

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

ENROLLED

House Bill 3299

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2021 APR 26 P 5:06

FILED

BY DELEGATES ELLINGTON, CLARK, HORST AND GRIFFITH

[Passed April 10, 2021; in effect ninety days from passage.]

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1 AN ACT to amend and reenact §18B-17-2 of the Code of West Virginia, 1931, as amended,
2 relating to authorizing legislative rules for the Higher Education Policy Commission
3 regarding the Mental Health Loan Repayment Program and Administrative Exemption.

Be it enacted by the Legislature of West Virginia:

§18B-17-2. Authorizing rules of Higher Education Policy Commission.

1 (a) The legislative rule filed in the State Register on October 15, 2004, relating to the
2 Higher Education Policy Commission (Underwood-Smith Teacher Scholarship Program rule), is
3 authorized.

4 (b) The legislative rule filed in the State Register on October 15, 2004, relating to the
5 Higher Education Policy Commission (West Virginia Engineering, Science, and Technology
6 Scholarship Program rule), is authorized.

7 (c) The legislative rule filed in the State Register on October 15, 2004, relating to the
8 Higher Education Policy Commission (Medical Education Fee and Medical Student Loan Program
9 rule), is authorized.

10 (d) The legislative rule filed in the State Register on October 27, 2005, relating to the
11 Higher Education Policy Commission (authorization of degree-granting institutions), is authorized.

12 (e) The legislative rule filed in the State Register on August 23, 2006, relating to the Higher
13 Education Policy Commission (West Virginia Higher Education Grant Program), is authorized.

14 (f) The legislative rule filed in the State Register on January 4, 2008, relating to the Higher
15 Education Policy Commission (Providing Real Opportunities for Maximizing In-state Student
16 Excellence - PROMISE), is authorized.

17 (g) The legislative rule filed in the State Register on August 25, 2008, relating to the Higher
18 Education Policy Commission (Research Trust Program), is authorized.

19 (h) The legislative rule filed in the State Register on January 8, 2009, relating to the Higher
20 Education Policy Commission (Guidelines for Governing Boards in Employing and Evaluating
21 Presidents), is authorized.

22 (i) The legislative rule filed in the State Register on September 10, 2008, relating to the
23 Higher Education Policy Commission (Medical Student Loan Program), is authorized, with the
24 following amendment:

25 On page two, subsection 5.1, following the words "financial aid office" by inserting a new
26 subdivision 5.1.3 to read as follows: "United States citizenship or legal immigrant status while
27 actively pursuing United States citizenship."

28 (j) The legislative rule filed in the State Register on December 1, 2008, relating to the
29 Higher Education Policy Commission (West Virginia Higher Education Grant Program), is
30 authorized.

31 (k) The legislative rule filed in the State Register on January 26, 2009, relating to the
32 Higher Education Policy Commission (Accountability System), is authorized.

33 (l) The legislative rule filed in the State Register on May 20, 2009, relating to the Higher
34 Education Policy Commission (Energy and Water Savings Revolving Loan Fund Program), is
35 authorized.

36 (m) The legislative rule filed in the State Register on January 27, 2010, relating to the
37 Higher Education Policy Commission (Providing Real Opportunities for Maximizing In-state
38 Student Excellence - PROMISE), is authorized.

39 (n) The legislative rule filed in the State Register on December 8, 2010, relating to the
40 Higher Education Policy Commission (authorization of degree-granting institutions), is authorized,
41 with the following amendment:

42 On page 28, subsection 9.1.b, following the words "Good cause shall consist of" by
43 inserting the words "any one or more of the following".

44 (o) The legislative rule filed in the State Register on December 12, 2011, relating to the
45 Higher Education Policy Commission (Tuition and Fee Policy), is authorized.

46 (p) The legislative rule filed in the State Register on August 10, 2012, relating to the Higher
47 Education Policy Commission (authorization of degree-granting institutions), is authorized.

48 (q) The legislative rule filed in the State Register on August 10, 2012, relating to the Higher
49 Education Policy Commission (annual reauthorization of degree-granting institutions), is
50 authorized.

51 (r) The legislative rule filed in the State Register on March 20, 2013, relating to the Higher
52 Education Policy Commission (Human Resources Administration), is authorized.

53 (s) The legislative rule filed in the State Register on January 24, 2014, relating to the
54 Higher Education Policy Commission (Capital Project Management), is authorized.

55 (t) The legislative rule filed in the State Register on April 4, 2014, relating to the Higher
56 Education Policy Commission (Underwood-Smith Teacher Scholarship Program), is authorized.

57 (u) The legislative rule filed in the State Register on August 4, 2014, relating to the Higher
58 Education Policy Commission (Nursing Scholarship Program), is authorized.

