

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

**Introduced**

### **House Bill 4412**

BY DELEGATES FLEISCHAUER, BIBBY, JENNINGS,  
WALKER, HANSEN, COOPER, ROWAN, BUTLER, PETHTEL,  
LONGSTRETH AND ANGELUCCI

[Introduced January 17, 2020; Referred to the  
Committee on Education.]



1 A BILL to amend and reenact §15-1B-21 of the Code of West Virginia, 1931, as amended, relating  
2 to providing education benefits to members of the West Virginia Army National Guard and  
3 West Virginia Air National Guard.

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

**ARTICLE 1B. NATIONAL GUARD.**

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

1 (a) Any member of the Army National Guard or Air National Guard who is enrolled in an  
2 educational program which leads to a certificate, undergraduate degree, master's degree, doctor  
3 of medicine, or doctor of osteopathic medicine, and is attending any accredited community and  
4 technical college, college, university, or business, career-technical, vocational, trade, or aviation  
5 school, located in West Virginia, may be entitled to payment of tuition and fees for that program  
6 during the period of his or her service in the National Guard.

7 (1) The Adjutant General may prescribe criteria of eligibility for payment of tuition and fees.  
8 The payment is contingent upon appropriations being made by the Legislature for the express  
9 purpose of this section.

10 (2) A member may receive payment for only one certificate, undergraduate degree, and  
11 master's degree pursuant to this section.

12 (3) Not more than two members a year may be selected by the Adjutant General to receive  
13 payment for either a doctor of medicine or doctor of osteopathic medicine degree program. Any  
14 candidate selected for this program must remain a member of the Army National Guard or the Air  
15 National Guard and practice medicine in the state of West Virginia for a minimum of 10 years after  
16 receiving a doctor of medicine or doctor of osteopathic medicine degree, or be subject to  
17 recoupment for all ~~monies~~ moneys paid pursuant to this subdivision.

18 (b) The amount of the payment for a member attending a state-supported school is  
19 determined by the Adjutant General and may not exceed the actual cost of tuition and fees at the

20 school. The amount of the payment for a member attending a private school is determined by the  
21 Adjutant General and may not exceed the highest amount payable at any state-supported school.

22 (c) Any member of the Army National Guard or Air National Guard who is receiving  
23 payments under a federally funded continuing education system and is eligible to receive tuition  
24 and fee payments pursuant to this section may be entitled to payment of tuition and fees under  
25 this section. The sum of payments received under this section and a federally funded continuing  
26 education system may not exceed the actual amount of tuition and fees at the school and in any  
27 event may not exceed the highest amount payable at any state-supported school. If a member of  
28 the Army National Guard or Air National Guard uses education benefits that are administered by  
29 the U.S. Department of Veterans Affairs, such as the Post 9/11 GI Bill or any other program that  
30 pays tuition or fees directly to the institutions of higher education, the institution of higher  
31 education shall first assess the U.S. Department of Veterans Affairs for payment of tuition and  
32 fees payable by those programs, with the remaining tuition and fees, if any, then being payable  
33 in accordance with this section.

34 (d) For any member of the West Virginia Army National Guard or West Virginia Air National  
35 Guard who is participating in the PROMISE Scholarship program provided in §18C-7-1 *et seq.* of  
36 this code, the Adjutant General may pay directly to the member an amount equal to the amount  
37 of tuition and fees which otherwise would have been paid to the school.

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

42 (f) The Adjutant General shall administer the tuition and fee payments authorized under  
43 this section and shall establish policies to implement the provisions of this section.

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NOTE: The purpose of this bill is to provide that federal programs that pay tuition and fees directly to institutions of higher education for students who are also members of the Army National Guard and the Air National Guard shall be the first payor of such tuition and fees, rather than the last.

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