

HB 2558

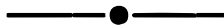
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2007 APR -4 PM 7:36

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2007



ENROLLED

COMMITTEE SUBSTITUTE

FOR

House Bill No. 2558

(By Delegates Campbell, Eldridge, Longstreth,
Marshall, Paxton, M. Poling, Stephens, Sumner and Tabb)



Passed March 10, 2007

In Effect from Passage

FILED

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FOR

H. B. 2558

(BY DELEGATES CAMPBELL, ELDRIDGE, LONGSTRETH,
MARSHALL, PAXTON, M. POLING, STEPHENS, SUMNER AND TABB)

[Passed March 10, 2007; in effect from passage.]

AN ACT to repeal §18B-5-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §5A-6-4 of said code; to amend and reenact §18B-1B-3 of said code; to amend and reenact §18B-2A-1 of said code; to amend said code by adding thereto a new section, designated §18B-2A-9; to amend and reenact §18B-2B-3 and §18B-2B-5 of said code; to amend and reenact §18B-9-4 of said code; and to amend and reenact §18C-3-1 of said code, all relating to higher education generally; Higher Education Policy Commission; West Virginia Council for Community and Technical College Education; donation of surplus computers; authorizing Chief Technology Officer to establish donation program; requiring Chief Technology Officer to consult with and assist governing boards in creating a donation program; requiring Chief Technology Officer to study the recycling of obsolete technology; exempting donated

computers from certain procedures relating to disposition of surplus property; institutional boards of governors; providing for election of officers; terms of office; meetings; authorizing certain governing boards of state institutions of higher education to create computer and computer equipment donation programs; requiring the governing boards to consult with the Chief Technology Officer prior to creating programs; providing criteria for setting chancellor's salary; authorizing institutions to provide salary increases if funds are available to certain classified employees under certain circumstances; increasing portion of a medical student loan that may be cancelled under certain circumstances; and deleting obsolete language.

Be it enacted by the Legislature of West Virginia:

That §18B-5-8 of the Code of West Virginia, 1931, as amended, be repealed; that §5A-6-4 of said code be amended and reenacted; that §18B-1B-3 of said code be amended and reenacted; that §18B-2A-1 of said code be amended and reenacted; that said code be amended by adding thereto a new section, designated §18B-2A-9; that §18B-2B-3 and §18B-2B-5 of said code be amended and reenacted; that §18B-9-4 of said code be amended and reenacted; and that §18C-3-1 of said code be amended and reenacted, all to read as follows:

CHAPTER 5A. DEPARTMENT OF ADMINISTRATION.

ARTICLE 6. OFFICE OF TECHNOLOGY.

§5A-6-4. Powers and duties of the Chief Technology Officer; generally.

1 (a) With respect to all state spending units the Chief
2 Technology Officer may:

3 (1) Develop an organized approach to information
4 resource management for this state;

5 (2) Provide, with the assistance of the Information
6 Services and Communications Division of the Department of
7 Administration, technical assistance to the administrators of

8 the various state spending units in the design and
9 management of information systems;

10 (3) Evaluate, in conjunction with the Information
11 Services and Communications Division, the economic
12 justification, system design and suitability of information
13 equipment and related services, and review and make
14 recommendations on the purchase, lease or acquisition of
15 information equipment and contracts for related services by
16 the state spending units;

17 (4) Develop a mechanism for identifying those instances
18 where systems of paper forms should be replaced by direct
19 use of information equipment and those instances where
20 applicable state or federal standards of accountability demand
21 retention of some paper processes;

22 (5) Develop a mechanism for identifying those instances
23 where information systems should be linked and information
24 shared, while providing for appropriate limitations on access
25 and the security of information;

26 (6) Create new technologies to be used in government,
27 convene conferences and develop incentive packages to
28 encourage the utilization of technology;

29 (7) Engage in any other activities as directed by the
30 Governor;

31 (8) Charge a fee to the state spending units for
32 evaluations performed and technical assistance provided
33 under the provisions of this section. All fees collected by the
34 Chief Technology Officer shall be deposited in a special
35 account in the State Treasury to be known as the Chief
36 Technology Officer Administration Fund. Expenditures from
37 the fund shall be made by the Chief Technology Officer for
38 the purposes set forth in this article and are not authorized
39 from collections, but are to be made only in accordance with
40 appropriation by the Legislature and in accordance with the
41 provisions of article three, chapter twelve of this code and
42 upon the fulfillment of the provisions set forth in article two,

