

1 AN ACT relating to postsecondary tuition waivers.

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

3 ➔Section 1. KRS 164.515 is amended to read as follows:

- 4 (1) The spouse, regardless of age, and any child, stepchild, or orphan~~[, under the age of~~  
5 ~~twenty-six (26),]~~ of a permanently and totally disabled member of the Kentucky  
6 National Guard or Reserve Component injured while on state active duty, active  
7 duty for training, or inactive duty training, or a permanently and totally disabled  
8 war veteran, or a one hundred percent (100%) service-connected disabled veteran  
9 regardless of wartime service, or prisoner of war or member of the Armed Services  
10 declared missing in action shall not be required to pay any matriculation or tuition  
11 fees upon his or her admission to any state-supported institution of higher  
12 education, community college, or vocational training institution for up to a  
13 maximum of one hundred twenty-eight (128) credit hours of undergraduate  
14 instruction~~[or to any state-supported vocational training school for a period not in~~  
15 ~~excess of forty five (45) months in order to obtain a diploma, nor in excess of the~~  
16 ~~lesser number of months required for a certificate of completion].~~
- 17 (2) To be entitled to benefits under this section, the parent or stepparent of the child  
18 claiming benefits, if living, must be rated permanently and totally disabled for  
19 pension purposes or one hundred percent (100%) disabled for compensation  
20 purposes by the United States Department of Veterans Affairs or the Department of  
21 Defense. If the veteran is deceased, the claim to benefits is to be based on the rating  
22 held by the veteran at the time of death, or if a prisoner of war or missing in action,  
23 must have been declared as such by the Department of Defense. Members of the  
24 Kentucky National Guard must be rated permanently and totally disabled as  
25 provided in KRS Chapter 342. The parent's, stepparent's, or spouse's service and  
26 rating must be evidenced by certification from the records of the Kentucky  
27 Department of Military Affairs, United States Department of Veterans Affairs, or

1 the Department of Defense of the United States.

2 (3) The parent-child relationship must be shown by birth certificate, legal adoption  
3 papers, marriage certificate, or other documentary evidence. A stepchild must be a  
4 member of the veteran's household. The spousal relationship must be shown by a  
5 marriage certificate or other documentary evidence.

6 (4) To entitle a spouse, child, stepchild, or orphan to benefit under this section, the  
7 disabled member of the National Guard or Reserve Component veteran living or  
8 deceased must:

9 (a) Have served on state active duty, active duty for training, or inactive duty  
10 training or active duty with the Armed Forces of the United States; ~~and his~~  
11 ~~discharge must~~

12 (b) Have been discharged under honorable conditions; and ~~He must~~

13 (c) Be a resident or, if deceased, have been a resident of the Commonwealth of  
14 Kentucky.

15 (5) (a) Entitlement for the benefit under this section shall terminate for a child's,  
16 stepchild's, or orphan upon the expiration of five (5) years following the  
17 graduation of the child, stepchild, or orphan from high school, except as  
18 provided in paragraph (b) of this subsection.

19 (b) The expiration of entitlement under paragraph (a) of this subsection shall  
20 be extended by the number of academic terms the child, stepchild, or  
21 orphan's institution determines the child, stepchild, or orphan was unable  
22 to enroll for or complete due to serving:

23 1. On active duty status in the United States Armed Forces;

24 2. As an officer in the Commissioned Corps of the United States Public  
25 Health Service; or

26 3. On active service in the Peace Corps Act or the Americorps. ~~No~~  
27 ~~provision of this section shall serve to deny these benefits to an eligible~~

1 spouse, child, stepchild, or orphan, who enlists, or who fulfills a military  
2 obligation, in the Armed Forces of the United States and is discharged  
3 under honorable conditions; the period of time spent in the military  
4 service to be compensated by like time, beyond the age of twenty-six  
5 (26) years if required, but not in excess of the period of enrollment as set  
6 forth in subsection (1) of this section.]

7 (6) The marriage of an eligible child, stepchild, or orphan, shall not serve to deny full  
8 entitlement to the benefits provided in this section.

9 (7) The student shall complete the Free Application for Federal Student Aid to  
10 determine the level of need and eligibility for state and federal financial aid  
11 programs. The amount of tuition waived under this section shall not exceed the  
12 cost of tuition and mandatory fees at the institution less any state or federal  
13 grants received, which shall be credited first to the student's tuition and fees.

