

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 1320

By: Albright

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5
6 AS INTRODUCED

7 An Act relating to schools; exempting certain
8 veterans from payment of tuition to institutions of
9 higher education; extending tuition exemption to
10 certain spouses of veterans; extending tuition
11 exemption to certain children of veterans; requiring
12 eligible spouse and child to be residents; limiting
13 exemption to number of credit hours; providing
14 exemption application procedure; disqualifying
15 persons who are entitled to certain federal
16 educational benefits; disqualifying persons in
17 default on certain loans; authorizing institutions of
18 higher education to enter into certain contracts with
19 the federal government; providing for certain refunds
20 when tuition payments are deducted from veteran
21 benefits; requiring institutions of higher education
22 to report tuition exemption information; authorizing
23 the Oklahoma Veterans Commission to adopt rules;
24 prohibiting consideration of tuition exemption in
decision of admission to higher education program;
directing the Commission to establish procedures for
certain transfer of unused tuition exemption to
child; providing methods and qualification
requirements for certain transfer of unused tuition
exemption to child; defining term; providing
exception to certain age requirement; requiring the
Oklahoma State Regents for Higher Education and the
Oklahoma Veterans Commission to coordinate and share
information; providing for codification; and
providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 626.50 of Title 70, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Each institution of higher education of The Oklahoma State
5 System of Higher Education shall exempt the following persons from
6 the payment of tuition, dues, fees and other required charges,
7 including fees for correspondence courses but excluding general
8 deposit fees, student services fees and any fees or charges for
9 lodging, board or clothing, provided the person seeking the
10 exemption currently resides in this state and entered the service at
11 a location in this state, declared this state as the person's home
12 of record in the manner provided by the applicable military or other
13 service or would have been determined to be a resident of this state
14 for purposes of resident tuition at the time the person entered the
15 service:

16 1. All nurses and honorably discharged members of the Armed
17 Forces of the United States who served during the Spanish-American
18 War or during World War I;

19 2. All nurses, members of the Women's Army Auxiliary Corps,
20 members of the Women's Auxiliary Volunteer Emergency Service and all
21 honorably discharged members of the Armed Forces of the United
22 States who served during World War II except those who were
23 discharged from service because they were over the age of thirty-

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1 eight (38) or because of a personal request on the part of the
2 person that the person be discharged from service;

3 3. All honorably discharged men and women of the Armed Forces
4 of the United States who served during the national emergency which
5 began on June 27, 1950, and which is referred to as the Korean War;
6 and

7 4. All persons who were honorably discharged from the Armed
8 Forces of the United States after serving on active military duty,
9 excluding training, for more than one hundred eighty (180) days and
10 who served a portion of their active duty during:

- 11 a. the Cold War which began on the date of the
12 termination of the national emergency cited in
13 paragraph 3 of this section,
- 14 b. the Vietnam era which began on December 21, 1961, and
15 ended on May 7, 1975,
- 16 c. the Grenada and Lebanon era which began on August 24,
17 1982, and ended on July 31, 1984,
- 18 d. the Panama era which began on December 20, 1989, and
19 ended on January 21, 1990,
- 20 e. the Persian Gulf War which began on August 2, 1990,
21 and ends on the date thereafter prescribed by
22 Presidential proclamation or September 1, 1997,
23 whichever occurs first,

- 1 f. the national emergency by reason of certain terrorist
2 attacks that began on September 11, 2001, or
3 g. any future national emergency declared in accordance
4 with federal law.

5 B. The exemptions provided for in subsection A of this section
6 shall also apply to the spouse of:

7 1. A member of the Armed Forces of the United States:

- 8 a. who was killed in action,
9 b. who died while in service,
10 c. who is missing in action,
11 d. whose death is documented to be directly caused by
12 illness or injury connected with service in the Armed
13 Forces of the United States, or
14 e. who became totally and permanently disabled or meets
15 the eligibility requirements for individual
16 unemployability according to the disability ratings of
17 the Department of Veterans Affairs as a result of a
18 service-related injury; or

19 2. A member of the Oklahoma National Guard or the Oklahoma Air
20 National Guard who:

- 21 a. was killed since January 1, 1946, while on active duty
22 either in the service of this state or the United
23 States, or
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1 b. is totally and permanently disabled or meets the
2 eligibility requirements for individual
3 unemployability according to the disability ratings of
4 the Department of Veterans Affairs, regardless of
5 whether the member is eligible to receive disability
6 benefits from the Department, as a result of a
7 service-related injury suffered since January 1, 1946,
8 while on active duty either in the service of this
9 state or the United States.

