

By: Senator(s) Carmichael, King

To: Universities and
Colleges; Appropriations

SENATE BILL NO. 2339

1 AN ACT TO PROVIDE TUITION FEE WAIVERS FOR VETERANS'
2 DEPENDENTS; TO DEFINE CERTAIN TERMS; TO PROVIDE THE CRITERIA FOR
3 THE TUITION FEE WAIVERS; TO PROHIBIT ANY DEPENDENT FROM RECEIVING
4 BENEFITS UNDER THIS ACT DURING THE TIME HE IS ENTITLED TO RECEIVE
5 DUPLICATE ASSISTANCE FROM ANY OTHER GOVERNMENT SOURCE; AND FOR
6 RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** As used in this act:

9 (a) "Veterans" means:

10 (i) Any person who served in the Army, Navy or
11 Marine Corps of the United States and was killed in action or died
12 as a result of war service in World War I since April 6, 1917;

13 (ii) Any member of the Army, Navy, Coast Guard or
14 Marine Corps of the United States, or any of their auxiliaries,
15 including, but not limited to, the Philippine Commonwealth Army,
16 the Regular Scouts ("Old Scouts"), and the Special Philippine
17 Scouts ("New Scouts"), who was killed in action in World War II on
18 or after December 7, 1941, and prior to January 1, 1947, or who
19 died at any time as a result of war service during such period;

20 (iii) Any member of the Armed Forces of the United
21 States who was killed in action during a period of hostilities in
22 which the United States is engaged, or who died or was totally
23 disabled at any time as a result of active service during any such
24 period or during the induction period; or

25 (iv) Any person who, at the time of entry into the
26 Armed Forces of the United States was a resident of the state and
27 was subsequently declared by the United States government to be
28 missing in action, captured in the line of duty by hostile forces,

29 or forcibly detained or interned in the line of duty by a foreign
30 government or power.

31 (b) "Department" means the Mississippi Department of
32 Veterans Affairs.

33 (c) "Dependent of a veteran" means the natural or
34 adopted child of a veteran, or stepchild of a veteran as defined
35 by the United States Department of Veterans Affairs for
36 compensation purposes, the unmarried surviving spouse of a
37 veteran, or the spouse of a totally disabled veteran.

38 (d) "Induction period" means (i) the period beginning
39 September 16, 1940, and ending December 6, 1941, and the period
40 beginning January 1, 1947, and ending June 26, 1950, and (ii) the
41 period beginning on February 1, 1955, and ending on the day before
42 the first day thereafter on which individuals (other than
43 individuals liable for induction by reason of a prior deferment)
44 are no longer liable for induction for training and service into
45 the armed forces under the federal Universal Military Training and
46 Service Act.

47 **SECTION 2.** (a) A dependent of a veteran applying for aid
48 under this act shall be over the age of fourteen (14) or shall
49 have entered the ninth grade, and shall be a native of or shall
50 have lived in this state for five (5) of the nine (9) years
51 immediately preceding the date that the application is filed.

52 (b) Any dependent of a veteran who has attained eligibility
53 pursuant to this act while under twenty-one (21) years of age may
54 continue to receive the benefits of this act until the needed
55 training is completed or until he or she attains the age of
56 twenty-seven (27) years, whichever first occurs.

57 (c) The eligibility limitations of paragraph (b) shall not
58 apply to the spouse or dependent widow of a veteran. However, the
59 spouse or dependent widow of a veteran shall be limited to not
60 more than forty-eight (48) months, or full-time training, or the
61 equivalent thereof in part-time training.

62 (d) Notwithstanding the eligibility limitations of paragraph
63 (b), a dependent who has honorably served in the Armed Forces of
64 the United States may be granted an extension of training through
65 the age of thirty (30) years.

66 (e) The eligibility limitations of paragraphs (a) and (b)
67 shall not apply to the dependent of a veteran as defined in
68 subparagraph (iv) of paragraph (a) of Section 1 of this act.

69 **SECTION 3.** A dependent of a veteran who desires to continue
70 his education may apply to the Department of Veterans Affairs. If
71 in the opinion of the department the educational needs of the
72 applicant can be satisfactorily met in educational institutions in
73 this state or elsewhere, the department shall assume state
74 wardship over the education of the applicant. The department may
75 provide educational counsel for applicants and assist them in
76 securing admission to suitable institutions of learning. Tuition
77 may be paid at private schools only when suitable opportunity is
78 not available in public or semi-public institutions.

79 **SECTION 4.** The Department of Veterans Affairs, insofar as
80 funds permit, may provide:

81 (a) For the payment of tuition and other fees.

82 (b) For the monthly payment of an allowance for books,
83 supplies and living expenses of the student. Qualified applicants
84 may claim their first monthly allowance upon completion of school
85 registration and the department is authorized to establish a
86 revolving fund if necessary to expedite payment.

87 **SECTION 5.** For students of collegiate, community college,
88 business and trade school rank, the amount expended by the
89 department as an allowance for living expenses shall not exceed
90 One Hundred Dollars (\$100.00) per month. Dependents enrolled in
91 the fifth year of any course requiring five (5) years may be
92 considered to be at the undergraduate level. For students of high
93 school rank, the amount shall not exceed Fifty Dollars (\$50.00)
94 per month during the time the student is in actual attendance at a

95 day school. Absence during the month on account of illness shall
96 be included as attendance.

97 **SECTION 6.** The Department of Veterans Affairs shall consider
98 applications in the order in which they are received. If the
99 funds available are insufficient to meet the obligations which
100 would arise from the guardianship of all worthy applicants, the
101 department shall assume wardship over the applicants who are most
102 urgently in need of further education, taking into consideration
103 both scholastic achievement and financial need.

104 **SECTION 7.** No dependent of a veteran, as defined in
105 subparagraph (i), (ii) or (iii) of paragraph (a) of Section 1 of
106 this act, shall be eligible to receive the benefits of this act
107 during the time that he is entitled to receive federal educational
108 benefits under Chapter 35, Title 38, United States Code, as
109 amended, or duplicate assistance from any other government source.

110 **SECTION 8.** Upon application to the department by a dependent
111 of a veteran as defined in subparagraph (iv) of paragraph (a) of
112 Section 1 of this act, the department shall reimburse such person
113 for the costs of tuition and fees incurred by such person at a
114 public or private educational institution.

115 **SECTION 9.** The Department of Veterans Affairs may promulgate
116 any rules and regulations necessary to carry out the purposes of
117 this act.

118 **SECTION 10.** This act shall take effect and be in force from
119 and after July 1, 2007.