

**MILITARY SURVIVORS - TUITION WAIVER**

**AMENDMENTS**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Michael T. Morley**

Senate Sponsor: Peter C. Knudson

---

---

**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

---

---

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

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



28 **53B-8-107. Military member surviving dependents -- Tuition waiver.**29 (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 competent32 authority and not as a result of the member's own misconduct; or33 (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; and35 (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 September38 11, 2001, and a Utah resident; or39 (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.

---

---

**Legislative Review Note**  
as of 2-8-11 5:05 PM

**Office of Legislative Research and General Counsel**