

19100104D

**HOUSE BILL NO. 1936**

Offered January 9, 2019

Prefiled January 6, 2019

A *BILL to amend and reenact §§ 23.1-504 and 23.1-505 of the Code of Virginia, relating to public institutions of higher education; in-state tuition; foreign service officers.*

Patrons—Krizek (By Request), Ayala, Delaney, Filler-Corn, Hope, Kory, Levine and Simon

Referred to Committee on Appropriations

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

**1. That §§ 23.1-504 and 23.1-505 of the Code of Virginia are amended and reenacted as follows:**

**§ 23.1-504. Determination of domicile; exception; certain active duty and retired military personnel, etc.**

In determining the domicile of (i) *foreign service officers residing in the Commonwealth*, active duty military personnel residing in the Commonwealth, retired military personnel residing in the Commonwealth at the time of their retirement, surviving spouses, or veterans who voluntarily elect to establish the Commonwealth as their permanent residence for the purpose of domicile or (ii) a dependent spouse or dependent child who claims domicile through an individual listed in clause (i), institutions of higher education shall waive the one-year requirement set forth in subsection B of § 23.1-502.

**§ 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.

"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, any dependent of any foreign service officer who resided in the Commonwealth immediately prior to receiving his foreign service assignment shall be deemed to be domiciled in the Commonwealth and is eligible to receive in-state tuition.*

D. All ~~such~~ dependents who are deemed to be domiciled in the Commonwealth and are eligible to receive in-state tuition pursuant to subsection B or C 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 or change of assignment or residence of the foreign service officer.

INTRODUCED

HB1936