

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

Senate Bill 672

FISCAL
NOTE

BY SENATORS WELD, MARONEY, STOLLINGS, CAPUTO,

PHILLIPS, GRADY, LINDSAY, SMITH, AND HAMILTON

[Introduced February 18, 2022; referred
to the Committee on Military; and then to the
Committee on Finance]

1 A BILL to amend and reenact §18B-10-7 of the Code of West Virginia, 1931, as amended, relating
 2 to exempting certain military veterans and their dependents from the payment of tuition
 3 and fees.

Be it enacted by the Legislature of West Virginia:

**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, and
 certain National Guard personnel, reserve personnel, and active military duty
 personnel and their families killed 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. The member is
18 considered to have been killed in the line of duty if death resulted from performing a duty required
19 by his or her orders or commander while in an official duty status, other than on federal active
20 duty, authorized under federal or state law; or

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

25 (3) A person on federal or state active military duty who is a resident of this state and has
26 been rated as having 90% or greater service-connected disability by the United States
27 Department of Veterans Affairs or meets the eligibility requirements for individual unemployability
28 according to the disability ratings of the Department of Veterans Affairs, regardless of whether
29 the service member is eligible to receive disability benefits from the department, as a result of a
30 service-related injury suffered since September 11, 2001.

31 (4) The spouse and dependent children of a person on federal or state active military duty
32 who is a resident of this state and has been rated as having 90% or greater service-connected
33 disability by the United States Department of Veterans Affairs or meets the eligibility requirements
34 for individual unemployability according to the disability ratings of the Department of Veterans
35 Affairs, regardless of whether the servicemember is eligible to receive disability benefits from the
36 department, as a result of a service-related injury suffered since September 11, 2001.

37 (5) The spouse and dependent children of:

38 (A) A person on federal or state active military duty:

39 (i) Who was killed in action;

40 (ii) Who died while in service;

41 (iii) Who is missing in action; or

42 (iv) Whose death is documented to be directly caused by illness or injury connected with

43 service in the Armed Forces of the United States.

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

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

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

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

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

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

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

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

57 (2) Parking fees.

58 (e) The governing boards may promulgate rules:

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

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

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

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

65 (g) The amendments to this section made during the 2022 regular session of the
66 Legislature shall become effective July 1, 2022.

NOTE: The purpose of this bill is to exempt certain military veterans and their dependents from tuition.

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