

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

ENROLLED

House Bill 4412

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2020 MAR 25 P 4:26

FILED

BY DELEGATES FLEISCHAUER, BIBBY, JENNINGS,

WALKER, HANSEN, COOPER, ROWAN, BUTLER, PETHTEL,

LONGSTRETH AND ANGELUCCI

[Passed March 2, 2020; in effect from passage.]

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[Passed March 2, 2020; in effect from passage.]

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

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Steve Capito
.....
Chairman, House Committee

Mark Jayne
.....
Chairman, Senate Committee

Originating in the House.

In effect from passage.

Steve Harmon
.....
Clerk of the House of Delegates

Jee Ann
.....
Clerk of the Senate

Ken Harlow
.....
Speaker of the House of Delegates

Will R. Curran
.....
President of the Senate

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2020 MAR 25 P 1: 26

FILED

The within *is approved* this the *25th*
day of *March*....., 2020.

James Owens
.....
Governor

PRESENTED TO THE GOVERNOR

MAR 05 2020

Time 8:44 am