14 ➔Section 2. KRS 164.284 is amended to read as follows:

15 (1) ~~[When]~~Any person sixty-five (65) years of age or older, who is a resident of the  
16 Commonwealth and~~[,]~~ is admitted and enrolls as a student in any state-supported  
17 institution of higher education, community college, or vocational training  
18 institution shall not be required to pay any matriculation or tuition fees for up to a  
19 maximum of one hundred twenty-eight (128) credit hours of undergraduate  
20 instruction,~~[of higher learning in this Commonwealth, the board of trustees of the~~  
21 ~~institution or other appropriate institution officials shall waive all tuition charges~~  
22 ~~and fees for such student,]~~ except as provided in subsection (2) of this section.

23 (2) In the event that classes are full or the granting of free admission requires additional  
24 units, the institution may deny admission under this section.

25 (3) The student shall complete the Free Application for Federal Student Aid to  
26 determine the level of need and eligibility for state and federal financial aid  
27 programs. The amount of tuition waived under this section shall not exceed the

cost of tuition and mandatory fees at the institution less any state or federal grants received, which shall be credited first to the student's tuition and fees.

➔Section 3. KRS 164.2841 is amended to read as follows:

- (1) (a) Any person whose parent or any nonmarried widow or widower whose spouse was a resident of the Commonwealth of Kentucky upon becoming a law enforcement officer, firefighter, ~~for~~ volunteer firefighter, or emergency medical services personnel and who was killed while in active service or training for active service or who died as a result of a service-connected disability shall not be required to pay any matriculation or tuition fee upon admission to any state-supported institution of higher education~~[university]~~, community college, or vocational training institution for up to a maximum of one hundred twenty-eight (128) credit hours of undergraduate instruction.

The provisions of this subsection shall apply to:

1. Any firefighter or volunteer firefighter who is killed or dies under the conditions covered in this subsection on or after July 1, 1989; and~~[, or thereafter]~~

2. Any emergency medical services personnel who was killed or died under the conditions covered in this subsection on or after July 1, 2000.

- (b) In order to obtain the benefits conferred by paragraph (a) of this subsection, the parent-child relationship shall be shown by birth certificate, adoption papers, or other documentary evidence. The spousal relationship shall be shown by a marriage certificate or other documentary evidence. The parent's or spouse's service and the cause of death shall be evidenced by certification from the records of:

1. The Kentucky Justice and Public Safety Cabinet;~~[,]~~

2. The appropriate city or county law enforcement agency which employed

1 the deceased;~~[-,]~~

2 3. The administrative agency for the fire department or fire protection  
3 district recognized for funding under KRS 95A.262;~~[-, or]~~

4 4. The administrative agency having jurisdiction over any paid firefighters  
5 of all counties and cities of all classes;or

6 5. The county, city, or administrative agency employing the emergency  
7 medical services personnel.

8 (2) (a) Any person whose parent or any nonmarried widow or widower whose spouse  
9 was an employee participating in a state-administered retirement system, and  
10 not otherwise covered by subsection (1) of this section, and who died as a  
11 result of a duty-related injury as described in KRS 61.621 shall not be  
12 required to pay any matriculation or tuition fee upon admission to any state-  
13 supported institution of higher education~~[university]~~, community college, or  
14 vocational training institution for up to a maximum of one hundred twenty-  
15 eight (128) credit hours of undergraduate instruction.

16 (b) In order to obtain the benefits conferred by paragraph (a) of this subsection,  
17 the parent-child relationship shall be shown by birth certificate, adoption  
18 papers, or other documentary evidence. The spousal relationship shall be  
19 shown by a marriage certificate or other documentary evidence. The parent's  
20 or spouse's service and the cause of death shall be evidenced by certification  
21 from the records of the employing agency or the appropriate retirement  
22 system.

23 (3) (a) Entitlement for the benefit under this section shall terminate for a child  
24 upon the expiration of five (5) years following the graduation of the child  
25 from high school, except as provided in paragraph (b) of this subsection.

26 (b) The expiration of entitlement under paragraph (a) of this subsection shall  
27 be extended by the number of academic terms the institution determines the

1 child was unable to enroll for or complete due to serving:

2 1. On active duty status in the United States Armed Forces;

3 2. As an officer in the Commissioned Corps of the United States Public  
 4 Health Service; or

5 3. On active service in the Peace Corps Act or the Americorps.

6 (4) The student shall complete the Free Application for Federal Student Aid to  
 7 determine the level of need and eligibility for state and federal financial aid  
 8 programs. The amount of tuition waived under this section shall not exceed the  
 9 cost of tuition and mandatory fees at the institution less any state or federal  
 10 grants received, which shall be credited first to the student's tuition and fees.

