in a course of~~
35 ~~instruction leading to licensure as a registered professional nurse. If all~~
36 ~~scholarships authorized to be awarded under this section to nursing~~
37 ~~students whose sponsors are located in rural areas have not been awarded~~
38 ~~by a date established by the state board of regents, the scholarships which~~
39 ~~have not been awarded by that date may be awarded to nursing students~~
40 ~~who have a sponsor and who are otherwise qualified to be awarded a~~
41 ~~scholarship under the nursing service scholarship program. The~~
42 ~~determination of the individuals qualified for such scholarships shall be~~
43 ~~made by the executive officer after seeking advice from the committee.~~

1 ~~Within each scholarship category prescribed by this subsection,~~
2 Scholarships shall be awarded on a priority basis to qualified applicants:
3 ~~(1) Whose sponsor is a mental health or treatment facility; and (2) who~~
4 ~~have the greatest financial need for such scholarships. To the extent~~
5 ~~practicable and consistent with the other provisions of this section,~~
6 ~~consideration shall be given to minority applicants.~~

7 (b) Scholarships awarded under the nursing service scholarship
8 program shall be awarded for the length of the course of instruction
9 leading to licensure as a licensed professional nurse or licensure as a
10 licensed practical nurse *in* which the student is enrolled ~~in~~ or admitted to
11 unless otherwise terminated before the expiration of such period of time.
12 Such scholarships shall provide to a nursing student:

13 (1) ~~If the nursing student is enrolled in a school of nursing operated~~
14 ~~by a state educational institution, an amount not to exceed 70% of the in-~~
15 ~~state tuition cost of attendance for an academic year at the school of~~
16 ~~nursing in which the nursing student is enrolled; or~~

17 ~~(2) if the nursing student is enrolled in a school of nursing not~~
18 ~~operated by a state educational institution, the lesser of: (A) An amount not~~
19 ~~to exceed 70% of the in-state tuition cost of attendance for a year at the~~
20 ~~school of nursing in which the nursing student is enrolled; or (B) an~~
21 ~~amount not to exceed 70% of the average amount of the in-state tuition~~
22 ~~cost of attendance for a year at the schools of nursing operated by the state~~
23 ~~educational institutions.~~

24 (c) *(1) Except as provided in paragraph (2),* the amount of each
25 scholarship shall be established annually by the executive officer ~~and shall~~
26 ~~be financed equally by the sponsor of the nursing student and by the state~~
27 ~~of Kansas except if:~~

28 (1) ~~The sponsor is located in a rural area or is a health care facility~~
29 ~~which has less than 100 beds, and is not a mental health or treatment~~
30 ~~facility pursuant to K.S.A. 74-3292(c)(1), (c)(5) or (c)(6), and amendments~~
31 ~~thereto, the total amount of the scholarship financed by such sponsor shall~~
32 ~~not exceed \$1,000 and the balance of such amount shall be paid by the~~
33 ~~state of Kansas; or~~

34 (2) ~~the sponsor is a mental health or treatment facility pursuant to~~
35 ~~K.S.A. 74-3292(c)(2), (c)(3), (c)(4) or (c)(7), and amendments thereto, the~~
36 ~~amount of the scholarship shall be paid by the state and such sponsor shall~~
37 ~~not finance any amount of the scholarship.~~

38 (2) *If the nursing student has a sponsor; then the amount of the*
39 *scholarship for such nursing student shall not exceed the amount*
40 *established under paragraph (1) multiplied by 125%.*

41 Sec. 3. K.S.A. 74-3294 is hereby amended to read as follows: 74-
42 3294. (a) An applicant for a scholarship under the nursing service
43 scholarship program shall provide to the executive officer, on forms

1 supplied by the executive officer, the following information:

2 (1) The name and address of the applicant;

3 (2) the name and address of the school of nursing in which the
4 applicant is enrolled or to which the applicant has been admitted;

5 ~~(3) the name and address of the sponsor of the applicant and a~~
6 ~~verified copy of the agreement entered into by the applicant and the~~
7 ~~sponsor in accordance with the provisions of the nursing service~~
8 ~~scholarship program; and the name and address of the sponsor of the~~
9 ~~applicant and a verified copy of the agreement entered into by the~~
10 ~~applicant and the sponsor; and~~

11 (4) any additional information ~~which~~ that may be required by the
12 executive officer.

