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HOUSE BILL NO. 2685

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Education and Health
on February 7, 2019)

(Patron Prior to Substitute—Delegate Torian)

A *BILL to amend and reenact § 23.1-608 of the Code of Virginia, relating to the 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 and Fund; 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.

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

"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 of (i) 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 ~~or~~ (ii) 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*, as a direct result of 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.

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

C. Admitted qualified survivors and dependents are eligible for a waiver of tuition and mandatory fees pursuant to this section if the military service member who was killed, became missing in action, became a prisoner of war, or is disabled (i) established domicile (a) at the time of entering such active military service or called to active duty as a member of the Reserves of the Armed Forces of the United States or Virginia National Guard; (b) at least five years immediately prior to, or had a physical presence in the Commonwealth for at least five years immediately prior to, the date on which the admission application was submitted by or on behalf of such qualified survivor or dependent for admission to such institution of higher education or Eastern Virginia Medical School; or (c) on the date of his death and for at least five years immediately prior to his death or had a physical presence in the Commonwealth on the date of his death and had a physical presence in the Commonwealth for at least five years immediately prior to his death; (ii) in the case of a qualified child, is deceased and the surviving parent, at some time previous to marrying the deceased parent, established domicile for at least five years, or established domicile or had a physical presence in the Commonwealth for at least five years immediately prior to the date on which the admission application was submitted by or on behalf of such child; or (iii) in the case of a qualified spouse, is deceased and the surviving spouse, at some time previous to marrying the deceased spouse, established domicile for at least five years or had a physical presence in the Commonwealth for at least five years prior to the date on which the admission application was submitted by such qualified spouse.

D. From such funds as may be appropriated and from such gifts, bequests, and any gifts, grants, or donations from public or private sources, the Virginia Military Survivors and Dependents Education Fund is established for the sole purpose of providing financial assistance in an amount (i) up to \$2,000 or (ii) as provided in the general appropriation act, for room and board charges, books and supplies, and other expenses at any public institution of higher education or Eastern Virginia Medical School for the use and benefit of qualified survivors and dependents, provided that the maximum amount to be expended for each such survivor or dependent pursuant to this subsection shall not exceed, when combined with any other form of scholarship, grant, or waiver, the actual costs relating to the survivor's or dependent's educational expenses allowed under this subsection.

E. Each year, from the funds available in the Fund, the Council and each public institution of higher education and Eastern Virginia Medical School shall determine the amount and the manner in which

60 financial assistance shall be made available to beneficiaries and shall make that information available to
61 the Commissioner of Veterans Services for distribution.

62 F. The Council shall disburse to each public institution of higher education and Eastern Virginia
63 Medical School the funds appropriated or otherwise made available by the Commonwealth to support
64 the Fund and shall report to the Commissioner of Veterans Services the beneficiaries' completion rate.

65 G. The Department of Veterans Services shall disseminate information about the Program and Fund
66 to those spouses and dependents who may qualify. The Department of Veterans Services shall coordinate
67 with the U.S. Department of Veterans Affairs to identify veterans and qualified survivors and
68 dependents. The Commissioner of Veterans Services shall include in the annual report submitted to the
69 Governor and the General Assembly pursuant to § 2.2-2004 an overview of the agency's policies and
70 strategies relating to dissemination of information about the Program and Fund.

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

73 **2. That the provisions of this act shall not become effective unless an appropriation effectuating**
74 **the purposes of this act is included in a general appropriation act passed in 2019 by the General**
75 **Assembly that becomes law.**