

SENATE BILL NO. 768

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Appropriations

on February 25, 2022)

(Patron Prior to Substitute--Senator Reeves)

A BILL to amend and reenact § 23.1-608 of the Code of Virginia, relating to Virginia Military Survivors and Dependents Education Program.

**Be it enacted by the General Assembly of Virginia:**

**1. That § 23.1-608 of the Code of Virginia is amended and reenacted as follows:**

**§ 23.1-608. Virginia Military Survivors and Dependents Education Program; tuition and fee waivers.**

A. As used in this section, unless the context requires a different meaning:

"Domicile" has the same meaning as provided in § 23.1-500.

"Program" means the Virginia Military Survivors and Dependents Education Program.

"Qualified survivors and dependents" means the spouse or a child between the ages of 16 and 29

(i) of a military service member who, while serving as an active duty member in the Armed Forces of the United States, Reserves of the Armed Forces of the United States, or Virginia National Guard, during military operations against terrorism, on a peacekeeping mission, as a result of a terrorist act, or in any armed conflict, was killed, became missing in action, or became a prisoner of war or (ii) of a veteran who served in the Armed Forces of the United States, Reserves of the Armed Forces of the United States, or Virginia National Guard and, due to such service, has been rated by the U.S. Department of Veterans Affairs as totally and permanently disabled or at least 90 percent permanently disabled and has been discharged or released under conditions other than dishonorable. However, the Commissioner of Veterans Services may certify dependents above the age of 29 in those cases in which extenuating circumstances prevented the dependent child from using his benefits before the age of 30. For purposes of this section, a child who is a stepchild of a deceased military service member described in this section shall receive all

27 benefits described in this section as a child of such military service member if the military service member  
28 claimed the stepchild on his tax return or on his Defense Enrollment Eligibility Reporting System while  
29 serving on active duty.

30 B. The Virginia Military Survivors and Dependents Education Program is established for the  
31 purpose of waiving tuition and mandatory fees at a public institution of higher education or Eastern  
32 Virginia Medical School for qualified survivors and dependents who have been admitted to such  
33 institution and meet the requirements of subsection C, as certified by the Commissioner of Veterans  
34 Services.

35 C. Admitted qualified survivors and dependents are eligible for a waiver of tuition and mandatory  
36 fees pursuant to this section if the military service member who was killed, became missing in action,  
37 became a prisoner of war, or is disabled (i) established domicile (a) at the time of entering such active  
38 military service or called to active duty as a member of the Reserves of the Armed Forces of the United  
39 States or Virginia National Guard; (b) at least five years immediately prior to, or had a physical presence  
40 in the Commonwealth for at least five years immediately prior to, the date on which the admission  
41 application was submitted by or on behalf of such qualified survivor or dependent for admission to such  
42 institution of higher education or Eastern Virginia Medical School; or (c) on the date of his death and for  
43 at least five years immediately prior to his death or had a physical presence in the Commonwealth on the  
44 date of his death and had a physical presence in the Commonwealth for at least five years immediately  
45 prior to his death; (ii) in the case of a qualified child, is deceased and the surviving parent, at some time  
46 previous to marrying the deceased parent, established domicile for at least five years, or established  
47 domicile or had a physical presence in the Commonwealth for at least five years immediately prior to the  
48 date on which the admission application was submitted by or on behalf of such child; or (iii) in the case  
49 of a qualified spouse, is deceased and the surviving spouse, at some time previous to marrying the  
50 deceased spouse, established domicile for at least five years or had a physical presence in the  
51 Commonwealth for at least five years prior to the date on which the admission application was submitted  
52 by such qualified spouse. In any case under this subsection, the Commissioner of the Department of  
53 Veterans Services shall have the authority to consider the domicile or physical presence requirements

54 under clause (i) (c) through the surviving spouse or under clause (iii) through the surviving student if the  
55 military service member or surviving spouse dies after having established physical presence within the  
56 Commonwealth but before such requirements can be met.

57 D. The Department of Veterans Services shall disseminate information about the Program to those  
58 spouses and dependents who may qualify. The Department of Veterans Services shall coordinate with the  
59 U.S. Department of Veterans Affairs to identify veterans and qualified survivors and dependents. The  
60 Commissioner of Veterans Services shall include in the annual report submitted to the Governor and the  
61 General Assembly pursuant to § 2.2-2004 an overview of the agency's policies and strategies relating to  
62 dissemination of information about the Program and Fund.

63 E. Each public institution of higher education and Eastern Virginia Medical School shall include  
64 in its catalog or equivalent publication a statement describing the benefits available pursuant to this  
65 section.

66 #