

HB 2695

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STATE OF WEST VIRGINIA  
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# WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1999



# ENROLLED

## COMMITTEE SUBSTITUTE FOR House Bill No. 2695

(By Delegates Michael, Stemple, Mezzatesta,  
Doyle, Williams, Leach and Givens)



Passed March 13, 1999

In Effect Ninety Days from Passage

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## **ENROLLED**

COMMITTEE SUBSTITUTE

FOR

# **H. B. 2695**

(BY DELEGATES MICHAEL, STEMPLER, MEZZATESTA,  
DOYLE, WILLIAMS, LEACH AND GIVENS)

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AN ACT to amend chapter eighteen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article six, relating to higher education governing boards; creating the West Virginia engineering, science and technology scholarship program; legislative findings; legislative rules; definitions; creating in the state treasury a special revolving fund; scholarship agreements, limitations, selection criteria, procedures, eligibility, compliance, noncompliance, renewal, amount and duration; and relation of scholarship award to other sources of financial aid.

*Be it enacted by the Legislature of West Virginia:*

That chapter eighteen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article six, to read as follows:

**ARTICLE 6. WEST VIRGINIA ENGINEERING, SCIENCE AND TECHNOLOGY SCHOLARSHIP PROGRAM.**

**§18C-6-1. Scholarship fund created; purposes; funding; limit on number of new scholarships per year.**

1 (a) The purpose of this article is to attract talented students  
2 to West Virginia colleges and universities to major in engineer-  
3 ing, science and technology. The Legislature recognizes that a  
4 larger pool of engineering, science and technology talent in  
5 West Virginia will build the state's economy and businesses. In  
6 addition, long-term population increases for West Virginia will  
7 develop a strong economic base. The new economy requires  
8 that West Virginia retain its education infrastructure in order to  
9 maintain economic growth.

10 (b) The higher education governing boards shall propose a  
11 joint legislative rule in accordance with the provisions of article  
12 three-a, chapter twenty-nine-a of this code, to implement the  
13 provisions of this article and shall file the rule with the legisla-  
14 tive oversight commission on education accountability no later  
15 than the first day of December, one thousand nine hundred  
16 ninety-nine. The rule shall provide for the administration of the  
17 West Virginia engineering, science and technology scholarship  
18 program by the senior administrator in furtherance of the  
19 purposes of this article, including, but not limited to, an  
20 expression of legislative intent that academic ability be the  
21 primary criteria for selecting scholarship recipients, scholarship  
22 selection criteria and procedures, renewal, compliance, non-  
23 compliance and repayment, deferral and excusal. The rules also  
24 shall provide for appeal procedures under which a recipient  
25 may appeal any determination of noncompliance. The rules  
26 may provide for satisfaction of the work requirement provided  
27 in paragraph (A), subdivision (2), subsection (a), section four  
28 of this article through community service relating to engineer-  
29 ing, science or technology. In accordance with the rules, the  
30 senior administrator shall establish appropriate guidelines for  
31 program operation.

32 (c) There is hereby created in the state treasury a special  
33 revolving fund known as the "West Virginia Engineering,  
34 Science and Technology Scholarship Fund" to be administered  
35 by the senior administrator solely for granting scholarships to

36 prospective engineers, scientists and technologists in accor-  
37 dance with this article. Any moneys which may be appropriated  
38 by the Legislature, or received by the senior administrator from  
39 other sources, for the purposes of this article shall be deposited  
40 in the fund. Any moneys remaining in the fund at the close of  
41 the fiscal year shall be carried forward for use in the next fiscal  
42 year. Any moneys repaid to the senior administrator by reason  
43 of default of a scholarship agreement under this article also  
44 shall be deposited in the fund. Fund balances shall be invested  
45 with the state's consolidated investment fund, and any and all  
46 interest earnings on these investments shall be used solely for  
47 the purposes for which moneys invested were appropriated or  
48 otherwise received.