11 (5) As used in this section, "emergency medical services personnel" has the same  
 12 meaning as in KRS 61.31~~[If one so admitted to a state supported university,~~  
 13 ~~community college, or vocational training institution under the provisions of this~~  
 14 ~~section shall have obtained a cash scholarship paid or payable to the institution,~~  
 15 ~~from whatever source, the amount of the scholarship shall be applied to the credit of~~  
 16 ~~the applicant in the payment of incidental expenses of his attendance at the~~  
 17 ~~institution, and any balance, if the terms of the scholarship permit, shall be returned~~  
 18 ~~to the applicant].~~

19 ➔Section 4. KRS 164.2842 is amended to read as follows:

20 (1) (a) The spouse, regardless of age, and any child of a permanently and totally  
 21 disabled law enforcement officer, firefighter, ~~{or} volunteer firefighter,~~ or  
 22 emergency medical services personnel injured while in active service or in  
 23 training for active service~~[, who is over the age of seventeen (17) and under~~  
 24 ~~the age of twenty three (23)]~~ shall not be required to pay any matriculation or  
 25 tuition fee upon his or her admission to any state-supported institution of  
 26 higher education~~[university]~~, community college, or vocational training  
 27 institution for up to a maximum of one hundred twenty-eight (128) credit

1        hours of undergraduate instruction~~[a period not in excess of thirty-six (36)~~  
2        ~~months in order to obtain a diploma, nor in excess of the lesser number of~~  
3        ~~months required for a certificate of completion].~~

4        (b) For the spouse or child to be entitled to benefits under this section, the  
5        disabled law enforcement officer, firefighter, ~~{or }~~volunteer firefighter, or  
6        emergency medical services personnel shall be rated permanently and totally  
7        disabled for pension purposes or one hundred percent (100%) disabled for  
8        compensation purposes by the Kentucky Justice and Public Safety Cabinet,  
9        the appropriate city or county law enforcement agency which employed the  
10       disabled, the administrative agency for the fire department or fire protection  
11       district recognized for funding under KRS 95A.262, ~~{or }~~the administrative  
12       agency having jurisdiction over any paid firefighters of all counties and cities  
13       of all classes, or the county, city, or administrative agency employing the  
14       emergency medical services personnel, or if deceased, the claim to benefits is  
15       to be based on the rating held by the law enforcement officer, firefighter, ~~{or }~~  
16       ~~volunteer firefighter,~~ or emergency medical services personnel at the time of  
17       death. The parent's or spouse's service and rating shall be evidenced by  
18       certification from the records of:

- 19        1.    The Kentucky Justice and Public Safety Cabinet;~~{ }~~  
20        2.    The appropriate local law enforcement agency;~~{ }~~  
21        3.    The administrative agency for the fire department or fire protection  
22        district recognized for funding under KRS 95A.262;~~{or }~~  
23        4.    The administrative agency having jurisdiction over any paid firefighters  
24        of all counties and cities of all classes, or  
25        5.    The county, city, or administrative agency employing the emergency  
26        medical services personnel.

27        (c) In the absence of certification of permanent and total disability by the

1 Kentucky Department of Workers' Claims, the Kentucky Justice and Public  
2 Safety Cabinet, the appropriate local law enforcement agency, the  
3 administrative agency for the fire department or fire protection district  
4 recognized for funding under KRS 95A.262, ~~for~~ the administrative agency  
5 having jurisdiction over any paid firefighters of all counties and cities of all  
6 classes, or the county, city, or administrative agency employing the  
7 emergency medical services personnel, medical evidence showing permanent  
8 and total disability or the existence of permanent and total disability for a  
9 period of at least thirty (30) days immediately prior to death may be accepted,  
10 if this evidence is signed by a physician licensed to practice or an official of  
11 an accredited medical hospital.

12 (d) The parent-child relationship shall be shown by birth certificate, legal  
13 adoption papers, or other documentary evidence. The spousal relationship  
14 shall be shown by a marriage certificate or other documentary evidence.

15 (e) To entitle a spouse or child to benefits under this section the disabled law  
16 enforcement officer, firefighter, ~~for~~ volunteer firefighter, or emergency  
17 medical services personnel shall have been a resident of the Commonwealth  
18 of Kentucky upon becoming a law enforcement officer, firefighter, ~~for~~  
19 ~~volunteer firefighter~~, or emergency medical services personnel.