43 chapter eleven-b of this code: *Provided*, That the provisions
44 of section eighteen, article two, chapter eleven-b of this code
45 shall not operate to permit expenditures in excess of the
46 spending authority authorized by the Legislature. Amounts
47 collected which are found to exceed the funds needed for
48 purposes set forth in this article may be transferred to other
49 accounts or funds and redesignated for other purposes by
50 appropriation of the Legislature;

51 (9) Monitor trends and advances in information
52 technology and technical infrastructure;

53 (10) Direct the formulation and promulgation of policies,
54 guidelines, standards and specifications for the development
55 and maintenance of information technology and technical
56 infrastructure, including, but not limited to:

57 (A) Standards to support state and local government
58 exchange, acquisition, storage, use, sharing and distribution
59 of electronic information;

60 (B) Standards concerning the development of electronic
61 transactions, including the use of electronic signatures;

62 (C) Standards necessary to support a unified approach to
63 information technology across the totality of state
64 government, thereby assuring that the citizens and businesses
65 of the state receive the greatest possible security, value and
66 convenience from investments made in technology;

67 (D) Guidelines directing the establishment of statewide
68 standards for the efficient exchange of electronic information
69 and technology, including technical infrastructure, between
70 the public and private sectors;

71 (E) Technical and data standards for information
72 technology and related systems to promote efficiency and
73 uniformity;

74 (F) Technical and data standards for the connectivity,
75 priorities and interoperability of technical infrastructure used

76 for homeland security, public safety and health and systems
77 reliability necessary to provide continuity of government
78 operations in times of disaster or emergency for all state,
79 county and local governmental units; and

80 (G) Technical and data standards for the coordinated
81 development of infrastructure related to deployment of
82 electronic government services among state, county and local
83 governmental units;

84 (11) Periodically evaluate the feasibility of
85 subcontracting information technology resources and
86 services, and subcontract only those resources that are
87 feasible and beneficial to the state;

88 (12) Direct the compilation and maintenance of an
89 inventory of information technology and technical
90 infrastructure of the state, including infrastructure and
91 technology of all state, county and local governmental units,
92 which may include personnel, facilities, equipment, goods
93 and contracts for service, wireless tower facilities, geographic
94 information systems and any technical infrastructure or
95 technology that is used for law enforcement, homeland
96 security or emergency services;

97 (13) Develop job descriptions and qualifications
98 necessary to perform duties related to information technology
99 as outlined in this article; and

100 (14) Promulgate legislative rules, in accordance with the
101 provisions of chapter twenty-nine-a of this code, as may be
102 necessary to standardize and make effective the
103 administration of the provisions of article six of this chapter.

104 (b) With respect to executive agencies, the Chief
105 Technology Officer may:

106 (1) Develop a unified and integrated structure for
107 information systems for all executive agencies;

108 (2) Establish, based on need and opportunity, priorities
109 and time lines for addressing the information technology
110 requirements of the various executive agencies of state
111 government;

112 (3) Exercise authority delegated by the Governor by
113 executive order to overrule and supersede decisions made by
114 the administrators of the various executive agencies of
115 government with respect to the design and management of
116 information systems and the purchase, lease or acquisition of
117 information equipment and contracts for related services;

118 (4) Draw upon staff of other executive agencies for
119 advice and assistance in the formulation and implementation
120 of administrative and operational plans and policies;

121 (5) Recommend to the Governor transfers of equipment
122 and human resources from any executive agency and the
123 most effective and efficient uses of the fiscal resources of
124 executive agencies, to consolidate or centralize information-
125 processing operations ;

126 (6) Create and implement a program to refurbish and
127 donate state surplus computers which are no more than four
128 years old from state agencies to public schools and low-
129 income school children.

130 (A) The Chief Technology Officer is encouraged to
131 collaborate with other agencies including, but not limited to,
132 the State Board of Education; the Department of Education's
133 Division of Technical and Adult Services; Regional
134 Education Service Agencies; the Division of Corrections;
135 Prison Industries; and private technology industries in
136 creating and establishing this program.

