

# WEST VIRGINIA LEGISLATURE

## 2024 REGULAR SESSION

Introduced

### House Bill 5664

FISCAL  
NOTE

By Delegates Marple, Dean, Dittman, Petitto, Hornby,  
Phillips, Foggin, DeVault, Adkins, Mallow, and Heckert

[Introduced February 13, 2024; Referred to the  
Committee on Education then Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, to add thereto a new article,  
 2 designated §18-30B-1, all related to establishing the Mountaineer Scholars Grant  
 3 Program; defining terms; establishing eligibility requirements; requiring the Department of  
 4 Human Services to provide certain information to Treasurer to administer program;  
 5 providing that each eligible child shall be awarded a \$100 grant to establish an account;

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 30B. MOUNTAINEER SCHOLARS GRANT PROGRAM.**

**§18-30B-1. Mountaineer Scholars Grant Program; definitions; requirements.**

1 (a) The following words and phrases when used in this section shall have the meanings  
 2 given to them in this subsection unless the context clearly indicates otherwise:

3 (1) "Account" shall mean the Mountaineer Scholars Grant Program Account established  
 4 under subsection (f).

5 (2) "Treasurer" shall mean the West Virginia State Treasurer's Office.

6 (3) "Eligible child" shall mean an individual born after December 31, 2024, who is:

7 (A) A resident of West Virginia at the time of birth and at the time that the grant for qualified  
 8 higher education expenses is applied for or received; or

9 (B) An adoptee whose adopting parent or parents were West Virginia residents at the time  
 10 the decree of adoption was entered and who is a resident at the time that the grant for qualified  
 11 higher education expenses is applied for or received.

12 (4) "Eligible educational institution" shall mean a college, university, vocational or other  
 13 postsecondary educational institution as defined by section 529 of the Internal Revenue Code of  
 14 1986 (Public Law 99-514, 26 U.S.C. § 529).

15 (5) "Program" shall mean the Mountaineer Scholars Grant Program established under  
 16 subsection (b).

17 (6) "Qualified higher education expenses" shall mean expenses, as defined under section  
 18 529 of the Internal Revenue Code of 1986.

19 (7) "Savings plan account" means an account established by an account owner in order for  
20 the beneficiary to apply distributions toward qualified higher education expenses and tuition  
21 expenses at eligible educational institutions.

22 (8) "Savings plan contract" means a contract entered into by the board or its agent, if any,  
23 and an account owner establishing a savings plan account.

24 (b) The Treasurer shall establish a grant program as part of the College Savings Program  
25 to be known as the Mountaineer Scholars Grant Program. The purpose of the program shall be to  
26 promote access to postsecondary educational opportunities for each eligible child through a one-  
27 time grant of \$100 following their birth in the State of West Virginia.

28 (c) No later than 90 days following the birth of an eligible child, the Department of Human  
29 Services shall transmit information and record data to the Treasurer necessary to administer the  
30 program and establish the eligibility of each child born after December 31, 2024. Information under  
31 this subsection shall include, but not be limited to, record data such as the full name and  
32 residential address of the child's parent or legal guardian and birth date of the child. Following  
33 receipt of the information, the Treasurer shall notify each parent or guardian of each eligible child  
34 about the program.

35 (d) The Treasurer shall provide an opportunity to be excluded from the program.

36 (e) The Treasurer shall ensure the security and confidentiality of the information and record  
37 data provided under subsection (c) of this section.

38 (f) The Mountaineer Scholars Grant Program Account is established as a separate  
39 account within the Savings Plan Trust Fund Account. Money contained in this account shall be for  
40 the exclusive purpose of providing scholarship grants to eligible children to pay for qualified higher  
41 education expenses associated with the attendance at an eligible educational institution.

42 (g) Annual allocations may not exceed an amount equal to \$100 dollars multiplied by the  
43 number of children born in this West Virginia in the fiscal year.

44 (h) Money in the account shall be used for the purpose of providing grants for qualified

45 higher education expenses associated with the attendance at an eligible educational institution  
46 and for costs associated with the administration of the program.

47 (i) To an eligible child for whom a savings plan contract has been entered into and a  
48 savings account plan has been established, the Treasurer shall provide a scholarship grant in the  
49 amount of \$100, plus such investment earnings attributed to the initial grant amount since the birth  
50 date of the eligible child as calculated by the Treasurer, for qualified higher education expenses  
51 associated with attendance at an eligible educational institution.

52 (j) The Treasurer shall make the savings program account balances available to each  
53 parent or guardian of an eligible child through a secured Internet account.

54 (k) The Treasurer may receive contributions from any person or legal entity to the savings  
55 program account on behalf of, and make grants to, eligible children to pay for qualified higher  
56 education expenses associated with attendance at an eligible educational institution.

NOTE: The purpose of this bill is to establish the Mountaineer Scholars Grant Program, which would provide a \$100 grant to each child born in West Virginia to establish a qualified higher education savings program account through the West Virginia State Treasurer's Office.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.