

H. B. 2981

(By Delegates Iaquinta, Longstreth, Ashley,
Azinger, Givens, Ferro, Smith, Armstead,
Pasdon, and Fleischauer)

(By request of the Adjutant General)

[Introduced February 1, 2011; referred to the
Committee on Education then Finance.]

A BILL to amend and reenact §15-1B-21 of the Code of West Virginia,
1931, as amended, relating to payments for trade
certifications and allowing use of tuition assistance for West
Virginia National Guard members enrolled in a doctor of
medicine or osteopathic medicine program.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1B. NATIONAL GUARD.

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

(a) Any member of the Army National Guard or Air National
Guard who is enrolled in a course of undergraduate study, ~~or a~~
master's degree program, doctor of medicine program or a doctor of
osteopathic medicine program and is attending any accredited
college, university, business or trade school that produces a
certificate located in West Virginia or is attending any aviation
school located in West Virginia for the purpose of taking college-
credit courses, may be entitled to payment of tuitions and fees at
that college, university, business or trade school or aviation

1 school during the period of his or her service in the National
2 Guard. The Adjutant General may prescribe criteria of eligibility
3 for payment of tuition and fees at the college, university,
4 business or trade school or aviation school. The payment is
5 contingent upon appropriations being made by the Legislature for
6 this express purpose. A member may receive payment for only one
7 certificate, undergraduate degree and master's degree pursuant to
8 this section. In addition, not more than two members a year may be
9 selected to receive payment for either a doctor of medicine or
10 doctor of osteopathic medicine degree pursuant to this section.

11 (b) The amount of the payment for members attending a state-
12 supported school shall be determined by the Adjutant General and
13 may not exceed the actual amount of tuition and fees at the school.
14 The amount of the payment for members attending a private school
15 shall be determined by the Adjutant General, but in any event may
16 not exceed the highest amounts payable at any state-supported
17 school.

18 (c) Any member of the Army National Guard or Air National
19 Guard who is enrolled in a course of undergraduate study, ~~or a~~
20 master's degree program, doctor of medicine program, doctor of
21 osteopathic medicine program or certification program, and is
22 attending any accredited college or university located in West
23 Virginia and is receiving payments under a federally funded
24 continuing education system may be entitled to payment of tuition
25 and fees at that college or university during his or her period of
26 service in the Army National Guard or Air National Guard:
27 *Provided,* That the sum of payments received under this subsection

1 and a federally funded continuing education system may not exceed
2 the actual amount of tuition and fees at the school and in no event
3 may exceed the highest amounts payable at any state-supported
4 school. The payments are contingent upon appropriations being made
5 by the Legislature for this express purpose.

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

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

18 (f) The Adjutant General shall administer the tuition and fee
19 payments authorized under this section and shall propose policies
20 to implement the provisions of this section.

NOTE: The purpose of this bill is to clarify payment for
trade certifications and to allow use of tuition assistance for
West Virginia National Guard members enrolled in a doctor of
medicine or osteopathic medicine program.

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