137 (B) Surplus computers to be donated pursuant to this
138 subdivision are not subject to the provisions of sections forty-
139 four and forty-five, article three of this chapter; and

140 (C) The Chief Technology Officer shall consult with and
141 provide any necessary assistance to any governing board of

142 an institution of higher education creating a computer and
143 computer equipment donation program under section nine,
144 article two-a, chapter eighteen-b of this code; and

145 (7) Study the feasibility of recycling obsolete computers,
146 computer equipment and other technology equipment.

147 (c) The Chief Technology Officer may employ the
148 personnel necessary to carry out the work of the Office of
149 Technology and may approve reimbursement of costs
150 incurred by employees to obtain education and training.

151 (d) The Chief Technology Officer shall develop a
152 comprehensive, statewide, four-year strategic information
153 technology and technical infrastructure policy and
154 development plan to be submitted to the Governor and the
155 Joint Committee on Government and Finance. The final plan
156 shall be submitted by the first day of June, two thousand
157 seven. The plan shall include, but not be limited to:

158 (A) A discussion of specific projects to implement the
159 plan;

160 (B) A discussion of the acquisition, management and use
161 of information technology by state agencies;

162 (C) A discussion of connectivity, priorities and
163 interoperability of the state's technical infrastructure with the
164 technical infrastructure of political subdivisions and
165 encouraging the coordinated development of facilities and
166 services regarding homeland security, law enforcement and
167 emergency services to provide for the continuity of
168 government operations in times of disaster or emergency;

169 (D) A discussion identifying potential market demand
170 areas in which expanded resources and technical
171 infrastructure may be expected;

172 (E) A discussion of technical infrastructure as it relates to
173 higher education and health;

174 (F) A discussion of the use of public-private partnerships
175 in the development of technical infrastructure and technology
176 services; and

177 (G) A discussion of coordinated initiatives in website
178 architecture and technical infrastructure to modernize and
179 improve government to citizen services, government to
180 business services, government to government relations and
181 internal efficiency and effectiveness of services, including a
182 discussion of common technical data standards and common
183 portals to be utilized by state, county and local governmental
184 units.

185 (e) The Chief Technology Officer shall oversee
186 telecommunications services used by state spending units for
187 the purpose of maximizing efficiency to the fullest possible
188 extent. The Chief Technology Officer shall establish
189 microwave or other networks and LATA hops; audit
190 telecommunications services and usage; recommend and
191 develop strategies for the discontinuance of obsolete or
192 excessive utilization; participate in the renegotiation of
193 telecommunications contracts; and encourage the use of
194 technology and take other actions necessary to provide the
195 greatest value to the state.

CHAPTER 18B. HIGHER EDUCATION.

ARTICLE 1B. HIGHER EDUCATION POLICY COMMISSION.

§18B-1B-3. Meetings and compensation.

1 (a) The commission shall meet as needed at the time and
2 place specified by the call of the chairperson.

3 (b) The commission shall hold an annual meeting at the
4 final, regularly scheduled meeting of each fiscal year for the
5 purpose of electing officers. At the annual meeting, the
6 commission shall elect from its members appointed by the
7 governor a chairperson and other officers as it may consider
8 necessary or desirable. All officers are elected from the

9 citizen appointees. The chairperson and other officers are
10 elected for a one-year term commencing on the first day of
11 July following the annual meeting and ending on the thirtieth
12 day of June of the following year. The chairperson of the
13 commission may serve no more than four consecutive terms
14 as chair.

15 (c) Members of the commission shall be reimbursed for
16 actual and necessary expenses incident to the performance of
17 their duties upon presentation of an itemized sworn statement
18 of their expenses. The reimbursement for actual and
19 necessary expenses shall be paid from appropriations made
20 by the Legislature to the commission.

21 (d) A majority of the members constitutes a quorum for
22 conducting the business of the commission.

ARTICLE 2A. INSTITUTIONAL BOARDS OF GOVERNORS.

§18B-2A-1. Composition of boards; terms and qualifications of members; vacancies; eligibility for reappointment.

