

**CHAPTER 377 (HB 181)**

AN ACT relating to waiver of tuition fees for dependents of veterans.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 164.505 is amended to read as follows:

- (1) A~~Any~~ person ***shall not be required to pay any matriculation or tuition fees upon admission to any state supported university, junior college, or vocational training institution, if the person's deceased parent or stepparent, or if the person's deceased spouse, if the person has not remarried***~~[whose parent or any nonremarried widow or widower whose spouse]~~ was a resident of the Commonwealth of Kentucky upon joining the Kentucky National Guard or ***upon entering***~~[entrance into]~~ military service and; ~~[who]~~
  - (a) Was killed while serving in state active duty, active duty for training, ***or*** inactive duty training with the Kentucky National Guard, or ***while on active duty*** in the Armed Forces of the United States, during a national emergency, or wars declared by Congress, or actions of the United Nations, or was killed by hostile fire while on active duty in the Armed Forces of the United States or the Kentucky National Guard; or
  - (b) ~~[who]~~ Died as a result of a service-connected disability ***acquired while serving in state active duty, active duty for training, or inactive duty training with the Kentucky National Guard or Reserve Component, or while on active duty in the Armed Forces of the United States, during a national emergency, or wars declared by Congress, or actions of the United Nations***~~[shall not be required to pay any matriculation or tuition fee upon his admission to any state supported university, junior college, or vocational training institution].~~
- (2) In order to obtain the benefits conferred by subsection (1), the parent-child relationship must be shown by birth certificate, adoption papers, ***marriage certificate***, or other documentary evidence. ***A stepchild must have been a member of the veteran's household at the time of the veteran's death.*** The spousal relationship must be shown by a marriage certificate or other documentary evidence. The parent's or spouse's service and the cause of death must be evidenced by certification from the records of the Kentucky Department of Military Affairs or the Veterans Administration Records, or the Department of Defense of the United States. In the event one so admitted to a state-supported university, junior college, or vocational training institution under the provisions of this section shall have obtained a cash scholarship paid or payable to ***the***~~[such]~~ institution, from whatever source, the amount of ***the***~~[such]~~ scholarship shall be applied to the credit of ***the***~~[such]~~ applicant in the payment of incidental expenses of ~~[his]~~ attendance at ***the***~~[such]~~ institution, and any balance, if the terms of the scholarship permit, shall be returned to ***the***~~[such]~~ applicant.

SECTION 2. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

- (1) ***The nonremarried spouse, regardless of age, and any child, stepchild, or orphan, between the ages of seventeen (17) and twenty-three (23), of a deceased veteran shall not be required to pay any matriculation or tuition fees upon admission to any state supported university, junior college, or vocational training institute for a period not in excess of the thirty-six (36) months in order to obtain a diploma, nor in excess of the lesser number of months required for a certificate of completion, if the deceased parent or spouse:***

- (a) *1. Served in the Armed Forces of the United States during a national emergency, wars declared by Congress, or actions of the United Nations; or*
    - 2. Died while on active duty in the Armed Forces of the United States regardless of wartime service; or*
    - 3. Died as a result of a service connected disability acquired while on active duty with the Armed Forces of the United States regardless of wartime service; and*
  - (b) *1. Was a resident of the Commonwealth of Kentucky at the time of death; and*
    - 2. If discharged, was under honorable conditions.*
- (2) *In order to obtain the benefits conferred by subsection (1), the parent-child relationship must be shown by birth certificate, adoption papers, marriage certificate, or other documentary evidence. A stepchild must have been a member of the veteran's household at the time of the veteran's death. The spousal relationship must be shown by a marriage certificate or other documentary evidence. The parent's or spouse's service and the cause of death must be evidenced by certification from the records of the Kentucky Department of Military Affairs, the Veterans Administration Records, or the Department of Defense of the United States. In the event one so admitted to a state-supported university, junior college, or vocational training institution under this section shall have obtained a cash scholarship paid or payable to the institution, from whatever source, the amount of the scholarship shall be applied to the credit of the applicant in the payment of incidental expenses of attendance at the institution, and any balance, if the terms of the scholarship permit, shall be returned to the applicant.*

Section 3. KRS 164.515 is amended to read as follows:

- (1) The spouse, regardless of age, and any child, *stepchild*, or orphan of a permanently and totally disabled member of the Kentucky National Guard *or Reserve Component* injured while on state active duty, active duty for training, or inactive duty training, *or* a permanently and totally disabled war veteran, *or a one hundred percent (100%) service connected disabled veteran regardless of wartime service*, or prisoner of war or member of the Armed Services declared missing in action, who is over the age of seventeen (17) and under the age of twenty-three (23) shall not be required to pay any matriculation or tuition ~~fees~~{fee} upon his admission to any state supported institution of higher education or to any state supported vocational training school for a period not in excess of thirty-six (36) months in order to obtain a diploma, nor in excess of the lesser number of months required for a certificate of completion.
- (2) To be entitled to benefits under this section the parent *or stepparent* of the child claiming benefits if living must be rated permanently and totally disabled for pension purposes or one hundred percent (100%) disabled for compensation purposes by the United States Veterans Administration or the Department of Defense or if deceased the claim to benefits is to be based on the rating held by the veteran at the time of death or if a prisoner of war or missing in action, must have been declared as such by the Department of Defense. Members of the Kentucky National Guard must be rated permanently and totally disabled as provided in KRS Chapter 342. The parent's, *stepparent's*, or spouse's service and rating must be evidenced by certification from the records of the Kentucky Department of Military Affairs, Veterans Administration Records, or the Department of Defense of the United States.
- (3) ~~In the absence of certification of permanent and total disability by the Kentucky Department of Workers' Claims, the United States Veterans Administration or the Department of Defense,~~

~~medical evidence showing permanent and total disability or the existence of permanent and total disability for a period of at least thirty (30) days immediately prior to death may be accepted, if this evidence is signed by a physician licensed to practice or an official of an accredited medical hospital.~~

- ~~(4)~~—The parent-child relationship must be shown by birth certificate, legal adoption papers, *marriage certificate*, or other documentary evidence. *A stepchild must be a member of the veteran's household.* The spousal relationship must be shown by a marriage certificate or other documentary evidence.
- ~~(4)~~~~(5)~~—To entitle a spouse, child, *stepchild*, or orphan to benefit under this section the disabled member of the National Guard or *Reserve Component* ~~war~~ veteran living or deceased must have served on state active duty, active duty for training, or inactive duty training ~~with the National Guard~~ or *active duty with* ~~during time of war or the Korean conflict or subsequent periods of federally recognized hostilities or have been disabled by hostile fire in~~ the Armed Forces of the United States, and his discharge  ~~therefrom~~ must have been under honorable conditions. He must be a resident or if deceased, was a resident of the Commonwealth of Kentucky.
- ~~(5)~~~~(6)~~—No provision of this section shall serve to deny these benefits to an eligible spouse, child, *stepchild*, or orphan, who enlists, or who fulfills a military obligation, in the Armed Forces of the United States and is discharged ~~therefrom~~ under honorable conditions;  ~~the~~ ~~such~~ period of time spent in the military service to be compensated by like time, beyond the age of twenty-three (23) years if required, but not in excess of the period of enrollment as set forth in subsection (1) of this section.
- ~~(6)~~~~(7)~~—The marriage of an eligible child, *stepchild*, or orphan, shall not serve to deny full entitlement to the benefits provided in this section.

**Approved April 7, 2000**