2000 Session

Budget Bill - HB29 (Introduced)

Item 4-5.01

§ 4-5.01 TRANSACTIONS WITH INDIVIDUALS

a. SETTLEMENT OF CLAIMS: 1. Whenever a dispute, claim or controversy involving the interest of the Commonwealth is settled pursuant to § 2.1-127, Code of Virginia, payment may be made out of any appropriations, designated by the Governor, to the state agency(ies) which is (are) party to the settlement.

2.a) Notwithstanding the provisions of §4-5.01 a 1, the Comptroller shall pay a total of up to $58,000 out of the unappropriated balance derived by subtracting the total general fund appropriations authorized by this act from the total general fund revenues as set out on page 1 of this act. The Comptroller shall disburse these funds in the following manner:

b) An amount equal to the attorneys' fees, litigation expenses, and travel-related expenses actually incurred by Michele Finn in connection with legal actions instituted by the Commonwealth or any of its political subdivisions or their officers, employees, or agents relating to the events preceding the death of Hugh Finn for which receipts are presented to the Comptroller, provided that (i) the total amount of such reimbursements, exclusive of any fees, costs and expenses for which Michele Finn is reimbursed upon final resolution of her motion for fees and sanctions filed in the Circuit Court of Prince William County, Chancery No. 44386, shall not exceed $48,000 and (ii) any fees, costs and expenses for which Michele Finn is reimbursed upon final resolution of her motion for fees and sanctions filed in the Circuit Court of Prince William County, Chancery No. 44386, shall not be eligible for reimbursement under this paragraph. Payment of sums to Michele Finn under this paragraph shall be contingent upon the execution by her of a release of all claims she may have against the Commonwealth or any of its political subdivisions or their officers, employees, or agents in connection with any legal actions instituted by them relating to the events preceding the death of Hugh Finn.

c) Ten thousand dollars to John Finn, upon (i) execution by him of a release of all claims he may have against Michele Finn or the Commonwealth or any of its political subdivisions or their officers, employees, or agents in connection with the legal actions taken in relation to events preceding the death of Hugh Finn and (ii) his execution of a certification committing him to distribute an appropriate portion of such funds among the other relatives of Hugh Finn who incurred expenses in connection with the legal actions taken in relation to events preceding the death of Hugh Finn.

3. The Virginia State Bar shall prepare an educational pamphlet for use by non-attorneys that addresses the benefits of health-decision planning. The pamphlet shall address the preparation and use of advance medical directives, powers of attorney, and other procedures by which a person may make his or her desires known regarding the extent to which he or she wishes to extend life through artificial life-support means, in the event such person is in a persistent vegetative state or has another terminal condition. The Virginia State Bar shall conduct a series of continuing legal education seminars during fiscal year 1999-2000 for members of the Virginia State Bar, relating to health-decision planning. The pamphlets shall be made available to members of the Virginia State Bar attending the seminars for free distribution to members of the public.

b. STUDENT FINANCIAL ASSISTANCE FOR HIGHER EDUCATION:

1. General:

a) The appropriations made in this act to state institutions of higher education within the items for student financial assistance, may be expended for any one, all, or any combination of the following purposes: grants to undergraduate students enrolled at least one-half time in a degree, certificate or diploma program; grants to full-time graduate students; institutional contributions to federal or private student grant aid programs requiring matching funds by the institution, except for programs requiring work. The State Council of Higher Education for Virginia shall annually approve each institution's proposed plan for the expenditures of its appropriation for undergraduate student financial assistance. The proposed plan shall include the institution's assumptions and calculations for determining the cost of education and student financial need. For the purposes of the proposed plan, each community college shall be considered independently.

b) All awards made to undergraduate students from such Items shall be for Virginia students only and such awards shall offset all, or portions of, the costs of tuition and required fees, and, in the case of students qualifying under subparagraph b 2 c)1), the cost of books. All undergraduate financial aid award amounts funded by this appropriation shall be proportionate to the financial need of individual students, with students with higher levels of remaining need receiving grants before other students. No criteria other than the need of the student shall be used to determine the award amount. Because of the low cost of attendance, a modified approach should be implemented for community college and Richard Bland College students that recognizes that federal grants provide a much higher portion of cost than at other institutions. Student financial need shall be determined by a need-analysis system approved by the Council.

c) All need-based awards made to graduate students shall be determined by the use of a need-analysis system approved by the Council.

d) A student who receives a grant under such items and who, during a semester, withdraws from the institution which made the award must surrender the balance of the unused portion. The tuition refund policy in effect at the particular institution will determine the amount of the unused portion of the award and thereby the amount of the award that must be reclaimed by the institution.

e) An award made under such items to assist a student in attending an institution's summer session shall be prorated according to the size of comparable awards made in that institution's regular session.

f) The provisions of this act under the heading "Student Financial Assistance for Higher Education" shall not apply to the soil scientist scholarships authorized under § 23-38.3, Code of Virginia.

g) Unless noted elsewhere in this act, awards shall be named "Commonwealth" grants.