1 (a) A board of governors is continued at each of the
2 following institutions: Bluefield State College, Blue Ridge
3 Community and Technical College, Concord University,
4 Eastern West Virginia Community and Technical College,
5 Fairmont State University, Glenville State College, Marshall
6 University, New River Community and Technical College,
7 Shepherd University, Southern West Virginia Community
8 and Technical College, West Liberty State College, West
9 Virginia Northern Community and Technical College, the
10 West Virginia School of Osteopathic Medicine, West
11 Virginia State University and West Virginia University.

12 (b) The institutional board of governors for Marshall
13 University consists of sixteen persons and the institutional
14 board of governors for West Virginia University consists of
15 eighteen persons. Each other board of governors consists of
16 twelve persons.

17 (c) Each board of governors includes the following
18 members:

19 (1) A full-time member of the faculty with the rank of
20 instructor or above duly elected by the faculty of the
21 respective institution;

22 (2) A member of the student body in good academic
23 standing, enrolled for college credit work and duly elected by
24 the student body of the respective institution;

25 (3) A member from the institutional classified employees
26 duly elected by the classified employees of the respective
27 institution; and

28 (4) For the institutional board of governors at Marshall
29 University, twelve lay members appointed by the Governor,
30 by and with the advice and consent of the Senate, pursuant to
31 this section and, additionally, the chairperson of the
32 institutional board of advisors of Marshall Community and
33 Technical College serving as an ex officio, voting member.

34 (5) For the institutional board of governors at West
35 Virginia University, twelve lay members appointed by the
36 Governor, by and with the advice and consent of the Senate,
37 pursuant to this section and, additionally, the chairpersons of
38 the following boards serving as ex officio, voting members:

39 (A) The institutional board of advisors of:

40 (i) The Community and Technical College at West
41 Virginia University Institute of Technology; and

42 (ii) West Virginia University at Parkersburg; and

43 (B) The Board of Visitors of West Virginia University
44 Institute of Technology.

45 (6) For each institutional board of governors of an
46 institution that does not have an administratively linked
47 community and technical college under its jurisdiction, nine

48 lay members appointed by the Governor, by and with the
49 advice and consent of the Senate, pursuant to this section.

50 (7) For each institutional board of governors which has
51 an administratively linked community and technical college
52 under its jurisdiction:

53 (A) Eight lay members appointed by the Governor, by
54 and with the advice and consent of the Senate, pursuant to
55 this section and, additionally, the chairperson of the
56 institutional board of advisors of the administratively linked
57 community and technical college; and

58 (B) Of the eight lay members appointed by the Governor,
59 one shall be the superintendent of a county board of
60 education from the area served by the institution.

61 (d) Of the eight or nine members appointed by the
62 Governor, no more than five may be of the same political
63 party. Of the twelve members appointed by the Governor to
64 the governing boards of Marshall University and West
65 Virginia University, no more than seven may be of the same
66 political party. Of the eight or nine members appointed by
67 the Governor, at least six shall be residents of the state. Of
68 the twelve members appointed by the Governor to the
69 governing boards of Marshall University and West Virginia
70 University, at least eight shall be residents of the state.

71 (e) The student member serves for a term of one year.
72 Each term begins on the first day of July.

73 (f) The faculty member serves for a term of two years.
74 Each term begins on the first day of July. Faculty members
75 are eligible to succeed themselves for three additional terms,
76 not to exceed a total of eight consecutive years.

77 (g) The member representing classified employees serves
78 for a term of two years. Each term begins on the first day of
79 July. Members representing classified employees are eligible
80 to succeed themselves for three additional terms, not to
81 exceed a total of eight consecutive years.

82 (h) The appointed lay citizen members serve terms of
83 four years each and are eligible to succeed themselves for no
84 more than one additional term.

85 (i) A vacancy in an unexpired term of a member shall be
86 filled for the unexpired term within thirty days of the
87 occurrence of the vacancy in the same manner as the original
88 appointment or election. Except in the case of a vacancy, all
89 elections shall be held and all appointments shall be made no
90 later than the thirtieth day of June preceding the
91 commencement of the term. Each board of governors shall
92 elect one of its appointed lay members to be chairperson in
93 June of each year. A member may not serve as chairperson
94 for more than four consecutive years.