59 (v) The legislative rule filed in the State Register on October 28, 2015, relating to the
60 Higher Education Policy Commission (Underwood-Smith Teacher Scholarship Program), is
61 authorized.

62 (w) The legislative rule filed in the State Register on October 28, 2015, relating to the
63 Higher Education Policy Commission (Nursing Scholarship Program), is authorized.

64 (x) The legislative rule filed in the State Register on December 20, 2016, relating to the
65 Higher Education Policy Commission (West Virginia Higher Education Grant Program), is
66 authorized.

67 (y) The legislative rule filed in the State Register on December 20, 2016, relating to the
68 Higher Education Policy Commission (Providing Real Opportunities for Maximizing In-state
69 Student Excellence - PROMISE), is authorized.

70 (z) The legislative rule filed in the State Register on December 20, 2016, relating to the
71 Higher Education Policy Commission (Research Trust Fund Program), is authorized.

72 (aa) The legislative rule filed in the State Register on December 20, 2016, relating to the
73 Higher Education Policy Commission (annual reauthorization of degree-granting institutions), is
74 authorized.

75 (bb) The legislative rule filed in the State Register on January 16, 2018, relating to the
76 Higher Education Policy Commission (Tuition and Fee Policy), is authorized.

77 (cc) The legislative rule filed in the State Register on January 16, 2018, relating to the
78 Higher Education Policy Commission (Human Resources Administration), is authorized.

79 (dd) The legislative rule filed in the State Register on January 22, 2018, relating to the
80 Higher Education Policy Commission (Capital Project Management), is authorized, with the
81 following amendments:

82 On page one, subsection 2.1, by striking out all of subdivision 2.1.d. and inserting in lieu
83 thereof a new subdivision 2.1.d., to read as follows: "Efficient use of existing classroom and other
84 space by institutions, while maintaining an appropriate deference to the value judgments of the
85 institutional governing boards".;

86 On page seven, subsection 4.2, by striking out all of subdivision 4.2.d.5. and inserting in
87 lieu thereof a new subdivision 4.2.d.5., to read as follows: "Funding will be prioritized for each
88 institution in accordance with institutional plans confirmed by the Commission or approved by the
89 Council.";

90 On page seven, subsection 4.2, by striking out all of subdivision 4.2.d.6. and inserting in
91 lieu thereof a new subdivision 4.2.d.6., to read as follows: "Facility utilization rates will be an
92 important factor in prioritizing capital projects across the systems.";

93 On page seven, subsection 4.2, by striking out all of subdivision 4.2.d.7. and inserting in
94 lieu thereof a new subdivision 4.2.d.7., to read as follows: "Institutions with overall net asset values
95 and capacity utilization rates that exceed or equal thresholds set annually by the Commission and
96 Council are the presumptive priority for new facilities. If these projects do not replace an existing
97 facility, they would be included in the Program Improvement category."; and

98 On pages 10-11, section 5, by striking out all of subdivision 5.6. and inserting in lieu thereof
99 a new subdivision 5.6., to read as follows: “A governing board may not implement a campus
100 development plan or plan update that has not been confirmed by the Commission or approved by
101 the Council, as appropriate. The purchase of any property for the construction of a facility that is
102 not included in the campus development plan creates an update to the campus development plan
103 that must be confirmed by the Commission or approved by the Council, as appropriate, prior to
104 its purchase. In the case of institutions governed by the Council, this provision applies equally to
105 property acquired by any means, whether by purchase or otherwise.”.

106 (ee) The legislative rule filed in the State Register on January 22, 2019, relating to the
107 Higher Education Policy Commission (Acceptance of Advanced Placement Credit), is repealed.

108 (ff) The legislative rule filed in the State Register on January 22, 2019, relating to the
109 Higher Education Policy Commission (Human Resources Administration), is repealed.

110 (gg) The legislative rule filed in the State Register on August 28, 2018, relating to the
111 Higher Education Policy Commission (Guidelines for Governing Boards in Employing and
112 Evaluating Presidents), is authorized.

113 (hh) The legislative rule filed in the State Register on August 7, 2018, relating to the Higher
114 Education Policy Commission (Providing Real Opportunities for Maximizing In-state Student
115 Excellence (PROMISE) Scholarship Program), is authorized, with the following amendments:

116 On page one, subsection 2.1, by striking out all of subdivision 2.1.a. and inserting in lieu
117 thereof a new subdivision 2.1.a., to read as follows: “Must complete high school graduation
118 requirements at a West Virginia public, private or home school unless he or she qualified as a
119 military dependent under Section 5 of this rule, or has commuted to an out-of-state school
120 pursuant to Section 6 of this rule; and”;

