

**Senate Bill No. 381**

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

[Introduced February 2, 2011; referred to the Committee on  
Education; and then to the Committee on Finance.]

**FISCAL  
NOTE**

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~~

1 master's degree program, doctor of medicine program or a doctor of  
2 osteopathic medicine program and is attending any accredited  
3 college, university, business or trade school that produces a  
4 certificate located in West Virginia or is attending any aviation  
5 school located in West Virginia for the purpose of taking college-  
6 credit courses, may be entitled to payment of tuitions and fees at  
7 that college, university, business or trade school or aviation  
8 school during the period of his or her service in the National  
9 Guard. The Adjutant General may prescribe criteria of eligibility  
10 for payment of tuition and fees at the college, university,  
11 business or trade school or aviation school. The payment is  
12 contingent upon appropriations being made by the Legislature for  
13 this express purpose. A member may receive payment for only one  
14 certificate, undergraduate degree and master's degree pursuant to  
15 this section. In addition, not more than two members a year may be  
16 selected to receive payment for either a doctor of medicine or  
17 doctor of osteopathic medicine degree pursuant to this section.

18 (b) The amount of the payment for members attending a state-  
19 supported school shall be determined by the Adjutant General and  
20 may not exceed the actual amount of tuition and fees at the school.  
21 The amount of the payment for members attending a private school  
22 shall be determined by the Adjutant General, but in any event may  
23 not exceed the highest amounts payable at any state-supported  
24 school.

1 (c) Any member of the Army National Guard or Air National  
2 Guard who is enrolled in a course of undergraduate study, ~~or a~~  
3 master's degree program, doctor of medicine program, doctor of  
4 osteopathic medicine program or certification program, and is  
5 attending any accredited college or university located in West  
6 Virginia and is receiving payments under a federally funded  
7 continuing education system may be entitled to payment of tuition  
8 and fees at that college or university during his or her period of  
9 service in the Army National Guard or Air National Guard:  
10 *Provided,* That the sum of payments received under this subsection  
11 and a federally funded continuing education system may not exceed  
12 the actual amount of tuition and fees at the school and in no event  
13 may exceed the highest amounts payable at any state-supported  
14 school. The payments are contingent upon appropriations being made  
15 by the Legislature for this express purpose.

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

22 (e) A member of the West Virginia Army National Guard or West  
23 Virginia Air National Guard who is receiving payments for tuition  
24 and fees under this section and is discharged from the military

1 service due to wounds or injuries received in the line of duty may  
2 continue to receive payments for tuition and fees under this  
3 section as if he or she were still a member.

4 (f) The Adjutant General shall administer the tuition and fee  
5 payments authorized under this section and shall propose policies  
6 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.