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WEST VIRGINIA
LEGISLATURE
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WEST VIRGINIA LEGISLATURE
Regular Session, 2006



ENROLLED

SENATE BILL NO. 32

(By Senator Hunter, et al)



PASSED March 11, 2006

In Effect July 1, 2006 Passage

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

Senate Bill No. 32

(BY SENATORS HUNTER, WHITE, DEMPSEY,
SHARPE, MINARD AND LOVE)

[Passed March 11, 2006; to take effect July 1, 2006.]

AN ACT to amend and reenact §18-19-1, §18-19-2 and §18-19-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18C-1-4 of said code, all relating to state-funded student financial aid resources; modifying eligibility criteria for certain programs; modifying the types of institutions at which certain benefits may be used; expanding certain benefit eligibility to children of certain military personnel; increasing certain benefit amounts; extending eligibility age limits for certain benefits; and extending the benefit eligibility until a date certain to certain students who attend public high school outside the state.

Be it enacted by the Legislature of West Virginia:

That §18-19-1, §18-19-2 and §18-19-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §18C-1-4 of said code be amended and reenacted, all to read as follows:

CHAPTER 18. EDUCATION.

ARTICLE 19. EDUCATIONAL OPPORTUNITIES FOR CHILDREN OF DECEASED SOLDIERS, SAILORS, MARINES AND AIRMEN.

§18-19-1. Appropriation to provide educational opportunities.

1 (a) The purpose of this article is to provide educational
2 opportunities for the children of those:

3 (1) Who served in:

4 (A) The Army, Navy or Marine Corps of the United
5 States during the world war from the sixth day of April,
6 one thousand nine hundred seventeen, to the second day of
7 July, one thousand nine hundred twenty-one, all dates
8 inclusive;

9 (B) The armed forces of the United States of America at
10 any time between the first day of December, one thousand
11 nine hundred forty-one, and the declaration of peace by
12 the Congress of the United States, all dates inclusive;

13 (C) The armed forces of the United States of America at
14 any time between the twenty-seventh day of June, one
15 thousand nine hundred fifty, and the thirty-first day of
16 January, one thousand nine hundred fifty-five, all dates
17 inclusive;

18 (D) The armed forces of the United States of America at
19 any time between the fifth day of August, one thousand
20 nine hundred sixty-four, and the seventh day of May, one
21 thousand nine hundred seventy-five, all dates inclusive; or

22 (E) The armed forces of the United States of America at
23 any time during which the forces or members of the
24 reserve components are called to active duty by the
25 President of the United States under Title 10 of the United
26 States Code for the purpose of entering into armed com-
27 bat; and

28 (2) Who were killed in action or have died or may
29 hereafter die from disease or disability resulting from this
30 war service.

31 (b) For the purpose of this article, there is appropriated
32 from the State Fund, General Revenue the sum of at least
33 five thousand dollars for each fiscal year commencing the
34 first day of July and ending on the thirtieth day of June of
35 each year of the next biennium to be used for the benefit
36 of these children while attending post-secondary educa-
37 tion or training institutions.

38 (c) This benefit also shall be given to children of a service
39 member killed during hostile actions as defined by the
40 agency administering this section.

41 (d) The term "children" as used in this article includes
42 any child of a veteran who has been legitimized by opera-
43 tion of law prior to the veteran's demise.

§18-19-2. Eligibility of applicant for benefits; application forms; preference.

1 (a) To be eligible for the benefits of this article, a child
2 set forth in section one of this article shall be:

3 (1) At least sixteen and not more than twenty-five years
4 of age;

5 (2) Enrolled in a post-secondary education or training
6 institution in this state; and

7 (3) The child of an enlistee who designated West Virginia
8 as his or her state of record.

9 (b) The application shall be made to, and upon forms
10 provided by, the West Virginia Division of Veterans'
11 Affairs. The division shall determine the eligibility of
12 those who apply and the yearly amount to be allotted each
13 applicant. The amount, in the discretion of the division,
14 may vary from year to year, but may not exceed the sum of
15 one thousand dollars in any one semester or a total of two
16 thousand dollars in any one year. In selecting those to
17 receive the benefits of this article, preference shall be
18 given those who are otherwise financially unable to secure
19 the educational opportunities.

§18-19-3. No tuition fees to be charged; how funds to be expended; cessation of allowances.

