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SENATE BILL NO. 1121

Offered January 11, 2017

Prefiled January 9, 2017

A BILL to amend and reenact § 23.1-505 of the Code of Virginia, relating to dependents of certain military personnel; in-state tuition.

Patrons—McPike; Delegates: Bell, John J. and Filler-Corn

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-505 of the Code of Virginia is amended and reenacted as follows:

§ 23.1-505. Determination of domicile; exception; dependents of certain active duty military personnel, etc.

A. For the purposes of this section:

"Date of alleged entitlement" means the date of admission or acceptance for dependents currently residing in the Commonwealth or the final add/drop date for dependents of members newly transferred to the Commonwealth.

"Dependent" has the same meaning as specified in 37 U.S.C. § 401.

"Temporarily mobilized" means activated for service for 180 days or more.

"Unaccompanied orders" means orders that assign active duty military personnel or activated or temporarily mobilized reserve or guard members an unaccompanied tour listed in Appendix Q of the Joint Federal Travel Regulations.

B. Notwithstanding § 23.1-502 or any other provision of law to the contrary, all dependents, as defined by 37 U.S.C. § 401, of active duty military personnel or activated or temporarily mobilized reservists or guard members (i) assigned to a permanent duty station or workplace in the Commonwealth, the District of Columbia, or a state contiguous to the Commonwealth who reside in the Commonwealth; (ii) assigned unaccompanied orders and immediately prior to receiving such unaccompanied orders were assigned to a permanent duty station or workplace in the Commonwealth, the District of Columbia, or a state contiguous to the Commonwealth and resided in the Commonwealth; or (iii) assigned unaccompanied orders with the Commonwealth listed as the designated place move shall be deemed to be domiciled in the Commonwealth and are eligible to receive in-state tuition.

C. Notwithstanding § 23.1-502 or any other provision of law to the contrary, a dependent of an active duty military personnel or a recently discharged veteran who (i) is entitled to educational assistance under 38 U.S.C § 3311, (ii) has transferred any unused portion of his educational assistance to such dependent in accordance with 38 U.S.C § 1319, and (iii) within the last five years was (a) assigned to a permanent duty station or workplace in the Commonwealth, the District of Columbia, or a state contiguous to the Commonwealth and resided in the Commonwealth, (b) assigned unaccompanied orders and immediately prior to receiving such unaccompanied orders was assigned to a permanent duty station or workplace in the Commonwealth, the District of Columbia, or a state contiguous to the Commonwealth and resided in the Commonwealth, or (c) assigned unaccompanied orders with the Commonwealth listed as the designated place move shall be deemed to be domiciled in the Commonwealth and is eligible to receive in-state tuition.

D. All such dependents shall be afforded the same educational benefits as any other individual who is eligible for in-state tuition pursuant to § 23.1-502. Such dependents are eligible for such benefits, including in-state tuition status, for as long as they are continuously enrolled in a public institution of higher education or private institution of higher education or have transferred between public institutions of higher education or private institutions of higher education or from an undergraduate degree program to a graduate degree program at a public institution of higher education or private institution of higher education, regardless of any change of duty station or residence of the military service member.

INTRODUCED

SB1121