13 (b) As a condition to awarding a scholarship under the nursing
14 service scholarship program, the executive officer and the applicant for a
15 scholarship shall enter into an agreement ~~which~~ that shall require that the
16 scholarship recipient:

17 (1) Complete the required course of instruction and, *within six*
18 *months after completion*, attain licensure with the Kansas state board of
19 nursing as a licensed professional nurse or a licensed practical nurse;

20 (2) *complete the free application for federal student aid for each*
21 *academic year for which scholarship funds are awarded under the*
22 *agreement;*

23 (3) *within six months after attaining licensure*, engage in the full-time
24 practice of nursing, or the equivalent to full-time practice, in ~~the~~
25 ~~employment of the sponsor in accordance with the agreement entered into~~
26 ~~by the scholarship recipient and the sponsor~~ *Kansas* and continue such
27 full-time practice, or the equivalent to full-time practice, for the total
28 amount of time required under the agreement, which shall be for a period
29 of not less than the length of the course of instruction for which
30 scholarship assistance was provided, or engage in the part-time practice of
31 nursing in ~~the employment of the sponsor in accordance with the~~
32 ~~agreement entered into by the scholarship recipient and the sponsor~~
33 *Kansas* and continue such part-time practice for the total amount of time
34 required under the agreement, which shall be for a period of time that is
35 equivalent to full time, as determined by the state board of regents,
36 multiplied by the length of the course of instruction for which scholarship
37 assistance was provided. *If the scholarship recipient has a sponsorship*
38 *agreement, then the scholarship recipient shall engage in the practice of*
39 *nursing in the employment of such sponsor in accordance with such*
40 *sponsorship agreement for the period of time required under this*
41 *paragraph, except as provided in K.S.A. 74-3296, and amendments*
42 *thereto;*

43 ~~(3)(4) commence the full-time practice of nursing, or the equivalent~~

1 to full-time practice, or the part-time practice of nursing, within six months
2 after registration in accordance with the agreement entered into by the
3 scholarship recipient and the sponsor, continue such practice for the total
4 amount of time required under the agreement, and comply with such other
5 terms and conditions as may be specified by such agreement;

6 ~~(4)~~(5) maintain records and make reports to the executive officer as
7 may be required by the executive officer to document the satisfaction of
8 the obligations under the nursing service scholarship program and under
9 agreements entered into ~~with the sponsor pursuant thereto and with the~~
10 ~~sponsor, if any;~~ and

11 ~~(5)~~(6) upon failure to satisfy ~~an agreement to engage in the full-time~~
12 ~~practice of nursing, or the equivalent to full-time practice, or the part-time~~
13 ~~practice of nursing, for the required period of time under any such~~
14 ~~agreement, the requirements of the agreement with the state board of~~
15 ~~regents, repay to the state and to the sponsor the amounts as provided in~~
16 K.S.A. 74-3295, and amendments thereto.

17 ~~(c) Upon the awarding of a scholarship under the nursing service~~
18 ~~scholarship program, the sponsor shall pay to the executive officer the~~
19 ~~amount of such scholarship to be financed by the sponsor, if any. Each~~
20 ~~such amount shall be deposited in the nursing service scholarship program~~
21 ~~fund in accordance with K.S.A. 74-3298, and amendments thereto.~~

22 ~~(d) The sponsorship by a scholarship recipient may be transferred~~
23 ~~from one sponsor to another upon the agreement of the original sponsor,~~
24 ~~the scholarship recipient and the sponsor to which the sponsorship is to be~~
25 ~~transferred. The terms, conditions and obligations of the transferred~~
26 ~~agreement shall be substantially similar to the terms, conditions and~~
27 ~~obligations of the original agreement. No sponsorship shall be transferred~~
28 ~~unless the agreement transferring such sponsorship provides for service in~~
29 ~~a rural area or in a mental health or treatment facility and is approved by~~
30 ~~the executive officer as consistent with the provisions of the nursing~~
31 ~~service scholarship program and as consistent with any rules and~~
32 ~~regulations relating thereto adopted by the state board of regents in~~
33 ~~accordance with the provisions of K.S.A. 74-3297, and amendments~~
34 ~~thereto.~~