121 On page one, subsection 2.1, by striking out all of subdivision 2.1.b. and inserting in lieu
122 thereof a new subdivision 2.1.b., to read as follows: “Must complete at least one half of the credits
123 required for high school graduation through attendance at a public, private or home school in this

124 state, unless he or she qualified as a military dependent under Section 5 of this rule, or has
125 commuted to an out-of-state school pursuant to Section 6 of this rule; and”;

126 On page one, subdivision 2.1.c., by striking out the words “Section 5” and inserting in lieu
127 thereof the words “Section 4”;

128 On page one, subsection 2.1, by striking out all of subdivision 2.1.d. and inserting in lieu
129 thereof a new subdivision 2.1.d., to read as follows: “Must have attained a cumulative grade point
130 average of at least 3.0 on a 4.0 scale, based on county board grading policies, in both core
131 courses and overall coursework required for graduation by the State Board of Education, while
132 enrolled in a public or private high school. If home-schooled pursuant to the exemption allowed
133 by W.Va. Code §18-8-1 as documented by the county school board system, the applicant must
134 have completed in both the 11th and 12th grades the required core and elective coursework
135 necessary to prepare students for success in postsecondary education at the associate and
136 baccalaureate levels by attaining a cumulative grade point average of at least 3.0 on a 4.0 grading
137 scale in both core courses and overall coursework as determined by the Commission; and”;

138 On page one, subsection 2.1, subdivision 2.1.f., preceding the words “have resided in
139 West Virginia”, by striking out the word “Must” and inserting in lieu thereof the words “The
140 applicant and his or her parent or legal guardian must”;

141 On page one, subdivision 2.1.f., by striking out the words “Section 5” and inserting in lieu
142 thereof the words “Section 4”;

143 On page one, subdivision 2.1.f., by striking out the words “Section 6” and inserting in lieu
144 thereof the words “Section 5”;

145 On page two, subsection 2.4., by striking out the words “Section 10.7 or 10.8” and inserting
146 in lieu thereof the words “Section 9.7 or 9.8”;

147 On page two, subsection 2.5, by striking out the words “Section 8” and inserting in lieu
148 thereof the words “Section 7”;

149 On page two, subsection 2.5, by striking out the words “Section 10” and inserting in lieu
150 thereof the words “Section 9”;

151 On page two, by striking out all of section 3 and renumbering the remaining sections
152 accordingly;

153 On page three, subsection 4.4, by striking out the words “Section 14” and inserting in lieu
154 thereof the words “Section 13”;

155 On page five-six, subsection 10.6, by striking out the words “Section 10.3” and inserting
156 in lieu thereof the words “Section 9.3”;

157 On page six, subsection 10.6, by striking out the words “Section 10.2” and inserting in lieu
158 thereof the words “Section 9.2”;

159 On page six, subsection 10.9.c., by striking out the words “Section 5” and inserting in lieu
160 thereof the words “Section 4”; and

161 On page eight, subsection 15.1.b, by striking out the words “Section 11.1” and inserting in
162 lieu thereof the words “Section 10.1”.

163 (ii) The legislative rule filed in the State Register on September 30, 2019, relating to the
164 Higher Education Policy Commission (Higher Education Accountability System) is authorized.

165 (jj) The legislative rule filed in the State Register on November 5, 2019, relating to the
166 Higher Education Policy Commission (Underwood-Smith Teaching Scholars Program and
167 Teacher Education Loan Repayment Program) is authorized.

168 (kk) The legislative rule filed in the State Register on October 4, 2019, relating to the
169 Higher Education Policy Commission (Accountability System) is repealed.

170 (II) The legislative rule filed in the State Register on July 29, 2020, relating to the Higher
171 Education Policy Commission (Mental Health Loan Repayment Program) is authorized, with the
172 following amendments:

173 On page one, subdivision, 3.1.b., after the words “family therapist,” by inserting the words
174 “psychiatric mental health nurse practitioner,”;

175 On page two, subsection 6.1, by striking out the words “at least” and inserting in lieu
176 thereof the words “up to”; and

177 On page three, subsection 9.1, after the words “family therapists,” by inserting the words
178 “psychiatric mental health nurse practitioners,”.

179 (mm) The legislative rule filed in the State Register on March 11, 2021, relating to the
180 Higher Education Policy Commission (Administrative Exemption) is authorized.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Dean Jypson

Chairman, House Committee

Mark Spangol

Chairman, Senate Committee

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SECRETARY OF STATE

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FILED

Originating in the House.

In effect ninety days from passage.

Steve Harris

Clerk of the House of Delegates

Julian

Clerk of the Senate

Ray Haskew

Speaker of the House of Delegates

C.P. Bow

President of the Senate

The within *is approved* this the *26th*

day of *April*, 2021.

James Owens
Governor

PRESENTED TO THE GOVERNOR

APR 22 2021

Time 2:53 pm