

**VETERAN SURVIVOR AND DEPENDENT  
HIGHER EDUCATION BENEFIT**

2006 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Scott D. McCoy**

House Sponsor: Tim M. Cosgrove

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**LONG TITLE**

**General Description:**

This bill provides a tuition waiver at all public institutions of higher education for disabled service members, and spouses and children of service members killed or disabled in federal service on or after January 1, 2002.

**Highlighted Provisions:**

This bill:

- ▶ defines "service member";
- ▶ defines "killed" and "disabled";
- ▶ provides that the surviving spouse and children of service members killed while on federal active service shall receive tuition waivers at public institutions of higher education under specific circumstances;
- ▶ provides that the spouse and children of service members at least 50% disabled while on federal active service shall receive tuition waivers at public institutions of higher education under specific circumstances; and
- ▶ provides that a service member who is at least 50% disabled shall receive tuition waivers at public institutions of higher education.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**



28 None

29 **Utah Code Sections Affected:**

30 ENACTS:

31 **53B-8f-101**, Utah Code Annotated 1953

32 **53B-8f-102**, Utah Code Annotated 1953

33 **53B-8f-103**, Utah Code Annotated 1953

34 **53B-8f-104**, Utah Code Annotated 1953



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

37 Section 1. Section **53B-8f-101** is enacted to read:

38 **CHAPTER 8f. SERVICE MEMBER AND DEPENDENT TUITION ACT**

39 **53B-8f-101. Title.**

40 This chapter is known as the "Service Member and Dependent Tuition Act."

41 Section 2. Section **53B-8f-102** is enacted to read:

42 **53B-8f-102. Definitions.**

43 As used in this chapter:

44 (1) "Child" means an individual who:

45 (a) is a natural or adopted child of a deceased or disabled service member; and

46 (b) was under the age of 25 at the time of the service member's death or disability.

47 (2) "Disabled" means that the service member is at least 50% disabled, as determined

48 by the federal Department of Veterans' Affairs, and the service member's disability was the

49 direct and proximate result of a traumatic injury incurred while serving on federal active duty

50 on or after January 1, 2002.

51 (3) "Division" means the Division of Veteran's Affairs.

52 (4) "Killed" means that the service member's death is the direct and proximate result of

53 a traumatic injury incurred while serving on federal active duty on or after January 1, 2002.

54 (5) "Service member" means:

55 (a) any member of the Utah National Guard serving on active military service in an

56 organized military unit; or

57 (b) any member of a reserve unit located within the state.

58 (6) "State institution of higher education" means those institutions designated in

59 Section 53B-1-102.

60 (7) "Traumatic injury" means a wound or the condition of the body caused by external  
61 force, including an injury inflicted by bullet, explosive, sharp instrument, blunt object, or other  
62 physical blow, fire, smoke, chemical, electricity, climatic condition, infectious disease,  
63 radiation, or bacteria.

64 (8) "Tuition" means tuition at the rate charged for residents of the state.

65 Section 3. Section **53B-8f-103** is enacted to read:

66 **53B-8f-103. Tuition waivers for spouses and children of service members killed or**  
67 **disabled on active duty -- Qualifications -- Limitations.**

68 (1) Beginning in the 2006-07 academic year, and subject to the limitations in  
69 Subsections (2), (3), and (4) a state institution of higher education shall waive tuition for each  
70 child and spouse of a service member who is or has been killed or disabled, and any service  
71 member who is disabled, while on active federal service if the individual meets the following  
72 requirements:

73 (a) applies, qualifies, and is admitted as a full-time, part-time, or summer school  
74 student in a program of study leading to a degree or certificate;

75 (b) is a resident student of the state as determined under Section 53B-8-102;

76 (c) applies to the division for a waiver of tuition under this chapter and provides  
77 evidence satisfactory to the division that:

78 (i) the applicant was a service member disabled while on active federal service;

79 (ii) the applicant is the surviving spouse or child of a service member who was killed  
80 or the spouse or child of a service member who was disabled while on active federal service;