35 Sec. 4. K.S.A. 74-3295 is hereby amended to read as follows: 74-
36 3295. (a) Except as provided in K.S.A. 74-3296, and amendments thereto,
37 upon the failure of any person to satisfy the obligation under any
38 agreement entered into pursuant to the nursing service scholarship
39 program, such person shall pay to the executive officer an amount equal to
40 the total amount of money received by such person pursuant to such
41 agreement ~~which that~~ was financed by the state of Kansas plus accrued
42 interest at a rate ~~which is equivalent to the interest rate applicable to loans~~
43 ~~made under the federal PLUS program at the time such person first entered~~

1 into an agreement plus five percentage points and shall pay to the sponsor
2 an amount equal to the total amount of money received by such person
3 pursuant to such agreement which was financed by the sponsor plus
4 accrued interest at a rate which is equivalent to the interest rate applicable
5 to loans made under the federal PLUS program at the time such person
6 first entered into an agreement plus five percentage points of 5% per
7 annum. Interest shall begin to accrue on the date of the action or
8 circumstances that cause such person to fail to satisfy the obligations of
9 such agreement, as determined by the executive officer based upon the
10 circumstances of each individual case. Installment payments of any such
11 amounts may be made in accordance with the provisions of agreements
12 entered into by the scholarship recipient and the sponsor or if no such
13 provisions exist in such agreements, in accordance with rules and
14 regulations of the state board of regents, except that. Such installment
15 payments shall commence six months after the date of the action or
16 circumstances that cause the failure of the person to satisfy the obligations
17 of such agreements, as determined by the executive officer based upon the
18 circumstances of each individual case on which interest begins to accrue.
19 Amounts paid under this section to the executive officer shall be deposited
20 in the nursing service scholarship repayment fund in accordance with
21 K.S.A. 74-3298, and amendments thereto.

22 (b) The state board of regents is authorized to turn any repayment
23 account arising under the nursing service scholarship program over to a
24 designated loan servicer or collection agency, the state not being involved
25 other than to receive payments from the loan servicer or collection agency
26 at the interest rate prescribed under this section.

27 Sec. 5. K.S.A. 74-3296 is hereby amended to read as follows: 74-
28 3296. (a) (1) Except as otherwise specified in the agreement with the
29 sponsor, an obligation under any agreement entered into under the nursing
30 student scholarship program shall be postponed:

31 (1)(A) During any required period of active military service;
32 (2)(B) during any period of service as a part of volunteers in service
33 to America (VISTA);

34 (3)(C) during any period of service in the peace corps;

35 (4)(D) during any period of service commitment to the United States
36 public health service;

37 (5)(E) during any period of religious missionary work conducted by
38 an organization exempt from tax under section 501(c)(3) of the federal
39 internal revenue code as in effect on ~~December 31, 2000~~ July 1, 2024;

40 (6)(F) during any period of time the person obligated is unable
41 because of temporary medical disability to practice nursing;

42 (7)(G) during any period of time the person obligated is enrolled and
43 actively engaged on a full-time basis in a course of study leading to a

1 degree in the field of nursing—~~which~~ *that* is higher than that attained
 2 formerly by the person obligated;

3 ~~(8)(H)~~ during any period of time *that* the person obligated is on job-
 4 protected leave under the federal family and medical leave act of 1993; or

5 ~~(9)(I)~~ during any period of time the state board of regents determines
 6 that the person obligated is unable because of special circumstances to
 7 practice nursing.

8 (2) Except for ~~clauses (6), (8) and (9) paragraphs (1)(F), (1)(H) and~~
 9 ~~(1)(I)~~, an obligation under any agreement entered into as provided in the
 10 nursing service scholarship program shall not be postponed more than five
 11 years from the time the obligation was to have been commenced under any
 12 such agreement.

13 (3) An obligation under any agreement entered into as provided in the
 14 nursing service scholarship program shall be postponed under ~~clause (6)~~
 15 ~~paragraph (1)(F)~~ during the period of time the medical disability exists.

