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## SENATE BILL NO. 539

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Finance  
on February 2, 2006)

(Patron Prior to Substitute—Senator Stosch)

A BILL to amend the Code of Virginia by adding in Title 23 a chapter numbered 4.1:1, consisting of sections numbered 23-38.19:6 through 23-38.19:9, relating to the establishment of a Private College Enrollment Grant program.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 23 a chapter numbered 4.1:1, consisting of sections numbered 23-38.19:6 through 23-38.19:9, as follows:

## CHAPTER 4.1:1.

## PRIVATE COLLEGE ENROLLMENT GRANT.

§ 23-38.19:6. Definitions.

As used in this chapter:

"Council" means the State Council of Higher Education for Virginia.

"Institution of higher education" means a private nonprofit educational institution within the Commonwealth whose primary purpose is to provide undergraduate collegiate education and not to provide religious training or theological education.

"Student" means an undergraduate student who is entitled to in-state tuition charges pursuant to the provisions of § 23-7.4.

§ 23-38.19:7. Private College Enrollment Grant Fund established.

There is hereby created in the state treasury a special nonreverting fund to be known as the Private College Enrollment Grant Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller and all funds appropriated by the General Assembly and any gifts, grants, or donations from public or private sources shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purpose of providing higher education grants on a per capita basis to private nonprofit institutions of higher education that agree, in the interest of providing access to higher education for Virginia's burgeoning student population, to enroll Virginia domiciles pursuant to a contract in accordance with § 23-38.19:8. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director of the State Council of Higher Education for Virginia.

§ 23-38.19:8. State Council of Higher Education designated as administering agency.

The State Council of Higher Education for Virginia is hereby designated as the agency responsible for the administration of the grant program established by this chapter and may solicit or receive unsolicited grant proposals and may enter into contracts with private accredited nonprofit institutions of higher education having their main campus in Virginia to provide grants on a per capita basis to such institutions on behalf of enrolled Virginia domiciles. The Council may promulgate regulations consistent with this chapter and appropriate to the administration of the program, including measures to ensure the reduction of out-of-pocket tuition costs to Virginia's student population.

§ 23-38.19:9. Determination of domicile.

Domicile shall be determined by the enrolling institution, as provided in § 23-7.4, and the State Council of Higher Education's guidelines for domiciliary status determinations.

2. That the provisions of this act shall not become effective unless an appropriation of general funds effectuating the purposes of this act is included in the general appropriations act passed by the 2006 Session of the General Assembly, which becomes law.