2. Grants To Undergraduate Students:

a) Each institution which makes undergraduate grants paid from its appropriation for student financial assistance shall expend such sums as approved for that purpose by the Council.

b) A student receiving an award must be duly admitted and enrolled in a degree, certificate or diploma program at the institution making the award, and shall be making satisfactory academic progress.

c)1) It is the intent of the General Assembly that students eligible under the Virginia Guaranteed Assistance Program (VGAP) authorized in Title 23, Chapter 4.4:2, Code of Virginia, shall receive grants before all other students at the same institution with equivalent financial need from the appropriations for undergraduate student financial assistance found in Part 1 of this act (subprogram 1081000 - Scholarships). In each instance, VGAP eligible students shall receive awards greater than other students with equivalent financial need.

2) The amount of each VGAP grant shall vary according to each student's remaining need and the total of tuition, all required fees and the cost of books at the institution the student will attend upon acceptance for admission. The actual amount of the VGAP award will be determined by the proportionate award schedule adopted by each institution; however, those students with the greatest financial need shall be guaranteed an award at least equal to tuition.

3) It is the intent of the General Assembly that the Virginia Guaranteed Assistance Program serve as an incentive to financially needy students now attending elementary and secondary school in Virginia to raise their expectations and their academic performance and to consider higher education an achievable objective in their futures.

4) Students may not receive a VGAP and a Commonwealth grant in the same semester.

3. Grants To Graduate Students:

a) An individual award may be based on financial need but may, in addition to or instead of, be based on other criteria determined by the institution making the award. The amount of an award shall be determined by the institution making the award; however, the Council shall annually be notified as to the maximum size of a graduate award that is paid from funds in the appropriation.

b) The institution is required to transfer to educational and general appropriations all funds used to pay graduate assistantships or for duties which require work.

c) A student receiving a graduate award paid from the appropriation must be duly admitted into a graduate degree program at the institution making the award.

d) Not more than 50 percent of the funds designated by an institution as graduate grants from the appropriation, and approved as such by the Council, shall be awarded to persons not eligible to be classified as Virginia domiciliary resident students.

4. Matching Funds: Any institution of higher education may, with the approval of the Council, use funds from its appropriation for fellowships and scholarships to provide the institutional contribution to any student financial aid program established by the federal government or private sources which requires the matching of the contribution by institutional funds, except for programs requiring work.

5. Discontinued Loan Program:

a) If any federal student loan program for which the institutional contribution was appropriated by the General Assembly is discontinued, the institutional share of the discontinued loan program shall be repaid to the fund from which the institutional share was derived unless other arrangements for the use of the funds are recommended by the Council and approved by the Department of Planning and Budget. Should the institution be permitted to retain the federal contributions to the program, the funds shall be used according to arrangements authorized by the Council and approved by the Department of Planning and Budget.

b)1) An institution of higher education may discontinue its student loan fund established pursuant to Title 23, Chapter 4.01, Code of Virginia. The full amount of cash in such discontinued loan fund shall be paid into the state treasury into a nonrevertible nongeneral fund account. Prior to such payment, the State Comptroller shall verify its accuracy, including the fact that the cash held by the institution in the loan fund will be fully depleted by such payment. The loan fund shall not be reestablished thereafter for that institution.

2) The cash so paid into the state treasury shall be used only for grants to undergraduate and graduate students in the Higher Education Student Financial Assistance program according to arrangements authorized by the Council

and approved by the Department of Planning and Budget.

3) Payments on principal and interest of any promissory notes held by the discontinued loan fund shall continue to be received by the institution, which shall deposit such payments in the state treasury to the nonrevertible nongeneral fund account specified in subdivision (1) preceding, to be used for grants as specified in subdivision (2) preceding.

6. Reporting: The Council shall collect student-specific information for undergraduate students as is necessary for the operation of the Student Financial Assistance Program. The Council shall maintain regulations governing the operation of the Student Financial Assistance Program based on the provisions outlined in this section and State Council policy.