

CHAPTER 41**(HB 112)**

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

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

SECTION 1. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section and KRS 164.480 to 164.515, unless the context requires otherwise, "resident" means a legal resident as determined by generally established principles of law, as may be defined, and subject to proof, according to such administrative regulations as the Kentucky Department of Veterans' Affairs may promulgate.*
- (2) *The Kentucky Department of Veterans' Affairs, pursuant to KRS Chapter 13A, shall promulgate administrative regulations concerning the eligibility of applicants to participate in the tuition waiver programs established in this section and KRS 164.480 to 164.515.*

Section 2. KRS 164.507 is amended 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; *or*
 2. *Was married to a resident of Kentucky at the time of death;* and
 3. ~~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.

Approved March 12, 2002