16 (4) An obligation under any agreement entered into as provided in the
 17 nursing service scholarship program shall be postponed under ~~clause (8)~~
 18 ~~paragraph (1)(H)~~ during the period of time the person obligated remains
 19 on FMLA leave.

20 (5) An obligation under any agreement entered into as provided in the
 21 nursing service scholarship program shall be postponed under ~~clause (9)~~
 22 ~~paragraph (1)(I)~~ during the period of time the state board of regents
 23 determines that the special circumstances exist.

24 (6) The state board of regents shall adopt rules and regulations
 25 prescribing criteria or guidelines for determination of the existence of
 26 special circumstances causing an inability to satisfy an obligation under
 27 any agreement entered into as provided in the nursing service scholarship
 28 program, and shall determine the documentation required to prove the
 29 existence of such circumstances. Except for ~~clauses (1), (6), (8) and (9)~~
 30 ~~paragraphs (1)(A), (1)(F), (1)(H) and (1)(I)~~, an obligation under any
 31 agreement entered into as provided in the nursing service scholarship
 32 program shall not be postponed unless the postponement is approved by
 33 the *scholarship recipient's* sponsor, *if any*, or is otherwise provided for in
 34 ~~the~~ *an* agreement with the sponsor.

35 (b) An obligation under any agreement entered into as provided in the
 36 nursing service scholarship program shall be satisfied *if*:

37 (1) ~~If~~—The obligation has been completed in accordance with the
 38 agreement;

39 (2) ~~if~~—the person obligated dies;

40 (3) ~~if~~—because of permanent physical disability, the person obligated
 41 is unable to satisfy the obligation;

42 (4) ~~if~~—the person obligated fails to satisfy the requirements for
 43 graduation from the school of nursing after making the best effort possible

1 to do so; *and*

2 (5) ~~if the person obligated fails to satisfy all requirements for a~~
3 ~~permanent license to practice nursing in Kansas or has been denied a~~
4 ~~license after applying for a license and making the best effort possible to~~
5 ~~obtain such license; (6) if, because of bankruptcy, loss of licensure or~~
6 ~~certification or other failure in the operations of the sponsor, the sponsor~~
7 ~~cannot or will not employ the person obligated; or (7) if the sponsor~~
8 ~~releases the person obligated from employment with the sponsor and the~~
9 ~~person obligated otherwise completes the terms, conditions and obligations~~
10 ~~of the agreement by engaging in the practice of nursing in Kansas.~~

11 *(c) (1) An obligation under any sponsorship agreement shall be*
12 *satisfied if:*

13 *(A) Because of bankruptcy, loss of licensure or certification or other*
14 *failure in the operations of the sponsor, such sponsor cannot or will not*
15 *employ the person obligated; or*

16 *(B) the sponsor releases the person obligated from employment with*
17 *such sponsor.*

18 *(2) Notwithstanding the provisions of paragraph (1), the person*
19 *obligated shall still be required to complete the terms, conditions and*
20 *obligations of the agreement with the state board of regents by engaging in*
21 *the practice of nursing in Kansas.*

22 Sec. 6. K.S.A. 74-3297 is hereby amended to read as follows: 74-
23 3297. ~~(a) The state board of regents, after consultation with the committee,~~
24 ~~may adopt rules and regulations establishing minimum terms, conditions~~
25 ~~and obligations which shall be incorporated into the provisions of any~~
26 ~~agreement entered into between a sponsor and the recipient of a~~
27 ~~scholarship under the nursing service scholarship program. The terms,~~
28 ~~conditions and obligations shall be consistent with the provisions of law~~
29 ~~relating to the nursing service scholarship program. The terms, conditions~~
30 ~~and obligations so established shall include, but not be limited to, the~~
31 ~~terms of eligibility for financial assistance under the nursing service~~
32 ~~scholarship program, the amount of financial assistance to be offered, the~~
33 ~~length of employment with the sponsor required as a condition to the~~
34 ~~receipt of such financial assistance, the circumstances under which the~~
35 ~~employment obligation may be discharged or forgiven, the amount of~~
36 ~~money required to be repaid because of failure to satisfy the obligations~~
37 ~~under an agreement and the method of repayment and such other~~
38 ~~additional provisions as may be necessary to carry out the provisions of~~
39 ~~the nursing service scholarship program. The state board of regents, after~~
40 ~~consultation with the committee, shall adopt rules and regulations as~~
41 ~~necessary to administer the nursing service scholarship program.~~

42 *(b) The state board of regents shall provide an annual written report*
43 *on the nursing service scholarship program to the senate and house*

1 committees on education.

