

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6302

Chapter 161, Laws of 2004

58th Legislature
2004 Regular Session

ACTIVE DUTY MILITARY RIGHTS

EFFECTIVE DATE: 3/26/04

Passed by the Senate March 9, 2004
YEAS 47 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 5, 2004
YEAS 95 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

CERTIFICATE

I, Milton H. Doumit, Jr.,
Secretary of the Senate of the
State of Washington, do hereby
certify that the attached is
SUBSTITUTE SENATE BILL 6302 as
passed by the Senate and the House
of Representatives on the dates
hereon set forth.

MILTON H. DOUMIT JR.

Secretary

Approved March 26, 2004.

FILED

March 26, 2004 - 3:32 p.m.

GARY F. LOCKE

Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6302

AS AMENDED BY THE HOUSE

Passed Legislature - 2004 Regular Session

State of Washington 58th Legislature 2004 Regular Session

By Senate Committee on Government Operations & Elections (originally sponsored by Senators Murray, Schmidt, Rasmussen, Roach, Kastama, Winsley, Haugen and Oke)

READ FIRST TIME 01/29/04.

1 AN ACT Relating to persons ordered to active military service;
2 amending RCW 28B.15.600, 28B.15.605, 28B.15.625, and 84.56.020; adding
3 a new section to chapter 28B.10 RCW; adding a new section to chapter
4 61.24 RCW; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 28B.10 RCW
7 to read as follows:

8 (1) A member of the Washington national guard or any other military
9 reserve component who is a student at an institution of higher
10 education and who is ordered for a period exceeding thirty days to
11 either active state service, as defined in RCW 38.04.010, or to federal
12 active military service has the following rights:

13 (a) With regard to courses in which the person is enrolled, the
14 person may:

15 (i) Withdraw from one or more courses for which tuition and fees
16 have been paid that are attributable to the courses. The tuition and
17 fees must be credited to the person's account at the institution. Any
18 refunds are subject to the requirements of the state or federal
19 financial aid programs of origination. In such a case, the student

1 shall not receive credit for the courses and shall not receive a
2 failing grade, an incomplete, or other negative annotation on the
3 student's record, and the student's grade point average shall not be
4 altered or affected in any manner because of action under this item;

5 (ii) Be given a grade of incomplete and be allowed to complete the
6 course upon release from active duty under the institution's standard
7 practice for completion of incompletes; or

8 (iii) Continue and complete the course for full credit. Class
9 sessions the student misses due to performance of state or federal
10 active military service must be counted as excused absences and must
11 not be used in any way to adversely impact the student's grade or
12 standing in the class. Any student who selects this option is not,
13 however, automatically excused from completing assignments due during
14 the period the student is performing state or federal active military
15 service. A letter grade or a grade of pass must only be awarded if, in
16 the opinion of the faculty member teaching the course, the student has
17 completed sufficient work and has demonstrated sufficient progress
18 toward meeting course requirements to justify the grade;

19 (b) To receive a refund of amounts paid for room, board, and fees
20 attributable to the time period during which the student was serving in
21 state or federal active military service and did not use the facilities
22 or services for which the amounts were paid. Any refund of room,
23 board, and fees is subject to the requirements of the state or federal
24 financial aid programs of origination; and

25 (c) If the student chooses to withdraw, the student has the right
26 to be readmitted and enrolled as a student at the institution, without
27 penalty or redetermination of admission eligibility, within one year
28 following release from the state or federal active military service.

29 (2) The protections in this section may be invoked as follows:

30 (a) The person, or an appropriate officer from the military
31 organization in which the person will be serving, must give written
32 notice that the person is being, or has been, ordered to qualifying
33 service; and

34 (b) Upon written request from the institution, the person shall
35 provide written verification of service.

36 (3) This section provides minimum protections for students.
37 Nothing in this section prevents institutions of higher education from

1 providing additional options or protections to students who are ordered
2 to state or federal active military service.

3 **Sec. 2.** RCW 28B.15.600 and 2003 c 319 s 1 are each amended to read
4 as follows:

5 (1) The governing boards of the state universities, the regional
6 universities, and The Evergreen State College may refund or cancel in
7 full the tuition and services and activities fees if the student
8 withdraws from a university or college course or program prior to the
9 sixth day of instruction of the quarter or semester for which the fees
10 have been paid or are due. If the student withdraws on or after the
11 sixth day of instruction, the governing boards may refund or cancel up
12 to one-half of the fees, provided such withdrawal occurs within the
13 first thirty calendar days following the beginning of instruction.
14 However, if a different policy is required by federal law in order for
15 the institution of higher education to maintain eligibility for federal
16 funding of programs, the governing board may adopt a refund policy that
17 meets the minimum requirements of the federal law, and the policy may
18 treat all students attending the institution in the same manner.
19 Additionally, if federal law provides that students who receive federal
20 financial aid must return a larger amount to the federal government
21 than that refunded by the institution, the governing board may adopt a
22 refund policy that uses the formula used to calculate the amount
23 returned to the federal government, and the policy may treat all
24 students attending the institution in the same manner.

