

20107377D

SENATE BILL NO. 994

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Education and Health
on February 6, 2020)

(Patron Prior to Substitute—Senator Norment)

A BILL to amend and reenact §§ 23.1-2500, 23.1-2501, 23.1-2503 through 23.1-2507, and 23.1-2509 of the Code of Virginia, relating to Virginia Military Institute.

Be it enacted by the General Assembly of Virginia:

1. That §§ 23.1-2500, 23.1-2501, 23.1-2503 through 23.1-2507, and 23.1-2509 of the Code of Virginia are amended and reenacted as follows:

§ 23.1-2500. Corporate name; name of the Institute.

A. The board of visitors of Virginia Military Institute (the board) is a corporation under the name and style of "Virginia Military Institute" and has, in addition to its other powers, all the corporate powers given to corporations by the provisions of Title 13.1 except those powers that are confined to corporations created pursuant to Title 13.1. The board shall at all times be under the control of the General Assembly.

B. The institution shall be known as Virginia Military Institute (the Institute).

C. The Institute shall be grounded in a strict code of honor and high academics, shall uphold a strict military structure, and shall remain solely an undergraduate degree-granting institution of higher education. All cadets shall participate in one of the Reserve Officers' Training Corps (ROTC) programs at all times while attending the Institute.

D. There shall be paid out of the public treasury such sums as shall be appropriated by the General Assembly for the support of the school.

§ 23.1-2501. Membership.

A. The board shall consist of 17 members, of whom 16 shall be appointed by the Governor and one shall be the Adjutant General, who shall serve as an ex officio nonvoting member. Of the 16 members appointed by the Governor, (i) 12 shall be alumni of the Institute, of whom eight shall be residents of the Commonwealth and four shall be nonresidents, and (ii) four shall be nonalumni residents of the Commonwealth.

B. The alumni association of the Institute may submit to the Governor a list of not more than three nominees for each vacancy on the board, whether the vacancy occurs by expiration of a term or otherwise. The Governor may appoint a member from the list of nominees.

§ 23.1-2503. Power to receive gifts, grants, devises, and bequests.

The Institute, or the board on its behalf, upon the prior written consent of the Governor, may receive, take, hold, and enjoy any gift, grant, devise, or bequest made to the Institute or its board for charitable or educational purposes and use and administer any such gift, grant, devise, or bequest for the uses and purposes designated by the donor or for the general purposes of the Institute if no such designation is made.

§ 23.1-2504. Powers; removal of professors.

A. In addition to the authority provided elsewhere in this Code, a majority of the board may remove professors for good cause.

§ 23.1-2505. Enrollment.

The board shall prescribe the terms upon which pay cadets may be admitted, their number, the course of their instruction, and the nature and duration of their service.

§ 23.1-2506. State cadets.

A. The board shall Institute may admit annually as state cadets upon evidence of fair moral character a sufficient number of individuals selected from the Commonwealth at large who are at least 16 but not more than 25 years old.

B. The board shall provide financial assistance equal to a state cadet applicant's demonstrated need up to the Institute's prevailing charges for tuition, mandatory fees, and other necessary charges.

C. Each state cadet who remains enrolled in the Institute for two years or more shall (i) teach in a public elementary or secondary school in the Commonwealth for two years within the three years immediately after leaving the Institute and 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 has discharged fully such obligation to the Commonwealth, (ii) serve an enlistment in the National Guard of the Commonwealth, (iii) serve for two years as an engineer for the Commonwealth Transportation Board, (iv) serve for two years as an engineer with the State Department of Health, (v) serve on active duty for two years as a member of some component of the armed services of the United States, or (vi) with the approval of the board, serve two years in any capacity as an employee of the Commonwealth.

60 D. Any cadet who fails to fulfill his obligation pursuant to subsection C shall repay all funds
61 received from the Commonwealth. The board may excuse such cadet from any or all of these
62 obligations in such cases as it determines is appropriate.

63 **§ 23.1-2507. Virginia National Guard scholarship cadets.**

64 A. The ~~board~~ *Institute* may admit annually as ~~military~~ *Virginia National Guard* scholarship cadets ~~up~~
65 ~~to~~ 40 individuals who are at least 16 but not more than 25 years old.

66 B. The board shall provide financial assistance to such ~~military~~ *Virginia National Guard* scholarship
67 cadets for tuition, mandatory fees, and other necessary charges entirely from federal funds, Virginia
68 National Guard funds, or private gifts. The federal funds, Virginia National Guard funds, or private gifts
69 shall have no matching requirement.

70 C. Each ~~military~~ *Virginia National Guard* scholarship cadet shall agree to serve as a commissioned
71 officer in the Virginia National Guard for a term in accordance with Guard policy and regulation. Any
72 cadet failing to fulfill his obligation to serve shall repay all funds received in support of his cost of
73 education. The board, in consultation with the Virginia National Guard, may excuse such cadet from any
74 or all of these obligations in such cases as it determines is appropriate.

75 **§ 23.1-2509. Conferring of degrees.**

76 A. The Governor, the board, *the superintendent*, and the faculty of the Institute may confer a degree
77 upon any qualified graduate.

78 B. ~~The~~ *As a board of a military institute, the board* ~~may~~ *shall not* confer honorary degrees ~~or~~
79 ~~diplomas of distinguished merit.~~