

SENATE BILL REPORT

SSB 6302

As Passed Senate, February 11, 2004

Title: An act relating to persons ordered to active military service.

Brief Description: Establishing additional protections for persons ordered to active military service.

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

Brief History:

Committee Activity: Government Operations & Elections: 1/27/04 [DPS].

Passed Senate: 2/11/04, 49-0.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 6302 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Fairley, Horn, Kastama and McCaslin.

Staff: Mac Nicholson (786-7445)

Background: The Servicemembers Civil Relief Act (SCRA), signed into law by President Bush on December 19, 2003, as a complete revision of the Soldiers' and Sailors' Civil Relief Act (SSCRA) provides a number of significant protections to federal service members or National Guard members called into federal service aimed at postponing or suspending certain civil obligations while the service member is deployed. For example, provisions in the SCRA allow the termination of preservice lease agreements, provide protection from evictions, cap interest rates on preservice loans, stay civil lawsuits, and allow the termination of preservice automobile leases.

The SCRA does not contain any provision regarding tuition refunds for service members called into duty.

Summary of Bill: A student at a postsecondary education institution that is ordered to active state service or federal active service for more than 30 days and provides the requisite notice is entitled to: (1) withdraw from courses without negative annotation on their record and have tuition and fees credited to the person's account at the institution; (2) be given an incomplete and the ability to complete the course upon release from duty; or (3) continue and complete the course for full credit with any classes missed due to performance of military service counted as excused absences and not used in any way to adversely impact the student's grade. If the student chooses to withdraw, he or she has a right to be readmitted and enrolled without penalty at the institution within one year following release from military service.

The student is also entitled to receive a refund of amounts paid for room, board, and fees attributable to the time the student was serving in the military and did not use the facilities for which the amounts were paid.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: Military students called to active service are given the right of re-entry into the institution if they have to withdraw. The bill makes sure that military students don't pay tuition and room and board while off fighting and not attending the institution.

Testimony Against: None.

Testified: Major General Tim Lowenberg, Washington Military Department.

House Amendment(s): Language regarding the rights of students called into active military duty is placed in higher education statutes so that public institutions of higher education must adopt policies that comply with the provisions of the act. Private schools are encouraged to provide students called into active military duty the same rights and opportunities provided by public schools.

A provision is added to the Deed of Trust Act (RCW 61.24) stating that all of the rights and duties conveyed under the federal Servicemember's Civil Relief Act apply to deeds of trust under Washington law. No interest or penalties may be assessed for the period of April 30, 2003 through April 30, 2005 on delinquent 2003 or 2004 property taxes for military personnel that participate in Operation Enduring Freedom.