2 Sec. 7. K.S.A. 74-3298 is hereby amended to read as follows: 74-
3 3298. (a) There is hereby created in the state treasury the nursing service
4 scholarship program fund. The executive officer shall remit all moneys
5 received from ~~sponsors, which are paid under K.S.A. 74-3294, and~~
6 ~~amendments thereto, pursuant to scholarship awards, or from a school of~~
7 nursing, ~~which~~ *that* are paid because of nonattendance or discontinued
8 attendance by scholarship recipients, to the state treasurer in accordance
9 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon
10 receipt of each such remittance, the state treasurer shall deposit the entire
11 amount in the state treasury to the credit of the nursing service scholarship
12 program fund. All expenditures from the nursing service scholarship
13 program fund shall be for scholarships awarded under the nursing service
14 scholarship program ~~or refunds to sponsors~~ and shall be made in
15 accordance with appropriation acts upon warrants of the director of
16 accounts and reports issued pursuant to vouchers approved by the
17 executive officer or by a person designated by the executive officer.

18 (b) The nursing student scholarship discontinued attendance fund is
19 hereby abolished. On the effective date of this act, the director of accounts
20 and reports shall transfer all moneys remaining in the nursing student
21 scholarship discontinued attendance fund to the nursing service
22 scholarship program fund.

23 (c) There is hereby created in the state treasury the nursing service
24 scholarship repayment fund. The executive officer shall remit all moneys
25 received for amounts paid under K.S.A. 74-3295, and amendments thereto,
26 to the state treasurer in accordance with the provisions of K.S.A. 75-4215,
27 and amendments thereto. Upon receipt of each such remittance the state
28 treasurer shall deposit the entire amount in the state treasury to the credit
29 of the nursing service scholarship repayment fund. All expenditures from
30 the nursing service scholarship repayment fund shall be for scholarships
31 awarded under the nursing service scholarship program and shall be made
32 in accordance with appropriation acts upon warrants of the director of
33 accounts and reports issued pursuant to vouchers approved by the
34 executive officer or by a person designated by the executive officer.

35 Sec. 8. K.S.A. 2023 Supp. 75-4364 is hereby amended to read as
36 follows: 75-4364. (a) This section shall be known and may be cited as the
37 Kansas hero's scholarship act.

38 (b) As used in this section:

39 (1) "Accident" means an undesigned, sudden and unexpected
40 traumatic event, usually of an afflictive or unfortunate nature and often,
41 but not necessarily, accompanied by a manifestation of force. An
42 "accident" shall be identifiable by the time and place of occurrence,
43 produce at the time symptoms of an injury and occur during a single work

1 shift. The "accident" shall be the prevailing factor in causing the injury.

2 (2) "Covered person" means a public safety officer or Kansas resident
3 in military service to whom this section applies.

4 (3) "Dependent" means:

5 (A) A birth child, adopted child or stepchild; or

6 (B) any child other than the foregoing who is actually dependent in
7 whole or in part on the individual and ~~who~~ is related to such individual by
8 marriage or consanguinity.

9 (4) "Emergency medical service provider" means the same as defined
10 in K.S.A. 65-6112, and amendments thereto.

11 (5) "Fees" ~~mean~~ means those charges required by an institution to be
12 paid by every student as a condition of enrollment. "Fees" ~~do~~ does not
13 include all other charges associated with the student's academic program
14 or living costs.

15 (6) "Firefighter" means a person who is:

16 (A) Employed by any city, county, township or other political
17 subdivision of the state and who is assigned to the fire department thereof
18 and engaged in the fighting and extinguishment of fires and the protection
19 of life and property therefrom; or

20 (B) a volunteer member of a fire district, fire department or fire
21 company.

