

# SENATE BILL REPORT

## SB 6302

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As Reported By Senate Committee On:  
Government Operations & Elections, January 27, 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:** Senators Murray, Schmidt, Rasmussen, Roach, Kastama, Winsley, Haugen and Oke.

**Brief History:**

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

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### 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 Substitute 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.

**Substitute Bill Compared to Original Bill:** The substitute bill eliminates the provision giving National Guard members ordered to active state service the same protections given to National Guard members ordered to active federal service under the federal Soldiers' and Sailors' Civil Relief Act. The substitute bill also changes the number of days a military student must be ordered into state or federal service to take advantage of the tuition refund from 90 days to 30 days.

**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.