81 (iii) the course or courses for which the applicant is seeking a tuition waiver meet the  
82 requirements of Subsection (2); and

83 (iv) the applicant meets the other requirements of this section;

84 (d) for a child of a service member killed or disabled while on active federal service,  
85 applies under Subsection (1)(c) for the first time before the age of 25;

86 (e) is certified by the financial aid officer at the higher education institution as needing  
87 the tuition waiver in order to meet recognized educational expenses, with the understanding  
88 that if the applicant's family income, excluding any income from death benefits attributable to  
89 the service member's death or disability, is below 400% of the poverty level under federal

90 poverty guidelines, income from any death or disability benefits accruing to the applicant as a  
91 result of the death or disability may not be counted as family income in determining financial  
92 need under this Subsection (1)(e);

93 (f) maintains satisfactory academic progress, as defined by the institution of higher  
94 education, for each term or semester in which the individual is enrolled, which may be  
95 measured by the definition used for federal student assistance programs under Title IV of the  
96 Higher Education Act of 1965; and

97 (g) has not achieved a bachelor's degree and has received tuition reimbursement under  
98 this chapter for less than 124 semester credits or 180 quarter credits at an institution of higher  
99 education.

100 (2) The applicant shall be eligible for a tuition waiver under this section of not more  
101 than nine semesters or the equivalent number of quarters.

102 (3) Tuition shall be waived only to the extent that the tuition is not covered or paid by  
103 any scholarship, trust fund, statutory benefit, or any other source of tuition coverage available  
104 for a waiver under this chapter.

105 (4) An institution of higher education shall waive tuition under this chapter only for  
106 courses that are applicable toward the degree or certificate requirements of the program in  
107 which the child or spouse is enrolled.

108 Section 4. Section **53B-8f-104** is enacted to read:

109 **53B-8f-104. Notice of tuition waiver approval -- Annual appropriation.**

110 (1) Upon receiving an application under Subsection 53B-8f-103(1)(c), the division  
111 shall determine whether the applicant and the courses for which tuition waiver is sought meet  
112 the requirements of Section 53B-8f-103 and, if so, shall approve the application and notify the  
113 higher education institution that the application has been approved.

114 (2) The division shall provide the necessary forms and applications and cooperate with  
115 the state's institutions of higher education in developing efficient procedures for the  
116 implementation of this chapter.

117 (3) The division shall annually report to the Legislature's Higher Education  
118 Appropriations Subcommittee on the number of individuals for whom tuition has been waived  
119 at each institution and the total amounts paid under this chapter for the fiscal year.

120 (4) The Legislature shall annually appropriate the funds necessary to implement this

121 chapter, including moneys to offset the tuition waivers at each institution.

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**Legislative Review Note**  
as of 2-7-06 8:54 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

**State Impact**

This fiscal impact of this bill will be determined by (1) the number of service members killed or disabled, (2) the number of their surviving spouses and children who decide to take advantage of the bill's tuition waivers, and (3) the institution those beneficiaries attend that grant the tuition waivers.

Based on 2004-05 tuition rates, the Utah System of Higher Education would see a loss of tuition revenue, otherwise collected as a dedicated credits, of \$1,800 to \$3,400 for each waiver granted. Assuming that ten surviving spouses and/or children applied for the tuition waiver, and using an average tuition rate, the tuition loss would be \$26,000 annually.

The costs would likely increase and decrease, possibly on a delayed basis, according to the level of involvement of federal active duty.

|                   | <u>FY 2007</u><br><u>Approp.</u> | <u>FY 2008</u><br><u>Approp.</u> | <u>FY 2007</u><br><u>Revenue</u> | <u>FY 2008</u><br><u>Revenue</u> |
|-------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|
| Dedicated Credits | \$0                              | \$0                              | (\$26,000)                       | (\$26,000)                       |
| <b>TOTAL</b>      | <b>\$0</b>                       | <b>\$0</b>                       | <b>(\$26,000)</b>                | <b>(\$26,000)</b>                |

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**Individual and Business Impact**

Individuals who qualify for the tuition waivers would benefit under the provisions of this bill.

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