22 (7) "Injured or disabled" means that the covered person, because of
23 the injury or disability, has been rendered incapable of performing the
24 duties of the following:

25 (A) The position being performed at the time the injury or disability
26 was sustained; and

27 (B) any position that is at or above the pay level of the position the
28 covered person was in at the time the injury or disability was sustained, if
29 the covered person is a paid employee.

30 (8) "Injury" and "disability" mean any lesion or change in the
31 physical structure of the body causing damage or harm thereto that is not
32 transitory or minor. "Injury" and "disability" shall occur only by accident,
33 intentional act of violence or repetitive trauma.

34 (9) (A) "Intentional act of violence" means one or a combination of
35 the following:

36 (i) A deliberate act by a third party that results in inflicting harm on a
37 covered person while such person is performing those duties; or

38 (ii) a deliberate act by a covered person in the reasonable
39 performance of duties as a covered person that results in the infliction of
40 harm on the covered person.

41 (B) An "intentional act of violence" shall be identifiable by the time
42 and place of occurrence, produce at the time symptoms of an injury and
43 occur during a single work shift. The "intentional act of violence" shall be

1 the prevailing factor in causing the injury.

2 (C) "Intentional act of violence" does not include repetitive trauma in
3 any form.

4 (10) "Kansas *postsecondary* educational institution" means and
5 includes community colleges, the municipal university, state educational
6 institutions, the institute of technology at Washburn university and
7 technical colleges.

8 (11) "Law enforcement officer" means a person who by virtue of
9 office or public employment is vested by law with a duty to maintain
10 public order or to make arrests for violation of the laws of the state of
11 Kansas or ordinances of any municipality thereof or with a duty to
12 maintain or assert custody or supervision over persons accused or
13 convicted of crime, and includes wardens, superintendents, directors,
14 security personnel, officers and employees of adult and juvenile
15 correctional institutions, jails or other institutions or facilities for the
16 detention of persons accused or convicted of crime, while acting within the
17 scope of their authority.

18 (12) "Military service" means any active service in any armed service
19 of the United States and any active state or federal service in the Kansas
20 army or air national guard.

21 (13) "Nature of the employment" means that, to the occupation, trade
22 or employment in which the covered person was engaged, there is attached
23 a particular and peculiar hazard of the injury or disability that distinguishes
24 the performance of job duties from other occupations and employments
25 and that creates a hazard of such injury or disability in excess of the hazard
26 of the injury or disability in general.

27 (14) "Prisoner of war" means any person who was a resident of
28 Kansas at the time the person entered service of the United States armed
29 forces and who, while serving in the United States armed forces, has been
30 declared to be a prisoner of war, as established by the United States
31 secretary of defense, after January 1, 1960.

32 (15) "Public safety employee" means any employee of a law
33 enforcement office, sheriff's department, municipal fire department,
34 volunteer and non-volunteer fire protection association, emergency
35 medical services provider or correctional institution of the department of
36 corrections.

37 (16) "Public safety officer" means a law enforcement officer, a
38 firefighter, an emergency medical service provider or a public safety
39 employee.

40 (17) (A) "Repetitive trauma" means the cause of an injury that occurs
41 as a result of repetitive use, cumulative traumas or microtraumas. The
42 repetitive nature of the injury shall be demonstrated by diagnostic or
43 clinical tests. The "repetitive trauma" shall be the prevailing factor in

1 causing the injury.

2 (B) For purposes of the educational benefit conferred by this section,
 3 "repetitive trauma" includes only an injury arising out of the performing of
 4 duties and resulting from the nature of the employment in which a covered
 5 person was engaged and that was actually contracted while so engaged.
 6 The injury shall appear to have had its origin in a special risk of the injury
 7 connected with the particular type of employment and to have resulted
 8 from that source as a reasonable consequence of the risk. Ordinary injuries
 9 of life and conditions to which the general public is or could be exposed
 10 outside of the particular employment, and hazards of injuries and
 11 conditions attending employment in general, shall not qualify as
 12 "repetitive trauma."

13 (18) "Resident of Kansas" means a person who is a domiciliary
 14 resident as defined by K.S.A. 76-729, and amendments thereto.

