

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 381**

4 (By Senators Wells, Unger, Jenkins, Foster, McCabe, Plymale,
5 Beach, Klempa, D. Facemire, Nohe, Yost, Sypolt and Kessler
6 (Acting President))

7 _____
8 [Originating in the Committee on Education;
9 reported February 23, 2011, 2011.]
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13 A BILL to amend and reenact §15-1B-21 of the Code of West Virginia,
14 1931, as amended, relating to expanding certain education
15 opportunities for members of the National Guard; authorizing
16 payments for certain qualified educational expenses;
17 prescribing certain limitations and conditions; defining
18 certain terms; clarifying rule-making requirements; and making
19 technical corrections.

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

21 That §15-1B-21 of the Code of West Virginia, 1931, as amended,
22 be amended and reenacted to read as follows:

23 **ARTICLE 1B. NATIONAL GUARD.**

24 **§15-1B-21. Tuition and fees for guard members at institutions of**
25 **higher education.**

1 (a) For the purposes of this section, "certificate" means a
2 defined program of study in a specific occupational area consisting
3 of a minimum of thirty collegiate hours.

4 ~~(a)~~ (b) Any A member of the Army National Guard or Air
5 National Guard who is enrolled in ~~a course of undergraduate study~~
6 ~~or a~~ an educational program which leads to a certificate,
7 undergraduate degree, master's degree program, doctor of medicine
8 program or a doctor of osteopathic medicine, program and who is
9 attending ~~any~~ an accredited community and technical college,
10 college, university, business, ~~or~~ career-technical, vocational,
11 trade or aviation school located in West Virginia ~~or is attending~~
12 ~~any aviation school located in West Virginia for the purpose of~~
13 ~~taking college credit courses,~~ may be entitled to payment of
14 tuitions and fees ~~at that college, university, business or trade~~
15 ~~school or aviation school~~ for that program during the period of his
16 or her service in the National Guard.

17 (c) The Adjutant General may prescribe criteria of eligibility
18 for payment of tuition and fees. ~~at the college, university,~~
19 ~~business or trade school or aviation school.~~ The payment is
20 contingent upon appropriations being made by the Legislature for
21 ~~this~~ the express purpose of this section.

22 (1) A member may receive payment for only one certificate,
23 undergraduate degree and master's degree pursuant to this section.

24 (2) Not more than two members a year may be selected to
25 receive payment for either a doctor of medicine or doctor of
26 osteopathic medicine degree pursuant to this section.

1 (3) A member who is selected to participate in the doctor of
2 medicine or doctor of osteopathic medicine degree program shall
3 agree to remain a member of the National Guard and shall practice
4 medicine in the State for at least ten years. A member who fails
5 to meet the terms of his or her agreement is subject to recoupment
6 for all monies paid pursuant to this subsection.

7 ~~(b)~~ (d) The amount of the payment for ~~members~~ a member
8 attending a state-supported school ~~shall be~~ is determined by the
9 Adjutant General and may not exceed the actual ~~amount~~ cost of
10 tuition and fees at the school. The amount of the payment for
11 ~~members~~ a member attending a private school ~~shall be~~ is determined
12 by the Adjutant General, ~~but in any event~~ and may not exceed the
13 highest ~~amounts~~ amount payable at any state-supported school.

14 ~~(c)~~ (e) ~~Any~~ A member of the Army National Guard or Air
15 National Guard who ~~is enrolled in a course of undergraduate study,~~
16 ~~or a master's degree program, and is attending any accredited~~
17 ~~college or university located in West Virginia and is receiving~~
18 payments under a federally funded continuing education system and
19 who is eligible to receive tuition and fee payments pursuant to
20 this section may be entitled to payment of tuition and fees ~~at that~~
21 ~~college or university during his or her period of service in the~~
22 ~~Army National Guard or Air National Guard: Provided, That~~ under
23 this section. The sum of payments received under this ~~subsection~~
24 section and a federally funded continuing education system may not
25 exceed the actual amount of tuition and fees at the school and in
26 ~~no~~ any event may not exceed the highest ~~amounts~~ amount payable at

1 any state-supported school. ~~The payments are contingent upon~~
2 ~~appropriations being made by the Legislature for this express~~
3 ~~purpose.~~

4 ~~(d)~~ (f) ~~The Adjutant General may, in lieu of the tuition~~
5 ~~payment authorized by this section, pay an amount equal to the~~
6 ~~amount of tuition which otherwise would have been paid directly to~~
7 ~~members~~ For a member of the West Virginia Army National Guard or
8 West Virginia Air National Guard who ~~are~~ is participating in the
9 PROMISE Scholarship program provided in article seven, chapter
10 eighteen-c of this code, the Adjutant General may pay directly to
11 the member an amount equal to the amount of tuition and fees which
12 otherwise would have been paid to the school.

13 ~~(e)~~ (g) A member of the West Virginia Army National Guard or
14 West Virginia Air National Guard who is receiving payments for
15 tuition and fees under this section and is discharged from the
16 military service due to wounds or injuries received in the line of
17 duty may continue to receive payments for tuition and fees under
18 this section as if he or she were still a member.

19 ~~(f)~~ (h) The Adjutant General shall ~~administer the tuition and~~
20 ~~fee payments authorized under this section and shall propose~~
21 ~~policies to implement the provisions of this section.~~ promulgate
22 rules to implement the provisions of this section and shall
23 administer the tuition and fee payments authorized.