

FILED

2009 MAY -4 PM 3: 19

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2009



ENROLLED

**COMMITTEE SUBSTITUTE
FOR
House Bill No. 2335**

(By Mr. Speaker, Mr. Thompson, and Delegate Armstead)
[By Request of the Executive]



Passed April 11, 2009

In Effect Ninety Days from Passage

HB 2335

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COMMITTEE SUBSTITUTE

FOR

OFFICE WEST VIRGINIA
SECRETARY OF STATE

H. B. 2335

(BY MR. SPEAKER, MR. THOMPSON, AND DELEGATE ARMSTEAD)
[BY REQUEST OF THE EXECUTIVE]

[Passed April 11, 2009; in effect ninety days from passage.]

AN ACT to amend and reenact §18B-10-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18B-10-7c, all relating to higher education tuition and fee waivers; tuition and fee waivers for certain military personnel; the federal “Yellow Ribbon G.I. Education Enhancement Program”; requiring state institutions of higher education to participate in the program; requiring state institutions of higher education to enter into agreements with the United States Secretary of Veterans Affairs to provide matching contributions toward the cost of tuition and mandatory fees not otherwise covered under the Post-9/11 Veterans Educational Assistance Act of 2008; and clarifying residency requirement for certain tuition and fee waivers.

Be it enacted by the Legislature of West Virginia:

That §18B-10-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be further amended by adding thereto a new section, designated §18B-10-7c, all to read as follows:

**ARTICLE 10. FEES AND OTHER MONEY COLLECTED
AT STATE INSTITUTIONS OF HIGHER
EDUCATION.**

**§18B-10-7. Tuition and fee waivers for children and spouses of
officers, firefighters, National Guard personnel,
reserve personnel and active military duty
personnel killed in the line of duty.**

1 (a) Each state institution of higher education shall waive
2 tuition and fees for any person who is the child or spouse of
3 an individual who:

4 (1) Was employed or serving as:

5 (A) A law-enforcement officer as defined in section one,
6 article twenty-nine, chapter thirty of this code;

7 (B) A correctional officer at a state penal institution;

8 (C) A parole officer;

9 (D) A probation officer;

10 (E) A conservation officer; or

11 (F) A registered firefighter; and

12 (2) Was killed in the line of duty while:

13 (A) Employed by the state or any political subdivision of
14 the state; or

15 (B) A member of a volunteer fire department serving a
16 political subdivision of this state.

17 (b) Each state institution of higher education shall waive
18 tuition and fees for any person who is the child or spouse of:

19 (1) A National Guard member or a member of a reserve
20 component of the armed forces of the United States who is a
21 resident of this state and is killed in the line of duty. The
22 member is considered to have been killed in the line of duty
23 if death resulted from performing a duty required by his or
24 her orders or commander while in an official duty status,
25 other than on federal active duty, authorized under federal or
26 state law; or

27 (2) A person on federal or state active military duty who
28 is a resident of this state and is killed in the line of duty. The
29 person is considered to have been killed in the line of duty if
30 death resulted from performance of a duty required by his or
31 her orders or commander while in an official duty status.

32 (c) Any waiver granted pursuant to this section is subject
33 to the following:

34 (1) The recipient may attend any undergraduate course if
35 classroom space is available;

36 (2) The recipient has applied and been admitted to the
37 institution;

38 (3) The recipient has applied for and submitted the Free
39 Application for Federal Student Aid;

40 (4) The recipient has exhausted all other sources of
41 student financial assistance dedicated solely to tuition and
42 fees that exceed other grant assistance that are available to
43 him or her, excluding student loans;

44 (5) Waiver renewal is contingent upon the recipient
45 continuing to meet the academic progress standards
46 established by the institution.

47 (d) The state institution of higher education may require
48 the person to pay:

49 (1) Special fees, including any laboratory fees, if the fees
50 are required of all other students taking a single course or that
51 particular course; and

52 (2) Parking fees.

53 (e) The governing boards may promulgate rules:

54 (1) For determining the availability of classroom space;

55 (2) As each considers necessary to implement this
56 section; and

57 (3) Regarding requirements for attendance, which may
58 not exceed the requirements for other students.

59 (f) The governing boards may extend to persons
60 attending courses and classes under this section any rights,
61 privileges or benefits extended to other students which it
62 considers appropriate.