1 (a) A state post-secondary education or training institu-
2 tion may not charge tuition and fees to an eligible appli-
3 cant attending that institution pursuant to this article.
4 The funds herein appropriated shall be expended by the
5 West Virginia Division of Veterans' Affairs only for
6 matriculation fees, board, room rent, books, supplies and
7 other necessary living expenses of those children.

8 (b) In the event that a child eligible for a tuition waiver
9 pursuant to this section attends a private post-secondary
10 education or training institution where the tuition waiver
11 is not applicable, that child remains eligible for up to two
12 thousand dollars per year in education benefits pursuant
13 to section two of this article.

14 (c) In addition to the tuition waiver available pursuant
15 to this section, a child attending a state post-secondary
16 education or training institution is eligible for up to two
17 thousand dollars per year in education benefits as pro-
18 vided in section two of this article.

19 (d) The division is charged with the duty of disbursing
20 the funds herein provided and shall draw its requisitions
21 upon the State Auditor for that purpose. In its discretion
22 the division, if satisfied as to the accuracy and amounts of
23 the expenditures, shall make the requisitions payable to
24 the post-secondary education or training institutions or to
25 those furnishing to the children board, room rent, books,
26 supplies and other necessary living expenses.

27 (e) If a child receiving benefits or tuition waivers
28 pursuant to this article withdraws from the institution, all
29 allowances to the child shall cease.

30 (f) A member or employee of the division may not receive
31 any additional compensation for the services herein
32 required.

33 (g) Acceptance of benefits or tuition waivers pursuant to
34 this article does not limit the acceptance of any other
35 scholarship or grant for which a student may be eligible.

36 (h) Notwithstanding the provisions of this article to the
37 contrary, until the first day of January, two thousand
38 seven, benefits received pursuant to this article may be
39 used for educational opportunities received at an educa-
40 tion or training institution that is below the post-second-
41 ary level.

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

ARTICLE 1. FINANCIAL ASSISTANCE GENERALLY.

§18C-1-4. Eligibility of commuting students and children of military personnel for state-funded student financial aid, grants and scholarships.

1 (a) Notwithstanding any other provision of this code or
2 rule to the contrary, a student who attended a public or
3 private high school outside the state is eligible for state-
4 funded student financial aid, grants and scholarships if:

5 (1) The student meets all other eligibility requirements
6 for the aid, grant or scholarship; and either

7 (2) The student resided in West Virginia while attending
8 high school in another state, and:

9 (A) The student resided with his or her parent or legal
10 guardian who:

11 (i) Was a resident of this state; and

12 (ii) Had been a resident of this state for at least two
13 years immediately preceding the student's attendance at
14 the school;

15 (B) The student commuted during the school term on a
16 daily basis from this state to the school;

17 (C) The student is a dependent of the parent or legal
18 guardian upon which eligibility is based;

19 (D) The student has not established domicile outside the
20 state; and

21 (E) At the discretion of the State Superintendent of
22 Schools, as defined in section one, article one, chapter
23 eighteen of this code:

24 (i) The school is fully accredited in that state to the
25 degree acceptable to the State Superintendent of Schools;
26 and

27 (ii) The school's curriculum requirements for graduation
28 are equivalent to the curriculum requirements for gradua-
29 tion in this state, or sufficiently similar to those require-
30 ments, as determined by the State Superintendent of
31 Schools; or

32 (3) The student resided and attended high school in
33 another state or a United States territory, United States
34 possession or foreign country and:

35 (A) The student resided with his or her parent or legal
36 guardian; and

37 (B) The student's parent or legal guardian:

38 (i) Served in the United States armed forces while the
39 student attended high school in such state, territory,
40 possession or country;

41 (ii) Was stationed for military purposes in such state,
42 territory, possession or country; and

43 (iii) Maintained legal residence in West Virginia while
44 stationed in such state, territory, possession or country.

45 (b) This section may not be construed to alter, amend or
46 extend any application deadlines or other requirements
47 established by law or policy.

48 (c) The provisions of this section expire on the thirtieth
49 day of June, two thousand ten.

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

Chandy White
.....
Chairman Senate Committee

R. Beun
.....
Chairman House Committee

Originated in the Senate.

To take effect July 1, 2006.

Russell O. Lewis
.....
Clerk of the Senate

Gregg A. Sawyer
.....
Clerk of the House of Delegates

Carl Roy Tomblin
.....
President of the Senate

Robert S. Taylor
.....
Speaker House of Delegates

The within *is approved* this the *3rd*
Day of *April*, 2006.

Paul H. Hunt
.....
Governor

PRESENTED TO THE
GOVERNOR

APR 03 2006

Time 2:03pm