

# HB0109S01 compared with HB0109

~~{deleted text}~~ shows text that was in HB0109 but was deleted in HB0109S01.

inserted text shows text that was not in HB0109 but was inserted into HB0109S01.

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Representative Calvin R. Musselman proposes the following substitute bill:

## VETERAN DEPENDENT TUITION AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Calvin R. Musselman**

Senate Sponsor: ~~{ }~~ Ann Millner

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### LONG TITLE

#### General Description:

This bill creates a ~~{tuition waiver}~~ financial assistance program for dependents of disabled veterans who enroll at a state institution of higher education.

#### Highlighted Provisions:

This bill:

- ▶ ~~{provides the conditions under which a state institution of higher education is required to waive tuition for the}~~ defines terms;
- ▶ provides the requirements for a dependent of a disabled veteran to receive financial assistance;
- ▶ grants rulemaking authority to the Department of Veterans and Military Affairs, in coordination with the Utah Board of Higher Education, to make rules governing the financial assistance program; and

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- ▶ establishes reporting requirements and a cap on administrative costs.

### Money Appropriated in this Bill:

~~{None}~~ This bill appropriates in fiscal year 2024:

- ▶ to Department of Veterans and Military Affairs -- DVMA Pass Through -- DVMA Pass Through as an ongoing appropriation:
  - from the General Fund, \$100,000.

### Other Special Clauses:

~~{None}~~ This bill provides a special effective date.

This bill provides a coordination clause.

### Utah Code Sections Affected:

ENACTS:

~~{53B-8-107.5}~~ 71-15-101, Utah Code Annotated 1953

71-15-102, Utah Code Annotated 1953

### Utah Code Sections Affected by Coordination Clause:

71-15-101, Utah Code Annotated 1953

71-15-102, Utah Code Annotated 1953

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

Section 1. Section ~~{53B-8-107.5}~~ 71-15-101 is enacted to read:

~~{53B-8-107.5. Disabled veterans' dependent tuition waiver.~~

~~(1) As used in this section, "qualifying"~~ CHAPTER 15. TUITION AND FEES ASSISTANCE

#### 71-15-101. Definitions.

As used in this chapter:

- (1) "Board" means the Utah Board of Higher Education described in Section 53B-1-402.
- (2) (a) "Fee" means a general course fee, in addition to tuition, that is:
  - (i) imposed by an institution of higher education; and
  - (ii) required to be paid by a student to engage in a course of study at the institution of higher education.
- (b) "Fee" does not include a special course fee.

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(3) "Qualifying disabled veteran" means a veteran who has a 100% service-connected disability rating by the Veterans Benefits Administration that is permanent and total.

~~{(2) A state institution of higher education shall waive undergraduate tuition for a}~~Section 2. Section 71-15-102 is enacted to read:

### 71-15-102. Tuition and fee assistance for dependent of disabled veteran.

(1) (a) A dependent of a qualifying disabled veteran ~~{under the following conditions}~~ may be eligible for financial assistance if:

~~{(a)i}~~ the state institution of higher education has accepted the dependent in accordance with the state institution of higher education's admissions guidelines;

~~{(b)ii}{}~~ the dependent is a resident student determined in accordance with Section 53B-8-102;

~~{(c)iii}{}~~ the dependent has not completed a course of ~~{studies}~~ study leading to an undergraduate degree;

~~—— (d) the dependent may utilize the waiver only for courses that apply toward the degree or certificate requirements of the program in which} and~~

(iv) the dependent is ~~{enrolled; and~~

~~—— (e) }in financial need of the assistance.~~

(b) For purposes of Subsection (1)(a)(iii), the dependent may not be excluded from ~~{the waiver}~~ eligibility for financial assistance if the dependent has previously taken courses at or has been awarded credit by a state institution of higher education.

~~{(3) (a) The tuition waiver described in this section applies only to tuition associated with undergraduate studies.~~

~~—— (b) The tuition waiver described in this section does not apply to fees, books, or housing expenses.~~

~~—— (4) The}2) To obtain financial assistance, the dependent shall apply to the department.~~

(3) (a) A dependent who receives financial assistance may use the financial assistance only for tuition or fees for courses that apply toward the degree or certificate requirements of the program in which the dependent is enrolled.

(b) The department shall pay tuition and fees assistance directly to the institution of higher education from the funds appropriated.

(4) The department may recoup funds if a recipient of financial assistance fails to meet

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the degree or certificate requirements of the program.

(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department, in coordination with the board, shall make rules:

(a) governing the application process, including the information that a dependent shall include in the application;

(b) establishing the amount or percentage of tuition or fees that a dependent may receive as financial assistance;

(c) establishing means-based criteria for determining if an applicant has a financial need for assistance; and

(d) prioritizing applications if there are more applicants than there are funds.

(6) (a) On or before October 1, the department shall provide an electronic report to:

(i) the Education Interim Committee; and

(ii) the Veterans and Military Affairs Commission.

(b) The report shall include:

(i) usage of the financial assistance; and

(ii) outstanding needs of the financial assistance program.

(7) The department may use no more than 10% of the funds for administration of the financial assistance program.

**Section 3. Appropriation.**

The following sums of money are appropriated for the fiscal year beginning July 1, 2023, and ending June 30, 2024. These are additions to amounts previously appropriated for fiscal year 2024. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

**ITEM 1**

To Department of Veterans and Military Affairs ~~{, after any necessary consultation with the adjutant general, shall certify to the state institution of higher education in which the student is enrolled that the student is a dependent of a}~~ -- DMVA Pass Through

From General Fund 100,000

Schedule of Programs:

DMVA Pass Through 100,000

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The Legislature intends that:

(1) appropriations under this program be used to fund the financial assistance program created in Section 71-15-102; and

(2) under Section 63J-1-603, appropriations provided under this section not lapse at the close of fiscal year 2024 and the use of any nonlapsing funds is limited to providing financial assistance to dependents of qualifying disabled ~~veteran.~~

~~— (5) The board may request reimbursement from veterans.~~

Section 4. Effective date.

This bill takes effect on July 1, 2023.

Section 5. Coordinating H.B. 109 with H.B. 67 -- Technical renumbering.

If this H.B. 109 and H.B. 67, Title 71A - Veterans and Military Affairs, both pass and become law, it is the intent of the Legislature ~~for costs incurred in providing the tuition waiver described in this section.~~

~~that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication on July 1, 2023, technically renumber Sections 71-15-101 and 71-15-102 in this H.B. 109 into a new chapter, titled Tuition and Fees Assistance, within Title 71A.~~