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**SUBSTITUTE SENATE BILL 5002**

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**State of Washington**

**60th Legislature**

**2007 Regular Session**

**By** Senate Committee on Higher Education (originally sponsored by Senators Hewitt, Pflug, Honeyford, Swecker, Morton, Stevens, Parlette, Delvin, McCaslin, Schoesler and Sheldon)

READ FIRST TIME 01/23/07.

1 AN ACT Relating to tuition waivers for veterans' families; and  
2 amending RCW 28B.15.621, 28B.15.910, and 28B.15.385.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 28B.15.621 and 2005 c 249 s 1 are each amended to read  
5 as follows:

6 (1) The legislature finds that active military and naval veterans,  
7 reserve military and naval veterans, and national guard members called  
8 to active duty have served their country and have risked their lives to  
9 defend the lives of all Americans and the freedoms that define and  
10 distinguish our nation. The legislature intends to honor active  
11 military and naval veterans, reserve military and naval veterans, and  
12 national guard members who have served on active military or naval duty  
13 for the public service they have provided to this country.

14 (2) Subject to the limitations in RCW 28B.15.910, the governing  
15 boards of the state universities, the regional universities, The  
16 Evergreen State College, and the community colleges, may waive all or  
17 a portion of tuition and fees for (~~the following persons:~~  
18 ~~(a))~~) an eligible veteran or national guard member(~~(~~

1 ~~(b) A child and the spouse of an eligible veteran or national guard~~  
2 ~~member who became totally disabled as defined in RCW 28B.15.385 while~~  
3 ~~engaged in active federal military or naval service, or who is~~  
4 ~~determined by the federal government to be a prisoner of war or missing~~  
5 ~~in action;~~

6 ~~(c) A child and the surviving spouse of an eligible veteran or~~  
7 ~~national guard member who lost his or her life while engaged in active~~  
8 ~~federal military or naval service. However, upon remarriage, the~~  
9 ~~surviving spouse of an eligible veteran or national guard member is~~  
10 ~~ineligible for a waiver under this section)).~~

11 (3) The governing boards of the state universities, the regional  
12 universities, The Evergreen State College, and the community colleges,  
13 may waive all or a portion of tuition and fees for a military or naval  
14 veteran who is a Washington domiciliary, but who did not serve on  
15 foreign soil or in international waters or in another location in  
16 support of those serving on foreign soil or in international waters and  
17 who does not qualify as an eligible veteran or national guard member  
18 under subsection ((+5+)) (7) of this section. However, there shall be  
19 no state general fund support for waivers granted under this  
20 subsection.

21 (4) Subject to the conditions in subsection (5) of this section,  
22 the governing boards of the state universities, the regional  
23 universities, The Evergreen State College, and the community colleges,  
24 shall waive all tuition and fees for the following persons:

25 (a) A child and the spouse or surviving spouse of an eligible  
26 veteran or national guard member who became totally disabled as defined  
27 in RCW 28B.15.385 while engaged in active federal military or naval  
28 service, or who is determined by the federal government to be a  
29 prisoner of war or missing in action; and

30 (b) A child and the surviving spouse of an eligible veteran or  
31 national guard member who lost his or her life while engaged in active  
32 federal military or naval service.

33 (5) The conditions in this subsection (5) apply to waivers under  
34 subsection (4) of this section.

35 (a) A child must be a Washington domiciliary between the age of  
36 seventeen and twenty-six to be eligible for the tuition waiver. A  
37 child's marital status does not affect eligibility.

1 (b) A surviving spouse must be a Washington domiciliary. A  
2 surviving spouse has ten years from the date of the death, total  
3 disability as defined in RCW 28B.15.385, or federal determination of  
4 prisoner of war or missing in action status of the eligible veteran or  
5 national guard member to receive the benefit. Upon remarriage, the  
6 surviving spouse is ineligible for the waiver of all tuition and fees.

7 (c) Each recipient's continued participation is subject to the  
8 school's satisfactory progress policy.

9 (6) Private vocational schools and private higher education  
10 institutions are encouraged to provide waivers consistent with the  
11 terms in subsections (2) (~~and (3)~~) through (5) of this section.

12 (~~(5) As used in~~) (7) The definitions in this subsection apply  
13 throughout this section.

14 (a) "Eligible veteran or national guard member" means a Washington  
15 domiciliary who was an active or reserve member of the United States  
16 military or naval forces, or a national guard member called to active  
17 duty, who served in active federal service, under either Title 10 or  
18 Title 32 of the United States Code, in a war or conflict fought on  
19 foreign soil or in international waters or in another location in  
20 support of those serving on foreign soil or in international waters,  
21 and if discharged from service, has received an honorable discharge.

