

**MILITARY SURVIVORS - TUITION WAIVER**

**AMENDMENTS**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Michael T. Morley**

Senate Sponsor: Peter C. Knudson

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**LONG TITLE**

**General Description:**

This bill amends provisions related to higher education tuition waivers for the dependents of certain deceased members of the military.

**Highlighted Provisions:**

This bill:

- ▶ provides that a Utah resident or nonresident dependent of a Utah resident or nonresident deceased member of the Utah National Guard may receive a higher education tuition waiver; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53B-8-107**, as last amended by Laws of Utah 2008, Chapter 184

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **53B-8-107** is amended to read:

**53B-8-107. Military member surviving dependents -- Tuition waiver.**

(1) As used in this section, "qualifying deceased military member" means a person:

- 30           (a) who:
- 31           (i) is killed while serving on state or federal active duty, under orders of competent
- 32 authority and not as a result of the member's own misconduct; or
- 33           (ii) dies of wounds or injuries received while serving on state or federal active duty,
- 34 under orders of competent authority and not as a result of the member's own misconduct; and
- 35           (b) who:
- 36           (i) is a member of the armed forces of the United States and a Utah resident;
- 37           (ii) is a member of the reserve component of the armed forces on or after September
- 38 11, 2001, and a Utah resident; or
- 39           (iii) is a member of the Utah National Guard on or after September 11, 2001.

40           [(+) (2) This section shall be known as the Scott B. Lundell Military Survivors' tuition

41 waiver.

42           ~~[(2) If a Utah resident who is a member of the armed forces of the United States,~~

43 ~~including a member of the National Guard or reserve component of the armed forces on or after~~

44 ~~September 11, 2001, is killed or dies of wounds or injuries received while serving on state or~~

45 ~~federal active duty, under orders of competent authority and not as a result of the member's~~

46 ~~own misconduct, a]~~

47           (3) A state institution of higher education shall waive undergraduate tuition for [that

48 ~~member's dependents] a dependent of a qualifying deceased military member under the~~

49 following conditions:

- 50           (a) the dependent has been accepted by the institution in accordance with the
- 51 institution's admissions guidelines;
- 52           (b) except as provided in Subsection (4), the dependent is a resident student as
- 53 determined under Section 53B-8-102;
- 54           (c) the dependent may not have already completed a course of studies leading to an
- 55 undergraduate degree;
- 56           (d) the dependent may only utilize the waiver for courses that are applicable toward the
- 57 degree or certificate requirements of the program in which the dependent is enrolled; and

58 (e) the dependent may not be excluded from the waiver if the dependent has previously  
59 taken courses at or has been awarded credit by a state institution of higher education.

60 (4) Notwithstanding Subsection (3)(b), a dependent of a qualifying deceased military  
61 member that was a member of the Utah National Guard is not required to be a resident student  
62 as determined under Section 53B-8-102.

63 [~~3~~] (5) The tuition waiver in this section is applicable for undergraduate study only.

64 [~~4~~] (6) The Department of Veterans' Affairs, after consultation with the adjutant  
65 general if necessary, shall certify to the institution that the dependent is a surviving dependent  
66 eligible for the tuition waiver in accordance with this section.

67 [~~5~~] (7) The waiver in this section does not apply to fees, books, or housing expenses.

68 [~~6~~] (8) The State Board of Regents may request reimbursement from the Legislature  
69 for costs incurred in providing the tuition waiver under this section.