10 C. The exemptions provided for in subsection A of this section
11 shall also apply to:

12 1. The children of members of the Armed Forces of the United
13 States:

- 14 a. who are or were killed in action,
- 15 b. who die or died while in service,
- 16 c. who are missing in action,
- 17 d. whose deaths are documented to be directly caused by
18 illness or injury connected with service in the Armed
19 Forces of the United States, or
- 20 e. who became totally and permanently disabled or meet
21 the eligibility requirements for individual
22 unemployability according to the disability ratings of
23 the Department of Veterans Affairs as a result of a
24 service-related injury; and

1 2. The children of members of the Oklahoma National Guard and
2 the Oklahoma Air National Guard who:

3 a. were killed since January 1, 1946, while on active
4 duty either in the service of their state or the
5 United States, or

6 b. are totally and permanently disabled or meet the
7 eligibility requirements for individual
8 unemployability according to the disability ratings of
9 the Department of Veterans Affairs, regardless of
10 whether the members are eligible to receive disability
11 benefits from the Department, as a result of a
12 service-related injury suffered since January 1, 1946,
13 while on active duty either in the service of this
14 state or the United States.

15 D. To qualify for an exemption under subsections B and C of
16 this section, the spouse or child shall be classified as a resident
17 for purposes of resident tuition on the date of the spouse's or
18 child's registration.

19 E. A person may not receive exemptions provided for by this
20 section for more than a cumulative total of one hundred fifty (150)
21 credit hours.

22 F. Each institution of higher education granting an exemption
23 under this section shall require each applicant claiming the
24 exemption to submit to the institution, in the form and manner

1 prescribed by the Oklahoma Veterans Commission, an application for
2 the exemption and necessary evidence that the applicant qualifies
3 for the exemption not later than the last class date of the semester
4 or term to which the exemption applies, except that the institution
5 of higher education may encourage the submission of an application
6 and evidence by the official day of record for the semester or term
7 to which the exemption applies on which the institution shall
8 determine the enrollment that is reported to the Oklahoma State
9 Regents for Higher Education.

10 G. The exemption from tuition, fees and other charges provided
11 for by this section does not apply to a person who at the time of
12 registration is entitled to receive educational benefits under
13 federal legislation that may be used only for the payment of tuition
14 and fees if the value of those benefits received in a semester or
15 other term is equal to or exceeds the value of the exemption for the
16 same semester or other term. If the value of federal benefits that
17 may be used only for the payment of tuition and fees received in a
18 semester or other term does not equal or exceed the value of the
19 exemption for the same semester or other term, the person is
20 entitled to receive both those federal benefits and the exemption in
21 the same semester or other term. The combined amount of the federal
22 benefit that may be used only for the payment of tuition and fees
23 plus the amount of the exemption received in a semester or other
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1 term may not exceed the cost of tuition and fees for that semester
2 or other term.

3 H. A person may not receive an exemption under this section if
4 the person is in default on a loan made or guaranteed for
5 educational purposes by the State of Oklahoma.

6 I. Each institution of higher education may enter into
7 contracts with the United States government or any of its agencies
8 to furnish instruction to ex-servicemen and ex-servicewomen at a
9 tuition rate which covers the estimated cost of the instruction or,
10 in the alternative, at a tuition rate of One Hundred Dollars
11 (\$100.00) a semester, as may be determined by the institution of
12 higher education. If the rates specified are prohibited by federal
13 law for any particular class of ex-servicemen or ex-servicewomen,
14 the tuition rate shall be set by the institution of higher education
15 but shall not be less than the established rate for civilian
16 students. If federal law provides as to any class of veterans that
17 the tuition payments are to be deducted from subsequent benefits to
18 which the veteran may be entitled, the institution shall refund to
19 any veteran who is a resident of Oklahoma the amount by which any
20 adjusted compensation payment is actually reduced because of tuition
21 payments made to the institution by the federal government for the
22 veteran.