95 (j) The appointed members of the institutional boards of
96 governors serve staggered terms of four years.

97 (k) A person is ineligible for appointment to membership
98 on a board of governors of a state institution of higher
99 education under the following conditions:

100 (1) For a baccalaureate institution or university, a person
101 is ineligible for appointment who is an officer, employee or
102 member of any other board of governors, a member of an
103 institutional board of advisors of any public institution of
104 higher education, an employee of any institution of higher
105 education, an officer or member of any political party
106 executive committee, the holder of any other public office or
107 public employment under the government of this state or any
108 of its political subdivisions or a member of the council or
109 commission. This subsection does not prevent the
110 representative from the faculty, classified employees,
111 students or chairpersons of the boards of advisors or the
112 superintendent of a county board of education from being
113 members of the governing boards.

114 (2) For a community and technical college, a person is
115 ineligible for appointment who is an officer, employee or
116 member of any other board of governors; a member of an
117 institutional board of advisors of any public institution of

118 higher education; an employee of any institution of higher
119 education; an officer or member of any political party
120 executive committee; the holder of any other public office,
121 other than an elected county office, or public employment,
122 other than employment by the county board of education,
123 under the government of this state or any of its political
124 subdivisions; or a member of the council or commission.
125 This subsection does not prevent the representative from the
126 faculty, classified employees, students or chairpersons of the
127 boards of advisors from being members of the governing
128 boards.

129 (l) Before exercising any authority or performing any
130 duties as a member of a governing board, each member shall
131 qualify as such by taking and subscribing to the oath of office
132 prescribed by section five, article IV of the Constitution of
133 West Virginia and the certificate thereof shall be filed with
134 the Secretary of State.

135 (m) A member of a governing board appointed by the
136 Governor may not be removed from office by the Governor
137 except for official misconduct, incompetence, neglect of duty
138 or gross immorality and then only in the manner prescribed
139 by law for the removal of the state elective officers by the
140 Governor.

141 (n) The president of the institution shall make available
142 resources of the institution for conducting the business of its
143 board of governors. The members of the board of governors
144 serve without compensation, but are reimbursed for all
145 reasonable and necessary expenses actually incurred in the
146 performance of official duties under this article upon
147 presentation of an itemized sworn statement of expenses. All
148 expenses incurred by the board of governors and the
149 institution under this section are paid from funds allocated to
150 the institution for that purpose.

**§18B-2A-9. Computer and computer equipment donation
program.**

1 (a) Notwithstanding any other provision of this code to
2 the contrary, the governing boards may create a program to
3 donate surplus computers and computer-related equipment to
4 education facilities, nonprofit organizations, juvenile
5 detention centers, municipal and county public safety offices
6 and other public, charitable or educational enterprises or
7 organizations in this state.

8 (b) Only equipment which otherwise would be
9 transferred to the Surplus Property Unit of the Purchasing
10 Division may be donated;

11 (c) Each governing board which chooses to create a
12 computer and computer equipment donation program
13 pursuant to this section shall:

14 (1) Consult with the state's Chief Technology Officer
15 before creating the program;

16 (2) Keep records and accounts that clearly identify the
17 equipment donated, the age of the equipment, the reasons for
18 declaring it obsolete and the name of the education facility,
19 nonprofit organization, juvenile detention center, municipal
20 or county public safety office or other public, charitable or
21 educational enterprise or organization to which the
22 equipment was donated; and

23 (3) Promulgate a rule in accordance with the provisions
24 of section six, article one of this chapter to implement the
25 donation program.

26 The rule shall contain at least the following:

27 (A) Specific procedures to be used for record keeping;
28 and

29 (B) Provisions for fair and impartial selection of
30 equipment recipients.

**ARTICLE 2B. WEST VIRGINIA COUNCIL FOR
COMMUNITY AND TECHNICAL
COLLEGE EDUCATION.**

§18B-2B-3. West Virginia Council for Community and Technical College Education; supervision of chancellor; chief executive officer.

1 (a) There is continued the West Virginia Council for
2 Community and Technical College Education. The council
3 has all the powers and duties assigned by law to the Joint
4 Commission for Vocational-Technical-Occupational
5 Education prior to the effective date of this section and such
6 other powers and duties as may be assigned by law.