**§18B-10-7c. Tuition and fee waivers for certain veterans
receiving federal educational assistance
benefits.**

1 (a) The Legislature finds that:

2 (1) The United States Congress, in enacting the Post-9/11
3 Veterans Educational Assistance Act of 2008, 38 U.S.C.
4 §3301, *et seq.*, has established a program within the United
5 States Department of Veterans Affairs known as the “Yellow
6 Ribbon G.I. Education Enhancement Program”;

7 (2) Under the Act, certain individuals who served or are
8 serving on active duty in the United States Armed Forces
9 after September 11, 2001, are eligible to receive educational
10 assistance benefits equal to the cost of undergraduate resident
11 tuition and mandatory fees charged by a state institution of
12 higher education; and

13 (3) The Program provides additional educational
14 assistance benefits above the cost of undergraduate resident
15 tuition and mandatory fees to veterans receiving benefits
16 under the Act.

17 (b) The purpose of this section is to require state
18 institutions of higher education to participate in the Program
19 and encourage private institutions of higher education located
20 in the state to participate.

21 (c) As soon as practicable after the effective date of this
22 section, the governing board of each state institution of
23 higher education shall enter into an agreement with the
24 United States Secretary of Veterans Affairs to participate in
25 the Program. For every eligible veteran who is enrolled or
26 will be enrolled as an undergraduate student, the agreement
27 shall provide for a waiver of the cost of tuition and
28 mandatory fees not otherwise covered under 38 U.S.C.
29 §3313(c)(1)(A) at a percentage equal to the maximum
30 contribution available for match by the United States
31 Department of Veterans Affairs. The agreement also may

32 provide for a waiver of the cost of tuition and mandatory fees
33 not otherwise covered under 38 U.S.C. §3313(c)(1)(A) at a
34 percentage equal to the maximum contribution available for
35 match by the United States Department of Veterans Affairs
36 for every eligible veteran who is or will be enrolled in a
37 graduate or professional program.

38 (d) For the purposes of the limitation on the amount of
39 fee waivers permitted at state institutions of higher education
40 set forth in sections five and six of this article, any waiver
41 granted by a state institution of higher education in
42 connection with the Program is not counted toward the
43 amount of undergraduate, graduate or professional fee
44 waivers permitted at that institution.

45 (e) The Legislature encourages every private institution
46 of higher education located in the state to participate in the
47 Program.

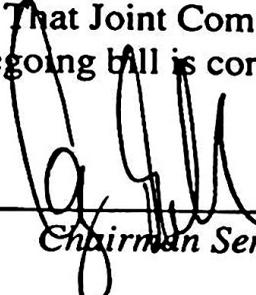
48 (f) For the purposes of this section:

49 (1) "The Act" means the Post-9/11 Veterans Educational
50 Assistance Act of 2008, 38 U.S.C. §3301, *et seq.*;

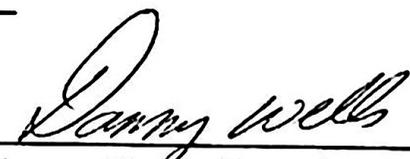
51 (2) "The Program" means the Yellow Ribbon G.I.
52 Education Enhancement Program, 38 U.S.C. §3317; and

53 (3) "Eligible veteran" means any individual who is
54 eligible to participate in the Program.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



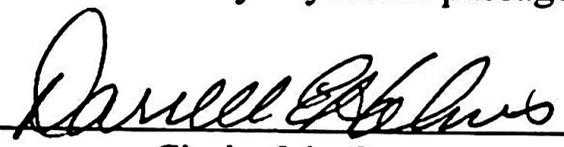
Chairman Senate Committee



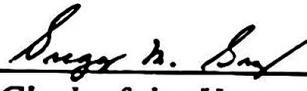
Chairman House Committee

Originating in the House.

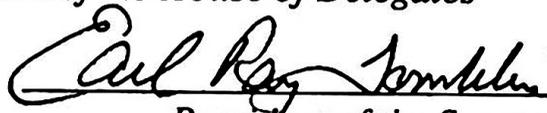
In effect ninety days from passage.



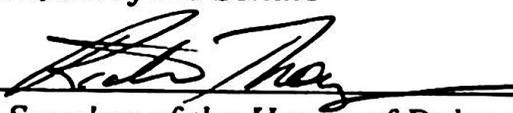
Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within is approved this the 4th
day of May, 2009.



Governor

PRESENTED TO THE
GOVERNOR

APR 30 2009

Time 3:20 pm