ENROLLED

House Bill No. 2866

(By Mr. Speaker, Mr. Kiss and Delegates Stemple, Varner, DeLong, Staton, Michael and Kominar)

Passed April 9, 2005

In Effect July 1, 2005.
AN ACT to amend and reenact §15-1B-21 of the Code of West Virginia, 1931, as amended, relating to tuition and fees for guard members at institutions of higher education; and providing for continuation of tuition and fee payments to members after discharge from military service due to wounds or injuries received in the line of duty.

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.

1 (a) Any member of the National Guard who is enrolled in a course of undergraduate study and is attending any accredited college, university, business or trade school 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 school during the period of his or her service in the National Guard: Provided, That the Adjutant General may prescribe criteria of eligibility for payment of tuition and fees at the college, university, business or trade school or aviation school: Provided, however, That the payment is contingent upon appropriations being made by the Legislature for this express purpose.

(b) The amount of the payment for members attending a state-supported school shall be determined by the Adjutant General and may not exceed the actual amount of tuition and fees at the school. The amount of the payment for members attending a private school shall be determined by the Adjutant General, but in no event may it exceed the highest amounts payable at any state-supported school.

(c) Any member of the National Guard who is enrolled in a course of postgraduate study and is attending any accredited college or university located in West Virginia, and is receiving payments under the Army continuing education system, may be entitled to payment of tuition and fees at that college or university during his or her period of service in the National Guard: Provided, That the sum of payments received under this subsection and the Army continuing education system may not exceed the actual amount of tuition and fees at the school and in no event may exceed the highest amounts payable at any state-supported school. The payments are contingent upon appropriations being made by the Legislature for this express purpose.

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

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

(f) The Adjutant General shall administer the tuition and fee payments authorized under this section and shall propose policies to implement the provisions of this section.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect July 1, 2005.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 2nd day of April, 2005.

Governor
PRESENTED TO THE GOVERNOR

MAY 2 2005

Time 10:2