

1 **SCOTT B. LUNDELL MILITARY**
2 **SURVIVORS' TUITION WAIVER**
3 **AMENDMENTS**

4 2008 GENERAL SESSION

5 STATE OF UTAH

6 **Chief Sponsor: Michael T. Morley**

7 Senate Sponsor: Margaret Dayton

9 **LONG TITLE**

10 **General Description:**

11 This bill modifies the undergraduate tuition waiver available for certain surviving
12 dependents of military members.

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ expands the undergraduate tuition waiver to surviving dependents of Utah resident
16 military members killed on state active duty;
- 17 ▶ clarifies that tuition waivers are available for surviving dependents, beginning on
18 September 11, 2001; and
- 19 ▶ requires the Department of Veterans' Affairs to certify the eligibility of surviving
20 dependents to state institutions of higher education.

21 **Monies Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **53B-8-107**, as enacted by Laws of Utah 2007, Chapter 163

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

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

31 **53B-8-107. Military member surviving dependents -- Tuition waiver.**

32 (1) This section shall be known as the Scott B. Lundell Military Survivors' tuition
33 waiver.

34 (2) If a Utah resident who is a member of the armed forces of the United States,
35 including a member of the National Guard or reserve component of the armed forces on or after
36 September 11, 2001, is killed or dies of wounds or injuries received while serving on state or
37 federal active duty, under orders of competent authority and not as a result of the member's own
38 misconduct, a state institution of higher education shall waive undergraduate tuition for that
39 member's dependents under the following conditions:

40 (a) the dependent has been accepted by the institution in accordance with the
41 institution's admissions guidelines;

42 (b) the dependent is a resident student as determined under Section 53B-8-102;

43 (c) the dependent may not have already completed a course of studies leading to an
44 undergraduate degree;

45 (d) the dependent may only utilize the waiver for courses that are applicable toward the
46 degree or certificate requirements of the program in which the dependent is enrolled; and

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

49 (3) The tuition waiver in this section is applicable for undergraduate study only.

50 (4) The ~~[adjutant general]~~ Department of Veterans' Affairs, after consultation with
51 ~~[federal officials]~~ the adjutant general if necessary, shall certify to the institution that the
52 dependent is a surviving dependent eligible for the tuition waiver in accordance with this
53 section.

54 (5) The waiver in this section does not apply to fees, books, or housing expenses.

55 (6) The State Board of Regents may request reimbursement from the Legislature for
56 costs incurred in providing the tuition waiver under this section.