49 (d) The senior administrator may accept and expend any  
50 gift, grant, contribution, bequest, endowment or other money  
51 for the purposes of this article and shall make a reasonable  
52 effort to encourage external support for the scholarship pro-  
53 gram.

54 (e) For the purpose of encouraging support for the scholar-  
55 ship program from private sources, the senior administrator  
56 may set aside no more than half of the funds appropriated by  
57 the Legislature for West Virginia engineering, science and  
58 technology scholarships to be used to match two state dollars to  
59 each private dollar from a nonstate source contributed on behalf  
60 of a specific institution of higher education in this state.

61 (f) West Virginia engineering, science and technology  
62 scholarships are limited to three hundred new scholarships per  
63 year and a maximum of one thousand outstanding scholarships  
64 during any year.

65 (g) Nothing in this article requires any specific level of  
66 funding by the Legislature.

**§18C-6-2. Definitions.**

1 When used in this article the following terms have the  
2 following meanings, unless the context clearly indicates a  
3 different meaning:

4 (a) "ABET" means the accrediting board for engineering  
5 and technology.

6 (b) "ABET approved engineering major" means a major  
7 approved by ABET's engineering accreditation commission.

8 (c) "ABET approved technology major" means a major  
9 approved by ABET's technology accreditation commission.

10 (d) "Eligible institution of higher education" means

11 (1) A state institution of higher education as defined in  
12 section two, article one, chapter eighteen-b of this code, and (2)  
13 Alderson-Broadus College, Appalachian Bible College,  
14 Bethany College, the College of West Virginia, Davis and  
15 Elkins College, Ohio Valley College, Salem-Teikyo College,  
16 the University of Charleston, West Virginia Wesleyan College  
17 and Wheeling Jesuit College, all in West Virginia, and any  
18 other institution of higher education in this state, public or  
19 private, approved by the senior administrator: *Provided*, That  
20 if any institution listed in this paragraph is not regionally  
21 accredited, it shall not be included as an eligible institution;

22 (e) "Engineering, science and technology-related field"  
23 means any position for which the employer provides a written  
24 statement that engineering, science or technology skill, knowl-  
25 edge and ability, as evidenced by the attainment of a certificate,  
26 associate or baccalaureate degree in engineering, science or  
27 technology, are preferred or required or where an industry-  
28 based certification requirement exists.

29 (f) "Industry-based certification" means any special  
30 certification required, necessary or deemed preferred for  
31 employment in the field.

32 (g) "Science" means a major in biology, chemistry,  
33 computer science, physics or mathematics at an eligible  
34 institution of higher education or any other major as approved  
35 by the higher education governing boards by rule.

### **§18C-6-3. Selection criteria and procedures.**

1 (a) The higher education governing boards shall designate  
2 an existing scholarship selection agency or panel to select the

3 recipients of West Virginia engineering, science and technology  
4 scholarships from among those applicants who meet eligibility  
5 criteria set forth in subsection (b) of this section. If no such  
6 agency or panel exists, the higher education governing boards  
7 shall appoint a scholarship selection panel for this purpose  
8 which shall consist of seven persons representative of West  
9 Virginia engineering, science and technology higher education  
10 administrators and educators, with a minimum of one voting  
11 member representing community colleges, and one member  
12 representing West Virginia engineering, science and technology  
13 professionals.

14 (b) To be eligible to receive a scholarship under the  
15 provisions of this article, applicants must meet the following  
16 conditions:

17 (1) Be a United States citizen or resident alien who meets  
18 the definition of an eligible noncitizen under federal Title IV  
19 requirements;

20 (2) Have a cumulative grade point average of 3.0 on a 4.0  
21 grading scale upon graduation from high school or the equiva-  
22 lent or have a cumulative grade point average of at least 3.0 on  
23 a 4.0 grading scale after completing two semesters of course  
24 work at an eligible institution of higher education; and

25 (2) Be enrolled or accepted for enrollment in an engineer-  
26 ing, science or technology program leading to a certificate,  
27 associate or baccalaureate degree at an eligible institution of  
28 higher education. The program must be

29 (A) An ABET approved technology major;

30 (B) An ABET approved engineering major;

31 (C) A science major;

32 (D) An engineering or technology program or major that  
33 has been approved by the senior administrator; or

34 (E) A program leading directly to specialized certification  
35 as established by appropriate industry standards.