20 (2) (a) The spouse, regardless of age, and any child of a person who was an  
21 employee participating in a state-administered retirement system and not  
22 otherwise covered by subsection (1) of this section and who was disabled as a  
23 result of a duty-related injury as described in KRS 61.621~~[, who is over the~~  
24 ~~age of seventeen (17) and under the age of twenty three (23)]~~ shall not be  
25 required to pay any matriculation or tuition fee upon his or her admission to  
26 any state-supported institution of higher education~~[university]~~, community  
27 college, or vocational training institution for community college, or



1 vocational training institution for up to a maximum of one hundred twenty-  
2 eight (128) credit hours of undergraduate instruction~~[a period not in excess~~  
3 ~~of thirty-six (36) months in order to obtain a diploma, nor in excess of the~~  
4 ~~lesser number of months required for a certificate of completion]~~.

5 (b) The parent-child relationship shall be shown by birth certificate, legal  
6 adoption papers, or other documentary evidence. The spousal relationship  
7 shall be shown by a marriage certificate or other documentary evidence.

8 (3) The marriage of an eligible child shall not serve to deny full entitlement to the  
9 benefits provided in this section.

10 (4) (a) Entitlement to the benefit under subsections (1) or (2) of this section shall  
11 terminate for a child upon the expiration of five (5) years following the  
12 graduation of the child from high school, except as provided in paragraph  
13 (b) of this subsection.

14 (b) The expiration of entitlement under paragraph (a) of this subsection shall  
15 be extended by the number of academic terms the child's institution  
16 determines the child was unable to enroll for or complete due to serving:

17 1. On active duty status in the United States Armed Forces;

18 2. As an officer in the Commissioned Corps of the United States Public  
19 Health Service; or

20 3. On active service in the Peace Corps Act or the Americorps.

21 (5) The student shall complete the Free Application for Federal Student Aid to  
22 determine the level of need and eligibility for state and federal financial aid  
23 programs. The amount of tuition waived under this section shall not exceed the  
24 cost of tuition and mandatory fees at the institution less any state or federal  
25 grants received, which shall be credited first to the student's tuition and fees.

26 (6) As used in this section, "emergency medical services personnel" has the same  
27 meaning as in KRS 61.315.

1        ➔Section 5. KRS 164.507 is amended to read as follows:

2        (1) The nonremarried spouse, regardless of age, and any child, stepchild, or orphan~~;~~  
3        ~~under the age of twenty-six (26),]~~ of a deceased veteran shall not be required to pay  
4        any matriculation or tuition fees upon admission to any state-supported *institution*  
5        *of higher education, community college, or vocational training institution for up*  
6        *to a maximum of one hundred twenty-eight (128) credit hours of undergraduate*  
7        *instruction*~~[university, junior college, or vocational training institute for a period~~  
8        ~~not in excess of forty-five (45) months in order to obtain a diploma, nor in excess of~~  
9        ~~the lesser number of months required for a certificate of completion]~~, if the  
10       deceased parent or spouse:

- 11        (a)    1.    Served in the Armed Forces of the United States during a national  
12               emergency, wars declared by Congress, or actions of the United  
13               Nations; or  
14               2.    Died while on active duty in the Armed Forces of the United States  
15               regardless of wartime service; or  
16               3.    Died as a result of a service-connected disability acquired while on  
17               active duty with the Armed Forces of the United States regardless of  
18               wartime service; and  
19        (b)    1.    Was a resident of the Commonwealth of Kentucky at the time of death;  
20               or  
21               2.    Was married to a resident of Kentucky at the time of death; and  
22               3.    If discharged, was under honorable conditions.

23        (2) In order to obtain the benefits conferred by subsection (1) *of this section*, the  
24        parent-child relationship must be shown by birth certificate, adoption papers,  
25        marriage certificate, or other documentary evidence. A stepchild must have been a  
26        member of the veteran's household at the time of the veteran's death. The spousal  
27        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 United States Department of Veterans Affairs Records, or the Department of Defense of the United States. In the event one so admitted to a state-supported institution of higher education, community~~[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.

(3) (a) Entitlement for the benefit under this section shall terminate for a child upon the expiration of five (5) years following the graduation of the child from high school, except as provided in paragraph (b) of this subsection.

(b) The expiration of entitlement under paragraph (a) of this subsection shall be extended by the number of academic terms the child's institution determines the child was unable to enroll for or complete due to serving:

1. On active duty status in the United States Armed Forces;

2. As an officer in the Commissioned Corps of the United States Public Health Service; or

3. On active service in the Peace Corps Act or the Americorps.

(4) The student shall complete the Free Application for Federal Student Aid to determine the level of need and eligibility for state and federal financial aid programs. The amount of tuition waived under this section shall not exceed the cost of tuition and mandatory fees at the institution less any state or federal grants received, which shall be credited first to the student's tuition and fees.