15 (19) "Spouse" means the spouse of a public safety officer or member
 16 of the military service who has not remarried.

17 (20) "State board" means the state board of regents.

18 (c) (1) *Up to the aggregate limit for such financial assistance*
 19 *established for each academic year by the state board of regents based on*
 20 *the annual appropriated amounts for the reimbursements paid pursuant to*
 21 *subsection (d), every Kansas postsecondary educational institution shall*
 22 *provide for enrollment without charge of tuition or fees for:*

23 (A) Any eligible dependent or spouse of a public safety officer who:

24 (i) Was injured or disabled while performing duties as a public safety
 25 officer; or

26 (ii) died as the result of injury sustained while performing duties as a
 27 public safety officer;

28 (B) any dependent or spouse of any resident of Kansas who:

29 (i) ~~Died or was injured or disabled on or after September 11, 2001,~~
 30 ~~while, and as a result of, serving in military service; or~~

31 (ii) is entitled to compensation *from the United States department of*
 32 *veterans affairs* for a service-connected disability of at least 80% ~~because~~
 33 ~~of a public statute administered by the department of veterans affairs or a~~
 34 ~~military department as a result of injuries or accidents sustained in combat~~
 35 ~~after September 11, 2001; and~~

36 (C) any prisoner of war.

37 (2) Any such dependent or spouse and any prisoner of war shall be
 38 eligible for enrollment at a Kansas *postsecondary* educational institution
 39 without charge of tuition or fees for not to exceed 10 semesters of
 40 undergraduate instruction, or the equivalent thereof, at all such institutions.

41 (d) Subject to appropriations therefor, any Kansas *postsecondary*
 42 educational institution, at which enrollment, without charge of tuition or
 43 fees, of a prisoner of war or a dependent or spouse is provided for under

1 subsection ~~(b)~~ (c), may file a claim with the state board for reimbursement
2 of the amount of such tuition and fees. ~~In any fiscal year, such~~
3 ~~reimbursement shall not exceed a total of \$500,000.~~ The state board shall
4 include in its budget estimates pursuant to K.S.A. 75-3717, and
5 amendments thereto, a request for appropriations to cover tuition and fee
6 claims pursuant to this section. The state board shall be responsible for
7 payment of reimbursements to Kansas *postsecondary* educational
8 institutions upon certification by each such institution of the amount of
9 reimbursement to which *such institution* is entitled. Payments to Kansas
10 *postsecondary* educational institutions shall be made upon vouchers
11 approved by the state board, *or the state board's designee*, and upon
12 warrants of the director of accounts and reports. Payments may be made
13 by issuance of a single warrant to each Kansas *postsecondary* educational
14 institution at which one or more eligible dependents or spouses or
15 prisoners of war are enrolled for the total amount of tuition and fees not
16 charged for enrollment at that institution. The director of accounts and
17 reports shall cause such warrant to be delivered to the Kansas
18 *postsecondary* educational institution at which any such eligible
19 dependents or spouses or prisoners of war are enrolled. If an eligible
20 dependent or spouse or prisoner of war discontinues attendance before the
21 end of any semester, after the Kansas *postsecondary* educational institution
22 has received payment under this subsection, ~~the~~ *such* institution shall pay
23 to the state the entire amount that such eligible dependent or spouse or
24 prisoner of war would otherwise qualify to have refunded, not to exceed
25 the amount of the payment made by the state in behalf of such dependent
26 or spouse or prisoner of war for the semester. All amounts paid to the state
27 by Kansas *postsecondary* educational institutions under this subsection
28 shall be deposited in the state treasury and credited to the state general
29 fund.

30 (e) The state board shall adopt rules and regulations for
31 administration of the provisions of this section and shall determine the
32 qualification of persons as dependents and spouses of public safety officers
33 or United States military personnel and the eligibility of such persons for
34 the benefits provided for under this section.

35 Sec. 9. K.S.A. 74-3292, 74-3293, 74-3294, 74-3295, 74-3296, 74-
36 3297, 74-3298 and 74-3299 and K.S.A. 2023 Supp. 75-4364 is hereby
37 repealed.

38 Sec. 10. This act shall take effect and be in force from and after its
39 publication in the Kansas register.