36 (c) In accordance with the rules of the governing boards,  
37 and the intent of this article, the senior administrator shall

38 develop criteria and procedures for the selection of scholarship  
39 recipients that reflect the purposes of this article and the areas  
40 in which particular efforts will be made in the selection of  
41 recipients as set forth in section one of this article and which  
42 may include, but not be limited to:

43 (1) The grade point average of the applicant,

44 (2) Involvement in extracurricular activities,

45 (3) Financial need,

46 (4) Current academic standing, and

47 (5) An expression of interest in a career in engineering,  
48 science or technology as demonstrated in an essay written by  
49 the applicant.

50 The criteria and procedures further may require the  
51 applicant to furnish letters of recommendation from teachers  
52 and others.

53 (d) In developing the selection criteria and procedures to be  
54 used by the panel, the senior administrator shall solicit the  
55 views of public and private engineering, science and technology  
56 agencies and institutions and other interested parties. The senior  
57 administrator shall collect this information by means of written  
58 and published selection criteria and procedures in final form for  
59 implementation. The senior administrator may call public  
60 hearings on the present and projected engineering, science and  
61 technology needs of the state or may use other appropriate  
62 methods to gather such information.

63 (e) The senior administrator shall make application forms  
64 for West Virginia engineering, science and technology scholar-  
65 ships available to public and private high schools in the state  
66 and other locations convenient to applicants, parents and others  
67 and shall make an effort to attract students from low-income  
68 backgrounds, ethnic or racial minority students, students with  
69 disabilities and women or minority students who show interest  
70 in pursuing careers in engineering, science and technology and  
71 who are under-represented in those fields.

72 (f) In awarding the scholarships, the panel shall give  
73 preference to applicants who are West Virginia residents.

74 (g) In awarding scholarships, not less than twenty percent  
75 of appropriated funds may be awarded to students enrolled in  
76 certificate and associate degree programs. Further awards will  
77 be determined based on established statewide need.

**§18C-6-4. Scholarship agreement.**

1 (a) Each recipient of a West Virginia engineering, science  
2 and technology scholarship shall enter into an agreement with  
3 the senior administrator under which the recipient shall:

4 (1) Provide the governing boards with evidence of compli-  
5 ance with subsection (a), section five of this article;

6 (2) Agree that within one year following the date the  
7 recipient ceases to be a full-time student at an eligible institu-  
8 tion in a program of engineering, science or technology  
9 education for which the scholarship was awarded he or she will:

10 (A) Begin working full-time in an engineering, science or  
11 technology-related field in this state for a duration of not less  
12 than one year for each year the scholarship was received; or

13 (B) Begin repayment of all or part of the West Virginia  
14 engineering, science and technology scholarship received under  
15 this article plus interest and, if applicable, reasonable collection  
16 fees, in accordance with subsection (b), section five-b of this  
17 article, except as provided in subsections (c) and (d) of section  
18 five of this article.

19 (b) A scholarship agreement shall disclose fully the terms  
20 and conditions of this article under which the scholarship is  
21 provided and under which repayment of the scholarship may be  
22 required.

