

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

Senate Bill 477

FISCAL
NOTE

BY SENATORS TAKUBO, BALDWIN, GRADY, NELSON,
PHILLIPS, ROMANO, SMITH, STOLLINGS, SWOPE, SYPOLT,
HAMILTON, LINDSAY, WELD, WELD, AND JEFFRIES

[Introduced January 24, 2022; referred to
the Committee on Education; and then to the
Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §18C-7-8, relating to requiring the Higher Education Policy Commission to
3 create and administer a PROMISE Plus Program for the purpose of supplementing the
4 PROMISE Scholarship award of an individual who meets more rigorous standards so that
5 the total of both scholarships received by that individual is equal to the actual cost of
6 tuition; addressing eligibility requirements; requiring the commission to promulgate a rule;
7 requiring each award recipient to enter into an agreement which requires repayment of
8 the amount of the grants awarded if the recipient chooses to reside outside the state within
9 the number of years immediately after obtaining the degree or certificate that is equivalent
10 to the number of years the scholarship was received; requiring that the annual award be
11 used to supplement, but not supplant, certain other tuition and fee waivers for which an
12 individual is eligible; clarifying that section does not guarantee a PROMISE Plus
13 scholarship award or any specific amount of a PROMISE Plus scholarship award to any
14 student or that the qualification requirements for PROMISE Plus scholarship will not be
15 changed before the student is eligible; providing that the total cost of all PROMISE Plus
16 scholarships in any year cannot exceed the amount of funds available; creating a special
17 revenue fund in the State Treasury designated as the PROMISE Plus Scholarship Fund;
18 and giving the commission all the same powers and duties with respect to the PROMISE
19 Plus Program as the commission has with respect to the PROMISE Scholarship Program.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 7. WEST VIRGINIA PROVIDING REAL OPPORTUNITIES FOR MAXIMIZING
IN-STATE STUDENT EXCELLENCE SCHOLARSHIP PROGRAM.**

§18C-7-8. PROMISE Plus Program.

1 (a) In addition to administering the PROMISE Scholarship Program pursuant to this article,
2 the commission also shall create and administer a PROMISE Plus Program in accordance with

3 the provisions of this section. The purpose of the PROMISE Plus Program is to supplement the
4 PROMISE Scholarship award of an individual who meets more rigorous standards so that the
5 total of both scholarships received by that individual is equal to the actual cost of tuition. Subject
6 to availability of funding, the PROMISE Plus Program awards shall be distributed beginning with
7 the 2023-2024 school year.

8 (b) The eligibility requirements for receiving a PROMISE Plus Scholarship are the same
9 as the eligibility requirements established pursuant to §18C-7-6 of this code for a PROMISE
10 Scholarship award except that the additional objective standards established pursuant to §18C-
11 7-6(c)(6) of this code shall be more rigorous than standards established for receiving a PROMISE
12 Scholarship award.

13 (c) The commission shall promulgate a rule applicable to the PROMISE Plus Program that
14 includes all of the provisions that are required by §18C-7-6(e)(1) of this code for the PROMISE
15 Scholarship Program and may include provisions or requirements allowed to be included in the
16 PROMISE Scholarship Program rule by §18C-7-6(e)(2) of this code: *Provided*, That the rule shall
17 include a requirement that each recipient of a PROMISE Plus award enter into an agreement with
18 the Vice Chancellor for Administration, which requires repayment of an amount of the grant or
19 grants awarded to the recipient if the recipient chooses to reside outside the state within the
20 number of years immediately after obtaining the degree or certificate that is equivalent to the
21 number of years the scholarship was received. If the recipient resides outside of the state for only
22 a portion of that time, the amount of the repayment shall be reduced proportionately. The
23 commission may not require a recipient to repay the grants unless the prospective recipient has
24 been informed of this requirement in writing before initial acceptance of the grant award. Each
25 agreement entered into pursuant to this subsection shall include the following:

26 (1) Disclosure of the full terms and conditions under which assistance under this section
27 is provided and under which repayment may be required;

28 (2) A description of the appeals procedure required to be established under this article;

29 (3) Instances in which the loan obligation is to be deferred or canceled. These instances
30 shall at least include:

31 (A) Pursuing a full-time course of study at an accredited institution of higher education;

32 (B) Serving, not in excess of four years, as a member of the armed services of the United
33 States;

34 (C) Extenuating circumstances exist as determined by the Vice Chancellor for
35 Administration under any guidelines which may be established by the commission by rule; or

36 (D) Death or permanent or temporary disability as established by sworn affidavit of a
37 qualified physician.

38 (d) The annual award shall be used by an eligible institution to supplement, but may not
39 supplant, a tuition and fee waiver for which the individual is eligible pursuant to §18B-10-5, §18B-
40 10-6a, §18B-10-7, or §18B-10-7b of this code.

41 (e) Nothing in this section guarantees:

42 (1) A PROMISE Plus scholarship award or any specific amount of a PROMISE Plus
43 scholarship award to any student; or

44 (2) That the requirements necessary for a student to qualify for a PROMISE Plus
45 scholarship will not be changed by legislation or rule before the student is eligible to receive an
46 award.

47 (f) The total cost of all PROMISE Plus scholarships awarded by the commission in any
48 year may not exceed the amount of funds available to the commission during that fiscal year.

49 (g)(1) A special revenue fund in the State Treasury is created and designated as the
50 PROMISE Plus Scholarship Fund. The fund consists of moneys from the following sources:

51 (A) All appropriations by the Legislature for the PROMISE Plus Scholarship Fund;

52 (B) Any gifts, grants, or contributions received for the PROMISE Plus Program; and

53 (C) All interest or other income earned from investment of the fund.

54 (2) The allocations to the fund are subject to appropriation by the Legislature. Nothing in

55 this section requires any specific level of funding by the Legislature nor guarantees nor entitles
56 any individual to any benefit or grant of funds.

57 (3) The commission may expend moneys in the fund to implement the provisions of this
58 section.

59 (h) The commission has all the same powers and duties with respect to the PROMISE
60 Plus Program as the commission has pursuant to §18C-7-5 of this code with respect to the
61 PROMISE Scholarship Program.

NOTE: The purpose of this bill is to require the Higher Education Policy Commission to create and administer a PROMISE Plus Program for the purpose of supplementing the PROMISE Scholarship award of an individual who meets more rigorous standards so that the total of both scholarships received by that individual is equal to the actual cost of tuition.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.