

# Enrolled House Bill 2158

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Veterans Affairs)

CHAPTER .....

AN ACT

Relating to veterans' educational benefits; creating new provisions; amending ORS 351.656 and 352.375; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 352.375 is amended to read:

352.375. (1) A public university listed in ORS 352.002 or a community college shall charge an enrolled student who is not a resident of this state and who is attending classes as an undergraduate on a public university or community college campus in this state tuition and fees no greater than the resident rate [*plus 50 percent of the difference between the resident rate and the nonresident rate*] if the student:

(a) Served in the Armed Forces of the United States; [*and*]

(b) Was relieved or discharged from that service [*under honorable conditions.*] **with either an honorable discharge or a general discharge under honorable conditions; and**

(c) **Provides proof that the student has established a physical presence in Oregon within 12 months of being enrolled at the public university or community college.**

[*2*] *Every public university listed in ORS 352.002 and community college in this state shall participate to the fullest extent allowed in the federal educational assistance programs under the Supplemental Appropriations Act of 2008 (P.L. 110-252) so as to reduce the overall tuition rate for students eligible for tuition rate reduction under subsection (1) of this section to the resident tuition rate.*

[*3*] **(2)** A person who served in the Armed Forces of the United States and who receives federal tuition benefits in excess of the tuition and fees the person is charged under subsection (1) of this section at a public university listed in ORS 352.002 or a community college where the person is enrolled shall pay tuition and fees equal to the federal tuition benefits received.

[*4*] **(3)** Distance education and self-support courses as identified by each public university listed in ORS 352.002 and community college are exempt from the tuition reduction provisions of this section.

[*5*] **(4)** If a nonresident student otherwise eligible for tuition benefits under this section is receiving federal vocational rehabilitation education benefits, that student shall pay full nonresident tuition and fees charged by a public university listed in ORS 352.002 or a community college.

**SECTION 2.** ORS 351.656 is amended to read:

351.656. (1) As used in this section:

(a) "Child" means a child, adopted child or stepchild of **either a service member or a Purple Heart recipient.**

(b) "Eligible post-secondary institution" means:

- (A) A public university listed in ORS 352.002; and
- (B) The Oregon Health and Science University.

(c) **“Purple Heart recipient” means a person, alive or deceased, who:**

(A) **Was relieved or discharged from service in the Armed Forces of the United States with either an honorable discharge or a general discharge under honorable conditions; and**

(B) **Was awarded the Purple Heart in 2001 or thereafter for wounds received in combat.**

[(c)] (d) **“Qualified student” means a child, a spouse or an unremarried surviving spouse of a service member or a child of a Purple Heart recipient.**

[(d)] (e) **“Service member” means a person who:**

(A) As a member of the Armed Forces of the United States, died on active duty;

(B) As a member of the Armed Forces of the United States, died as a result of a military service connected disability; or

(C) Is 100 percent disabled as the result of a military service connected disability, as certified by the United States Department of Veterans Affairs or any branch of the Armed Forces of the United States.

(2) Subject to subsections (3) to [(6)] (7) of this section, an eligible post-secondary institution shall waive tuition for a qualified student for courses that may lead to a baccalaureate degree or a master’s degree. A qualified student who received a tuition waiver for a baccalaureate degree may also qualify for a tuition waiver for a master’s degree.

(3)(a) The maximum waiver granted under this section shall be as follows:

(A) For a baccalaureate degree, the total number of credit hours that equals four years of full-time attendance at an eligible post-secondary institution.

(B) For a master’s degree, the total number of credit hours that equals two years of full-time attendance at an eligible post-secondary institution.

(b) Notwithstanding paragraph (a) of this subsection, a waiver may not exceed the total number of credit hours the qualified student needs to graduate with a baccalaureate degree or a master’s degree.

(4) A waiver may be granted under this section only for credit hours for courses that are offered by an eligible post-secondary institution and are available for enrollment [*regardless of whether the qualified student attends the course and pays tuition*].

(5) A qualified student may receive a waiver under this section if the student:

(a) At the time of application for a waiver, is considered a resident of this state for the purpose of determining tuition to be paid at an eligible post-secondary institution; and

(b) Has been admitted to an eligible post-secondary institution for a baccalaureate degree program or has been admitted to a master’s degree program at an eligible post-secondary institution.

(6)(a) A child who applies for a waiver under this section must be 23 years of age or younger at the time the child applies for a waiver.

(b) Notwithstanding paragraph (a) of this subsection, a child who is older than 23 years of age is eligible for a waiver for a master’s degree if the child:

(A) Applied for and received a waiver for a baccalaureate degree when the child was 23 years of age or younger; and

(B) Applied for a waiver for a master’s degree within 12 months of receiving a baccalaureate degree.

**(7)(a) The amount of tuition waived under this section may be reduced by the amount of any federal aid scholarships or grants, awards from the Oregon Opportunity Grant program established under ORS 348.205, or any other aid from the eligible post-secondary institution, received by the qualified student.**

**(b) The amount of tuition waived under this section may not be reduced by the amount of any Survivors’ and Dependents’ Educational Assistance under 38 U.S.C. chapter 35 paid to a qualified student.**

**SECTION 3. The State Board of Education and the State Board of Higher Education shall report annually on or before February 1 to committees of the Legislative Assembly related**

to veterans and military affairs and to higher education regarding students who have received tuition relief and assistance under ORS 351.656 and 352.375 including but not limited to the following:

(1) The number of nonresident veterans who were assessed reduced tuition rates under ORS 352.375 and the amount of nonresident tuition moneys not assessed as a result of receiving the reduced tuition rates under ORS 352.375;

(2) The number of qualified students receiving tuition waivers under ORS 351.656, the amount of tuition waived and the relationship of the qualified student to a service member or Purple Heart recipient under ORS 351.656; and

(3) Any other relevant information.

**SECTION 4.** The amendments to ORS 351.656 and 352.375 by sections 1 and 2 of this 2013 Act apply only to persons admitted as new but not continuing students for enrollment to a community college, a public university or an eligible post-secondary institution on or after September 15, 2013.

**SECTION 5.** This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

Passed by House April 18, 2013

Received by Governor:

Repassed by House June 12, 2013

.....M.,....., 2013

Approved:

.....  
Ramona J. Line, Chief Clerk of House

.....M.,....., 2013

.....  
Tina Kotek, Speaker of House

.....  
John Kitzhaber, Governor

Passed by Senate June 10, 2013

Filed in Office of Secretary of State:

.....M.,....., 2013

.....  
Peter Courtney, President of Senate

.....  
Kate Brown, Secretary of State