7 (b) *Chancellor for Community and Technical College*
8 *Education.*

9 (1) The council shall employ a chancellor for community
10 and technical college education. The chancellor serves as
11 chief executive officer of the council at the will and pleasure
12 of the council. The chancellor is compensated at a level set
13 by the council not to exceed eighty percent of the average
14 annual salary of chief executive officers of the state systems
15 of higher education in the states that comprise the
16 membership of the Southern Regional Education Board.

17 (2) After the initial contract period, the council shall
18 conduct written performance evaluations of the chancellor
19 annually and may offer the chancellor a contract not to
20 exceed three years. At the end of each contract period, the
21 council shall review the evaluations and make a
22 determination by vote of its members on continuing
23 employment and level of compensation.

24 (3) When a vacancy occurs in the position of chancellor,
25 the council shall enter into an initial employment contract for
26 one year with the candidate selected to fill the vacancy. At
27 the end of the initial period, the council shall make a
28 determination by vote of its members on continuing
29 employment and compensation level for the chancellor and
30 shall continue thereafter as set forth in subdivision (2) of this
31 subsection.

§18B-2B-5. Meetings and compensation.

1 (a) The council shall meet as needed at the time and place
2 specified at the call of the chairperson. One meeting each
3 year shall be a public forum for the discussion of the goals
4 and standards for workforce development, economic
5 development and vocational education in the state.

6 (b) The council shall hold an annual meeting at its final,
7 regularly scheduled meeting of each fiscal year for the
8 purpose of electing officers. At the annual meeting, the
9 council shall elect from its voting members a chairperson and
10 other officers as it may consider necessary or desirable. The
11 chairperson and other officers shall be elected for one-year
12 terms commencing on the first day of July following the
13 annual meeting and ending on the thirtieth day of June of the
14 following year. The chairperson of the council may serve no
15 more than four consecutive one-year terms as chair.

16 (c) Members of the council serve without compensation.
17 Members shall be reimbursed for all reasonable and
18 necessary expenses actually incurred in the performance of
19 official duties under this article upon presentation of an
20 itemized sworn statement of their expenses. An ex officio
21 member of the council who is an employee of the state shall
22 be reimbursed by the employing agency.

23 (d) A majority of the voting members constitutes a
24 quorum for conducting the business of the council. All
25 action taken by the council shall be by majority vote of the
26 voting members present.

**ARTICLE 9. CLASSIFIED EMPLOYEE SALARY
SCHEDULE AND CLASSIFICATION
SYSTEM.**

**§18B-9-4. Establishment of personnel classification system;
assignment to classification and to salary
schedule.**

1 (a) The commission shall implement an equitable system
2 of job classifications, with the advice and assistance of staff
3 councils and other groups representing classified employees,
4 each classification to consist of related job titles and
5 corresponding job descriptions for each position within a
6 classification, together with the designation of an appropriate
7 pay grade for each job title, which system shall be the same
8 for corresponding positions of the commission and in
9 institutions under all governing boards. The equitable system
10 of job classification and the rules establishing it which were
11 in effect immediately prior to the effective date of this section
12 are hereby transferred to the jurisdiction and authority of the
13 commission and shall remain in effect unless modified or
14 rescinded by the commission.

15 (b) Any classified salary increases distributed within a
16 state institution of higher education after the first day of July,
17 two thousand one, shall be in accordance with the uniform
18 classification system and a uniform and equitable salary
19 policy adopted by each individual board of governors. Each
20 salary policy shall detail the salary goals of the institution and
21 the process whereby the institution will achieve or progress
22 toward achievement of placing each classified employee at
23 his or her minimum salary on the schedule established
24 pursuant to section three of this article.

25 (c) A classified employee may receive a salary in excess
26 of the salary established by the salary schedule for his or her
27 pay grade and years of experience only if all such employees
28 at the institution are receiving at least the minimum salary for
29 their pay grade and years of experience as established for
30 them by the salary schedule: *Provided*, That any salary
31 increase must be provided in a manner that is consistent with
32 the uniform classification system and the institution's salary
33 policy.

