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HOUSE BILL NO. 361

Offered January 11, 2006

Prefiled January 6, 2006

A BILL to amend and reenact §§ 23-105 and 23-107 of the Code of Virginia and to repeal § 23-106 of the Code of Virginia, relating to admission of state cadets at VMI.

Patrons—Lingamfelter and Janis

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That §§ 23-105 and 23-107 of the Code of Virginia are amended and reenacted as follows:

§ 23-105. Admission of state cadets.

The board shall admit annually as state cadets, free of charge for board and tuition, upon evidence of fair moral character, not less than a total of ~~fifty~~ 40 young men and women, who shall be not less than ~~sixteen~~ 16 nor more than ~~twenty-five~~ 25 years of age; ~~one~~ 25 of whom shall be selected from each of the senatorial districts as at present constituted, and the other ten from the Commonwealth at large upon the recommendation of the Speaker of the House and 15 of whom shall be selected upon the recommendation of the President Pro Tempore of the Senate. Whenever a vacancy has occurred, or is likely to occur, in any district, due notice of the time and place of making the appointment to supply the vacancy shall be given. If, after such notice, no suitable person shall apply from such district, the vacancy may be supplied from the Commonwealth at large.

§ 23-107. State cadet to serve as a commissioned officer in the Virginia National Guard; bond required.

Each cadet received on state account and who shall have remained in the Institute during the period of two years or more, shall act in the capacity of teacher in some school in this Commonwealth for two years, and such cadet shall be required to discharge his obligation as teacher within the three years immediately after leaving the Institute, and he shall report in writing to the superintendent of the Institute on or before the first day of June of each year succeeding the date of his leaving the Institute until he shall have discharged fully such obligation to the Commonwealth; or, at his option, such cadet may serve an enlistment in the National Guard of the Commonwealth, or serve for a period of two years as an engineer for the Commonwealth Transportation Board or for a period of two years as an engineer with the State Department of Health, or serve on active duty for a period of two years as a member of some component of the armed services of the United States of America, or, with the approval of the board of visitors, serve for a period of two years in any capacity as an employee of the Commonwealth of Virginia agree to serve as a commissioned officer in the Virginia National Guard for a term of not less than four years. And each Each cadet so received on state account in the Institute on reporting for duty and matriculation shall be required to enter into a bond, payable to the Virginia Military Institute, in a sum sufficient to cover the board and tuition that may be expended in on his behalf as such state cadet; and unless. Unless the cadet shall fulfill his obligation as aforesaid to serve in the Virginia National Guard, he shall be deemed to have violated his contract, and authority is hereby given to the Institute to proceed by law for the collection from the cadet of such amount as may be necessary to cover so much of his board and tuition as may proportionately be due from his failure to teach the whole or any part of the required two years, or to serve in the national guard or as an engineer on the public roads of Virginia or for a period of two years as an engineer with the State Department of Health, or to serve on active duty for a period of two years as a member of some component of the armed services of the United States of America, or, with the approval of the board of visitors, to serve for a period of two years in any capacity as an employee of the Commonwealth of Virginia serve as a commissioned officer in the Virginia National Guard for a term of not less than four years; and no cadet executing such bond shall be permitted to plead infancy or the statute of limitation in bar of recovery of such debt; provided, However, the board of visitors may excuse such cadet from any one of these the obligations under this section in such cases as they may deem right and proper.; and provided further, Further, if such a cadet shall discharge discharges his obligation to the Virginia National Guard any one of these obligations within the time prescribed, he shall be deemed to have fulfilled his obligation to the Commonwealth imposed by this section ; and provided further, that the provisions of this section relating to discharge of the obligation shall be temporarily suspended as to any cadet who, immediately upon leaving the Institute, enters a medical school approved by the board of visitors of the Institute in which event such cadet may sign a written contract with the Virginia Military Institute under the terms of which he agrees to pursue the medical course of the school until his graduation and, upon

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59 graduating and completing a term not to exceed two years as an intern, shall promptly begin and
60 thereafter engage continuously in the general practice of medicine in a rural community in Virginia
61 selected by the State Health Commissioner and the State Board of Health, for a period of two years;
62 provided that an equivalent period of practice in a state-supported mental institution selected by the
63 Commissioner of Mental Health, Mental Retardation and Substance Abuse Services shall be deemed the
64 equivalent of such practice in a rural area; further provided, that an equivalent period of practice while
65 on active duty as a member of the armed services of the United States of America, including, but not
66 limited to, the United States Public Health Service, shall be deemed the equivalent of such practice in a
67 rural area. Each cadet who accepts an extension of his obligation under this provision shall report in
68 writing to the superintendent of the Institute on or before the first day of June of each year succeeding
69 the date of his leaving the Institute until he shall have discharged fully such obligation by compliance
70 with the terms of his contract or in any other manner approved by the board of visitors.
71 **2. That § 23-106 of the Code of Virginia is repealed.**