

**Effective 7/1/2020**

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

- (1) As used in this section:
  - (a) "Federal active duty" means serving under orders in accordance with United States Code, Title 10 or Title 32, at any time on or after September 11, 2001.
  - (b) "Qualifying deceased military member" means a person who:
    - (i) was killed while serving on state or federal active duty, under orders of competent authority and not as a result of the member's own misconduct; or
    - (ii) dies of wounds or injuries received while serving on state or federal active duty, under orders of competent authority and not as a result of the member's own misconduct; and
    - (iii) was a member of the armed forces of the United States and a Utah resident;
    - (iv) was a member of the reserve component of the armed forces on or after September 11, 2001, and a Utah resident; or
    - (v) was a member of the Utah National Guard on or after September 11, 2001.
  - (c) "State active duty" means serving in the Utah National Guard in any duty status authorized by the governor under Title 39, Militia and Armories.
- (2) This section shall be known as the Scott B. Lundell Military Survivors' tuition waiver.
- (3) A state institution of higher education shall waive undergraduate tuition for a dependent of a qualifying deceased military member under the following conditions:
  - (a) the dependent has been accepted by the institution in accordance with the institution's admissions guidelines;
  - (b) except as provided in Subsection (4), the dependent is a resident student as determined under Section 53B-8-102;
  - (c) the dependent may not have already completed a course of studies leading to an undergraduate degree;
  - (d) the dependent may only utilize the waiver for courses that are applicable toward the degree or certificate requirements of the program in which the dependent is enrolled; and
  - (e) the dependent may not be excluded from the waiver if the dependent has previously taken courses at or has been awarded credit by a state institution of higher education.
- (4) Notwithstanding Subsection (3)(b), a dependent of a qualifying deceased military member that was a member of the Utah National Guard is not required to be a resident student as determined under Section 53B-8-102.
- (5) The tuition waiver in this section is applicable for undergraduate study only.
- (6) The Department of Veterans and Military Affairs, after consultation with the adjutant general if necessary, shall certify to the institution that the dependent is a surviving dependent eligible for the tuition waiver in accordance with this section.
- (7) The waiver in this section does not apply to fees, books, or housing expenses.
- (8) The board may request reimbursement from the Legislature for costs incurred in providing the tuition waiver under this section.

Amended by Chapter 365, 2020 General Session