25 (2) The governing boards of the respective universities and college
26 may adopt rules for the refund of tuition and fees for courses or
27 programs that begin after the start of the regular quarter or semester.

28 (3) The governing boards may extend the refund or cancellation
29 period for students who withdraw for medical reasons ~~((or))~~, shall
30 adopt policies that comply with section 1 of this act for students who
31 are called into the military service of the United States, and may
32 refund other fees pursuant to such rules as they may prescribe.

33 **Sec. 3.** RCW 28B.15.605 and 1995 c 36 s 2 are each amended to read
34 as follows:

35 (1) The governing boards of the community colleges and technical
36 colleges shall refund or cancel up to one hundred percent but no less

1 than eighty percent of the tuition and services and activities fees if
2 the student withdraws from a college course or program before the sixth
3 day of instruction of the regular quarter for which the fees have been
4 paid or are due. If the student withdraws on or after the sixth day of
5 instruction, the governing boards shall refund or cancel up to fifty
6 percent but no less than forty percent of the fees provided such
7 withdrawal occurs within the first twenty calendar days following the
8 beginning of instruction. However, if a different policy is required
9 by federal law in order for the college to maintain eligibility for
10 federal funding of programs, the governing board may adopt a refund
11 policy that meets the minimum requirements of the federal law and the
12 policy may treat all students attending the institution in the same
13 manner.

14 (2) The governing boards of the respective community college or
15 technical college shall adopt rules consistent with subsection (1) of
16 this section for the refund of tuition and fees for the summer quarter
17 and for courses or programs that begin after the start of the regular
18 quarter.

19 (3) The governing boards of community colleges and technical
20 colleges (~~((may adopt rules to comply with RCW 28B.15.623 and))~~) may
21 extend the refund or cancellation period for students who withdraw for
22 medical reasons (~~((or))~~) and shall adopt policies that comply with
23 section 1 of this act for students who are called into the military
24 service of the United States.

25 **Sec. 4.** RCW 28B.15.625 and 1991 c 164 s 10 are each amended to
26 read as follows:

27 Private vocational schools and private higher education
28 institutions are encouraged to provide students (~~((deployed either to~~
29 ~~the Persian Gulf combat zone, as designated by the president of the~~
30 ~~United States through executive order, or in another location in~~
31 ~~support of the Persian Gulf combat zone, with the choice of tuition~~
32 ~~refunds or one free term, as provided under RCW 28B.10.017 and~~
33 ~~28B.15.623 for))~~ who are members of the Washington national guard or
34 any other military reserve component and who are ordered for a period
35 exceeding thirty days into active state service or federal active
36 military service the same rights and opportunities provided under
37 section 1 of this act by public higher education institutions.

1 (5) Delinquent taxes under this section are subject to interest at
2 the rate of twelve percent per annum computed on a monthly basis on the
3 full year amount of tax unpaid from the date of delinquency until paid.
4 Interest shall be calculated at the rate in effect at the time of
5 payment of the tax, regardless of when the taxes were first delinquent.
6 In addition, delinquent taxes under this section are subject to
7 penalties as follows:

8 (a) A penalty of three percent of the full year amount of tax
9 unpaid shall be assessed on the tax delinquent on June 1st of the year
10 in which the tax is due.

11 (b) An additional penalty of eight percent shall be assessed on the
12 amount of tax delinquent on December 1st of the year in which the tax
13 is due.

14 (6) Subsection (5) of this section notwithstanding, no interest or
15 penalties may be assessed for the period April 30, (~~(1996)~~) 2003,
16 through (~~December 31, 1996~~) April 30, 2005, on delinquent taxes
17 imposed (~~(in 1995)~~) for collection in (~~(1996)~~) 2003 or 2004 which are
18 imposed on the personal residences owned by military personnel who
19 participated in the situation known as "~~(Joint Endeavor)~~) Operation
20 Enduring Freedom."

21 (7) For purposes of this chapter, "interest" means both interest
22 and penalties.

23 (8) All collections of interest on delinquent taxes shall be
24 credited to the county current expense fund; but the cost of
25 foreclosure and sale of real property, and the fees and costs of
26 distraint and sale of personal property, for delinquent taxes, shall,
27 when collected, be credited to the operation and maintenance fund of
28 the county treasurer prosecuting the foreclosure or distraint or sale;
29 and shall be used by the county treasurer as a revolving fund to defray
30 the cost of further foreclosure, distraint and sale for delinquent
31 taxes without regard to budget limitations.

32 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
33 preservation of the public peace, health, or safety, or support of the
34 state government and its existing public institutions, and takes effect
35 immediately.

Passed by the Senate March 9, 2004.

Passed by the House March 5, 2004.

Approved by the Governor March 26, 2004.

Filed in Office of Secretary of State March 26, 2004.