23 J. Each institution of higher education shall electronically
24 report to the Oklahoma State Regents for Higher Education the

1 information relating to each individual receiving an exemption under
2 this section. The institution shall report the information not
3 later than January 31 of each year for the fall semester, June 30 of
4 each year for the spring semester and September 30 of each year for
5 the summer session.

6 K. The Oklahoma Veterans Commission may adopt rules to provide
7 for the efficient and uniform application of this section. In
8 developing rules under this subsection, the Commission shall consult
9 with the Oklahoma State Regents for Higher Education and
10 institutions of higher education.

11 L. In determining whether to admit a person to any certificate
12 program or any baccalaureate, graduate, postgraduate or professional
13 degree program, an institution of higher education may not consider
14 the fact that the person is eligible for an exemption under this
15 section.

16 M. The Oklahoma Veterans Commission by rule shall prescribe
17 procedures to allow:

18 1. A person who becomes eligible for an exemption provided by
19 subsection A of this section to waive the person's right to any
20 unused portion of the number of cumulative credit hours for which
21 the person could receive the exemption and assign the exemption for
22 the unused portion of those credit hours to a child of the person;
23 and

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1 2. Following the death of a person who becomes eligible for an
2 exemption provided by subsection A of this section, the assignment
3 of the exemption for the unused portion of the credit hours to a
4 child of the person, to be made by the person's spouse or by the
5 conservator, guardian, custodian or other legally designated
6 caretaker of the child, if the child does not otherwise qualify for
7 an exemption under subsection C of this section.

8 N. The procedures prescribed pursuant to subsection M of this
9 section shall provide:

10 1. The manner in which a person may waive the exemption;

11 2. The manner in which a child may be designated to receive the
12 exemption;

13 3. A procedure permitting the designation of a different child
14 to receive the exemption if the child previously designated to
15 receive the exemption did not use the exemption under this section
16 for all of the assigned portion of credit hours;

17 4. A method of documentation to enable institutions of higher
18 education to determine the eligibility of the designated child to
19 receive the exemption; and

20 5. A procedure permitting a person who waived the exemption and
21 designated a child to receive the exemption to revoke that
22 designation as to any unused portion of the assigned credit hours.

23 O. To be eligible to receive an exemption under subsection N of
24 this section, the child shall:

1 1. Be a student who is classified as a resident for purposes of
2 resident tuition when the child enrolls in an institution of higher
3 education;

4 2. As a graduate or undergraduate student, maintain a grade
5 point average that satisfies the grade point average requirement for
6 making satisfactory academic progress in a degree, certificate or
7 continuing education program as determined by the institution at
8 which the child is enrolled in accordance with the institution's
9 policy regarding eligibility for financial aid; and

10 3. Be twenty-five (25) years of age or younger on the first day
11 of the semester or other academic term for which the exemption is
12 claimed.

13 P. For purposes of this section, a person is the child of
14 another person if:

15 1. The person is the stepchild or the biological or adopted
16 child of the other person; or

17 2. The other person claimed the person as a dependent on a
18 federal income tax return filed for the preceding year or will claim
19 the person as a dependent on a federal income tax return for the
20 current year.

21 Q. The Oklahoma Veterans Commission by rule shall prescribe
22 procedures by which a child assigned an exemption under subsection N
23 of this section who suffered from a severe illness or other
24 debilitating condition that affected the child's ability to use the

1 exemption before reaching the age described by paragraph 3 of
2 subsection O of this section may be granted additional time to use
3 the exemption corresponding to the time the child was unable to use
4 the exemption because of the illness or condition.

5 R. The Oklahoma State Regents for Higher Education and the
6 Oklahoma Veterans Commission shall coordinate to provide each
7 respective agency with any information required to ensure the proper
8 administration of this section and the proper execution of each
9 agency's statutory responsibilities concerning this section.

10 SECTION 2. This act shall become effective November 1, 2019.

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