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SENATE BILL NO. 486

FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Senator Norment)

(Patron Prior to Substitute—Senator Norment)

Senate Amendments in [] — January 25, 2006

A BILL to amend and reenact §§ 23-105, 23-106, and 23-107 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 23-107.1 and 23-107.2, relating to admission of state cadets at VMI.

Be it enacted by the General Assembly of Virginia:

1. That §§ 23-105, 23-106, and 23-107 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding sections numbered 23-107.1 and 23-107.2 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, upon evidence of fair moral character,] not less than a total of fifty sufficient young men and women selected from the Commonwealth at large, who shall be not less than sixteen nor more than twenty-five years of age; one of whom shall be selected from each of the senatorial districts as at present constituted, and the other ten from the Commonwealth at large. 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.

§ 23-106. Financial assistance for state cadets.

The board shall not admit any cadet as a "state cadet" whose financial condition or that of his parents permits him to pay the board and tuition fees charged other students. The board shall provide financial assistance equal to the applicant's demonstrated need up to the Institute's prevailing charges for tuition and board.

§ 23-107. Service requirement.

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. And 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 his behalf as such state cadet; and unless the cadet shall fulfill his obligation as aforesaid, 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; 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, the Any cadet failing to fulfill his or her obligation shall repay all funds received from the Commonwealth. The board of visitors may excuse such cadet from any one and all of these obligations in such cases as they may deem right and proper; and provided further, if such cadet shall discharge 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

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

73 §23-107.1. Admission of military scholarship cadets.

74 The board shall admit annually as military scholarship cadets, up to forty young men and women,
75 who shall be not less than sixteen nor more than twenty-five years of age. The board shall provide
76 financial assistance for tuition, fees, room and board subject to federal funds and state appropriations
77 available for this program.

78 § 23-107.2. Military scholarship cadet to serve as a commissioned officer in the Virginia National
79 Guard.

80 Each military scholarship cadet shall agree to serve as a commissioned officer in the Virginia
81 National Guard for a term in accordance with Guard policy and regulation. Any cadet failing to fulfill
82 his or her obligation shall repay all funds received in support of his or her cost of education. The board
83 of visitors, in consultation with the Virginia National Guard, may excuse such cadet from any and all of
84 these obligations in such cases as they deem *proper*.