

**H. B. 2453**

(By Delegates Ferro, Pethtel, P. Smith, Longstreth, Fleischauer,  
Trecost, L. Phillips, Hornbuckle, Sponaugle and Fluharty)

[Introduced January 28, 2015; referred to the  
Committee on Education then Finance.]

**FISCAL  
NOTE**

A BILL to amend and reenact §18B-10-7 of the Code of West Virginia, 1931, as amended, relating to educational benefits for dependents of deceased or disabled veterans; and requiring 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.

*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 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 who  
2 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 who  
15 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 the  
19 Department of Veterans' Affairs of West Virginia. The member is considered to have been killed  
20 in the line of duty or suffered total and permanent service-connected disability if death or disability  
21 resulted from performing a duty required by his or her orders or commander while in an official duty  
22 status, other than on federal active duty, authorized under federal or state law; or

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

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

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

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

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

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

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

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

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

19          (2) Parking fees.

20          (e) The governing boards may promulgate rules:

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

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

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

3           (f) The governing boards may extend to persons attending courses and classes under this  
4 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.