

HOUSE BILL NO. 2076

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on _____

on _____)

(Patron Prior to Substitute--Delegate Murphy)

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

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 has a static rating of 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 or living veteran military service member

27 described in this section shall receive all benefits described in this section as a child of such military
28 service member if the military service member claimed the stepchild on his tax return or on his Defense
29 Enrollment Eligibility Reporting System while 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~~ three years immediately prior to, or had a physical
40 presence in the Commonwealth for at least ~~five~~ three years immediately prior to, the date on which the
41 admission application was submitted by or on behalf of such qualified survivor or dependent for admission
42 to such institution of higher education or Eastern Virginia Medical School; or (c) on the date of his death
43 and for at least ~~five~~ three years immediately prior to his death or had a physical presence in the
44 Commonwealth on the date of his death and had a physical presence in the Commonwealth for at least
45 ~~five~~ three years immediately prior to his death; (ii) in the case of a qualified child, is deceased and the
46 surviving parent, at some time previous to marrying the deceased parent, established domicile for at least
47 ~~five~~ three years, or established domicile or had a physical presence in the Commonwealth for at least ~~five~~
48 three years immediately prior to the date on which the admission application was submitted by or on
49 behalf of such child; or (iii) in the case of a qualified spouse, is deceased and the surviving spouse, at
50 some time previous to marrying the deceased spouse, established domicile for at least ~~five~~ three years or
51 had a physical presence in the Commonwealth for at least ~~five~~ three years prior to the date on which the
52 admission application was submitted by such qualified spouse. In any case under this subsection, the
53 Commissioner of the Department of Veterans Services shall have the authority to consider the domicile

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

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