22 (b) "Washington domiciliary" means a person whose true, fixed, and  
23 permanent house and place of habitation is the state of Washington.  
24 "Washington domiciliary" includes a person who is residing in rental  
25 housing or residing in base housing. In ascertaining whether a child  
26 or surviving spouse is domiciled in the state of Washington, public  
27 institutions of higher education shall, to the fullest extent possible,  
28 rely upon the standards provided in RCW 28B.15.013.

29 **Sec. 2.** RCW 28B.15.910 and 2006 c 229 s 2 are each amended to read  
30 as follows:

31 (1) For the purpose of providing state general fund support to  
32 public institutions of higher education, except for revenue waived  
33 under programs listed in subsections (3) and (4) of this section, and  
34 unless otherwise expressly provided in the omnibus state appropriations  
35 act, the total amount of operating fees revenue waived, exempted, or  
36 reduced by a state university, a regional university, The Evergreen  
37 State College, or the community colleges as a whole, shall not exceed

1 the percentage of total gross authorized operating fees revenue in this  
2 subsection. As used in this section, "gross authorized operating fees  
3 revenue" means the estimated gross operating fees revenue as estimated  
4 under RCW 82.33.020 or as revised by the office of financial  
5 management, before granting any waivers. This limitation applies to  
6 all tuition waiver programs established before or after July 1, 1992.

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|----|-----------------------------------|------------|
| 7  | (a) University of Washington      | 21 percent |
| 8  | (b) Washington State University   | 20 percent |
| 9  | (c) Eastern Washington University | 11 percent |
| 10 | (d) Central Washington University | 8 percent  |
| 11 | (e) Western Washington University | 10 percent |
| 12 | (f) The Evergreen State College   | 6 percent  |
| 13 | (g) Community colleges as a whole | 35 percent |

14 (2) The limitations in subsection (1) of this section apply to  
15 waivers, exemptions, or reductions in operating fees contained in the  
16 following:

- 17 (a) RCW 28B.15.014;
- 18 (b) RCW 28B.15.100;
- 19 (c) RCW 28B.15.225;
- 20 (d) RCW 28B.15.380;
- 21 (e) RCW 28B.15.520;
- 22 (f) RCW 28B.15.526;
- 23 (g) RCW 28B.15.527;
- 24 (h) RCW 28B.15.543;
- 25 (i) RCW 28B.15.545;
- 26 (j) RCW 28B.15.555;
- 27 (k) RCW 28B.15.556;
- 28 (l) RCW 28B.15.615;
- 29 (m) RCW 28B.15.621(2);
- 30 (n) RCW 28B.15.730;
- 31 (o) RCW 28B.15.740;
- 32 (p) RCW 28B.15.750;
- 33 (q) RCW 28B.15.756;
- 34 (r) RCW 28B.50.259; and
- 35 (s) RCW 28B.70.050.

36 (3) The limitations in subsection (1) of this section do not apply  
37 to waivers, exemptions, or reductions in services and activities fees  
38 contained in the following:

- 1 (a) RCW 28B.15.522;
- 2 (b) RCW 28B.15.540; (~~and~~)
- 3 (c) RCW 28B.15.558; and
- 4 (d) RCW 28B.15.621 (3) and (4).

5 (4) The total amount of operating fees revenue waived, exempted, or  
6 reduced by institutions of higher education participating in the  
7 western interstate commission for higher education western  
8 undergraduate exchange program under RCW 28B.15.544 shall not exceed  
9 the percentage of total gross authorized operating fees revenue in this  
10 subsection.

- 11 (a) Washington State University 1 percent
- 12 (b) Eastern Washington University 3 percent
- 13 (c) Central Washington University 3 percent

14 (5) The institutions of higher education will participate in  
15 outreach activities to increase the number of veterans who receive  
16 tuition waivers. Colleges and universities shall revise the  
17 application for admissions so that all applicants shall have the  
18 opportunity to advise the institution that they are veterans who need  
19 assistance. If a person indicates on the application for admissions  
20 that the person is a veteran who is in need of assistance, then the  
21 institution of higher education shall ask the person whether they have  
22 any funds disbursed in accordance with the Montgomery GI Bill available  
23 to them. Each institution shall encourage veterans to utilize funds  
24 available to them in accordance with the Montgomery GI Bill prior to  
25 providing the veteran a tuition waiver.

26 **Sec. 3.** RCW 28B.15.385 and 1973 1st ex.s. c 191 s 5 are each  
27 amended to read as follows:

28 For the purposes of RCW 28B.15.380, (~~28B.15.385,~~) 28B.15.520, and  
29 (~~28B.40.361~~) 28B.15.621, the phrase "totally disabled" (~~as used in~~  
30 ~~RCW 28B.15.380, 28B.15.520 and 28B.40.361 shall~~) means a person who  
31 has become totally and permanently disabled for life by bodily injury  
32 or disease, and is thereby prevented from performing any occupation or  
33 gainful pursuit.

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