

# WEST VIRGINIA LEGISLATURE

## 2016 REGULAR SESSION

Introduced

### House Bill 2453

FISCAL  
NOTE

2015 Carryover

(BY DELEGATES FERRO, P. SMITH, LONGSTRETH,  
FLEISCHAUER, TRECOST, HORNBUCKLE, SPONAUGLE AND  
FLUHARTY)

[Introduced January 13, 2016; referred to the  
Committee on Education then Finance.]

1 A BILL to amend and reenact §18B-10-7 of the Code of West Virginia, 1931, as amended, relating  
 2 to educational benefits for dependents of deceased or disabled veterans; and requiring  
 3 state institutions of higher education to waive tuition and fees for children and spouses of  
 4 National Guard members and members of a Reserve component of the Armed Forces of  
 5 the United States or persons on federal or state active military duty who are residents of  
 6 this state and who have suffered a hundred percent total and permanent  
 7 service-connected disability.

*Be it enacted by the Legislature of West Virginia:*

1 That §18B-10-7 of the Code of West Virginia, 1931, as amended, be amended and  
 2 reenacted 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 or disabled in the line of duty.**

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

3 (1) Was employed or serving as:

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

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

7 (C) A parole officer;

8 (D) A probation officer;

9 (E) A natural resources police officer; or

10 (F) A registered firefighter; and

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

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

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

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

16 (1) A National Guard member or a member of a Reserve component of the Armed Forces  
17 of the United States who is a resident of this state and is killed in the line of duty or suffered a  
18 hundred percent total and permanent service-connected disability as certified by the Director of  
19 the Department of Veterans' Affairs of West Virginia. The member is considered to have been  
20 killed in the line of duty or suffered total and permanent service-connected disability if death or  
21 disability resulted from performing a duty required by his or her orders or commander while in an  
22 official duty status, other than on federal active duty, authorized under federal or state law; or

23 (2) A person on federal or state active military duty who is a resident of this state and is  
24 killed in the line of duty or suffered a hundred percent total and permanent service-connected  
25 disability, as that term is used in subdivision (1) of this subsection. The person is considered to  
26 have been killed in the line of duty or suffered a total and permanent service-connected disability  
27 if death or disability resulted from performance of a duty required by his or her orders or  
28 commander while in an official duty status.

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

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

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

32 (3) The recipient has applied for and submitted the Free Application for Federal Student

33 Aid;

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

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

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

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

42 (2) Parking fees.

43 (e) The governing boards may promulgate rules:

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

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

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

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

NOTE: The purpose of this bill is to require state institutions of higher education to waive tuition and fees for children and spouses of National Guard members and members of a Reserve component of the Armed Forces of the United States or persons on federal or state active military duty who are residents of this state and who have suffered a hundred percent total and permanent service-connected disability.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.