**§18C-6-5. Renewal conditions; noncompliance; deferral; excusal.**

1 (a) The recipient of a West Virginia engineering, science  
2 and technology scholarship is eligible for scholarship renewal  
3 if the recipient is:



4 (1) Enrolled as a full-time student in an eligible institution  
5 of higher education;

6 (2) Pursuing a course of study leading to a certificate,  
7 associate or baccalaureate degree in engineering, science or  
8 technology or leading to specialized certification as established  
9 by industry-based standards;

10 (3) Maintaining satisfactory progress as determined by the  
11 eligible institution of higher education the recipient is attend-  
12 ing; and

13 (4) Complying with any other standards established by the  
14 governing boards by rule.

15 (b) A recipient who violates a scholarship agreement is  
16 required to repay the amount of any scholarship award received,  
17 plus interest, and, where applicable, reasonable collection fees,  
18 on a schedule and at a rate of interest prescribed in the guide-  
19 lines of the senior administrator. The legislative rules required  
20 in section one of this article shall provide for a method of  
21 prorating repayment amounts against any amount of the work  
22 requirement that has been fulfilled by the recipient.

23 (c) A recipient is not in violation of the agreement entered  
24 into under section three of this article during any period in  
25 which the recipient is:

26 (1) Pursuing a full-time course of study at an accredited  
27 institution of higher education;

28 (2) Serving as a member of the armed services of the  
29 United States for a period not in excess of four years; or

30 (3) Satisfying the provisions of additional repayment  
31 exemptions that may be prescribed by the governing boards by  
32 rule.

33 (d) A recipient is excused from repayment of a West  
34 Virginia engineering, science and technology scholarship  
35 received under this article if the recipient dies or becomes  
36 permanently and totally disabled as established by sworn  
37 affidavit of a physician qualified to make such a determination  
38 as determined by the rules established by the governing boards.

39 (e) The rules adopted by the governing boards shall provide  
40 that the length of the repayment period may not exceed ten  
41 years: *Provided*, That the rules may include provisions under  
42 which the senior administrator may, if extenuating circum-  
43 stances exist, extend the period for fulfilling the obligation to  
44 fifteen years.

**§18C-6-6. Amount and duration of scholarship; relation to other assistance.**

1 (a) Subject to subsection (b) of this section, each recipient  
2 of a West Virginia engineering, science and technology  
3 scholarship is eligible to receive an award of up to three  
4 thousand dollars for each academic year of higher education.  
5 No individual may receive a scholarship award for more than  
6 four academic years for the completion of a baccalaureate  
7 degree.

8 (b) No individual may receive a scholarship award under  
9 this article which exceeds the cost of attendance at the institu-  
10 tion the individual is attending. The cost of attendance shall be  
11 based upon the actual cost of tuition and fees. If the amount of  
12 the West Virginia engineering, science and technology scholar-  
13 ship award and the amount of financial assistance which the  
14 recipient has received from all other sources exceed the cost of  
15 attendance, the institution's financial aid officer, in consultation  
16 with the recipient, will determine which source of financial aid  
17 is to be reduced and shall do so in a manner to the best advan-  
18 tage of the recipient.

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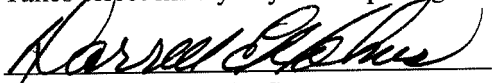
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


  
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Chairman Senate Committee


  
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Chairman House Committee

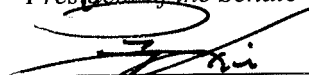
Originating in the House.

Takes effect ninety days from passage.

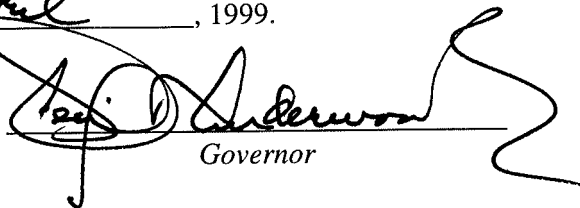
  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
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President of the Senate

  
\_\_\_\_\_  
Speaker of the House of Delegates

The within approved this the 7<sup>th</sup>  
day of April, 1999.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/30/99

Time 1:34 pm