

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **H. B. 2981**

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

7 [Passed March 11, 2011; in effect July 1, 2011.]

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10 AN ACT to amend and reenact §15-1B-21 of the Code of West Virginia,
11 1931, as amended, relating to payments for trade
12 certifications and allowing use of tuition assistance for West
13 Virginia National Guard members enrolled in a doctor of
14 medicine or osteopathic medicine program.

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

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

18 **ARTICLE 1B. NATIONAL GUARD.**

19 **§15-1B-21. Tuition and fees for guard members at institutions of
20 higher education.**

21 (a) Any member of the Army National Guard or Air National
22 Guard who is enrolled in an educational program which leads to a
23 certificate, undergraduate degree, master's degree, doctor of
24 medicine, or doctor of osteopathic medicine, and is attending any
25 accredited community and technical college, college, university, or
26 business, career-technical, vocational, trade or aviation school,

1 located in West Virginia, may be entitled to payment of tuition and
2 fees for that program during the period of his or her service in
3 the National Guard.

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

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

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

19 (b) The amount of the payment for a member attending a state-
20 supported school is determined by the Adjutant General and may not
21 exceed the actual cost of tuition and fees at the school. The
22 amount of the payment for a member attending a private school is
23 determined by the Adjutant General and may not exceed the highest
24 amount payable at any state-supported school.

25 (c) Any member of the Army National Guard or Air National
26 Guard who is receiving payments under a federally funded continuing

1 education system and is eligible to receive tuition and fee
2 payments pursuant to this section may be entitled to payment of
3 tuition and fees under this section. The sum of payments received
4 under this section and a federally funded continuing education
5 system may not exceed the actual amount of tuition and fees at the
6 school and in any event may not exceed the highest amount payable
7 at any state-supported school.

8 (d) For any member of the West Virginia Army National Guard or
9 West Virginia Air National Guard who is participating in the
10 PROMISE Scholarship program provided in article seven, chapter
11 eighteen-c of this code, the Adjutant General may pay directly to
12 the member an amount equal to the amount of tuition and fees which
13 otherwise would have been paid to the school.

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

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