**CHAPTER 18C. STUDENT LOANS; SCHOLARSHIPS
AND STATE AID.**

**ARTICLE 3. HEALTH PROFESSIONALS STUDENT LOAN
PROGRAMS.**

§18C-3-1. Health Education Loan Program; establishment; administration; eligibility and loan cancellation; required report.

1 (a) For the purposes of this section, “vice chancellor of
2 administration” means the person employed pursuant to
3 section two, article four, chapter eighteen-b of this code.

4 (b) There is continued a special revolving fund account
5 under the commission in the State Treasury to be known as
6 the Health Education Student Loan Fund which shall be used
7 to carry out the purposes of this section. The fund consists
8 of:

9 (1) All funds on deposit in the medical student loan fund
10 in the state treasury or which are due or become due for
11 deposit in the fund as obligations made under the previous
12 enactment of this section;

13 (2) Those funds provided pursuant to the provisions of
14 section four, article ten, chapter eighteen-b of this code;

15 (3) Appropriations provided by the Legislature;

16 (4) Repayment of any loans made under this section;

17 (5) Amounts provided by medical associations, hospitals
18 or other medical provider organizations in this state, or by
19 political subdivisions of the state, under an agreement which
20 requires the recipient to practice his or her health profession
21 in this state or in the political subdivision providing the funds
22 for a predetermined period of time and in such capacity as set
23 forth in the agreement; and

24 (6) Other amounts which may be available from external
25 sources.

26 Balances remaining in the fund at the end of the fiscal
27 year do not expire or revert. All costs associated with
28 administering this section shall be paid from the Health
29 Education Student Loan Fund.

30 (c) The vice chancellor for administration may use any
31 funds in the Health Education Student Loan Fund for the
32 purposes of the Medical Student Loan Program. The
33 commission shall give priority for the loans to residents of
34 this state, as defined by the commission. An individual is
35 eligible for loan consideration if the individual:

36 (1) Demonstrates financial need;

37 (2) Meets established academic standards;

38 (3) Is enrolled or accepted for enrollment at one of the
39 aforementioned schools of medicine in a program leading to
40 the degree of medical doctor (M.D.) or doctor of osteopathy
41 (D.O.);

42 (4) The individual has not yet received one of the degrees
43 provided in subdivision (3) of this subsection; and

44 (5) Is not in default of any previous student loan.

45 (d) At the end of each fiscal year, any individual who has
46 received a medical student loan and who has rendered
47 services as a medical doctor or a doctor of osteopathy in this
48 state in a medically underserved area or in a medical
49 specialty in which there is a shortage of physicians, as
50 determined by the Division of Health at the time the loan was
51 granted, may submit to the commission a notarized, sworn
52 statement of service on a form provided for that purpose.
53 Upon receipt of the statement the commission shall cancel
54 ten thousand dollars of the outstanding loan or loans for
55 every full twelve consecutive calendar months of such
56 service.

57 (e) No later than thirty days following the end of each
58 fiscal year, the vice chancellor for administration shall
59 prepare and submit a report to the commission for inclusion
60 in the statewide report card required under section eight,
61 article one-b, chapter eighteen-b of this code to be submitted
62 to the Legislative Oversight Commission on Education
63 Accountability established under section eleven, article

64 three-a, chapter twenty-nine-a of this code. At a minimum,
65 the report shall include the following information:

66 (1) The number of loans awarded;

67 (2) The total amount of the loans awarded;

68 (3) The amount of any unexpended moneys in the fund;
69 and

70 (4) The rate of default during the previous fiscal year on
71 the repayment of previously awarded loans.

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



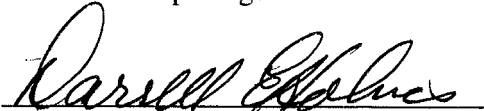
Chairman Senate Committee



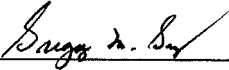
Chairman House Committee

Originating in the House.

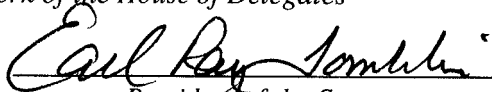
In effect from passage.



Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within is disapproved this the 4th
day of April, 2007.



Governor

PRESENTED TO THE
GOVERNOR

MAR 21 2007

Time 4:00 pm