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HB 2931

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2007



ENROLLED

**COMMITTEE SUBSTITUTE
FOR
House Bill No. 2931**

(By Delegates Wysong, Tabb, Longstreth,
laquinta, M. Poling, Shaver and Perry)



Passed March 9, 2007

In Effect Ninety Days from Passage

FILED

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COMMITTEE SUBSTITUTE OFFICE WEST VIRGINIA
SECRETARY OF STATE

FOR

H. B. 2931

(BY DELEGATES WYSONG, TABB, LONGSTRETH,
IAQUINTA, M. POLING, SHAVER AND PERRY)

[Passed March 9, 2007; in effect ninety days from passage.]

AN ACT to amend and reenact §15-1B-21 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-19-1, §18-19-2 and §18-19-3, all relating to educational opportunities for the armed services and spouses of deceased armed services personnel; providing for the payment of tuition and fees for members of the West Virginia Army National Guard and West Virginia Air National Guard enrolled in a Master's degree program; and providing that, in addition to children, spouses of deceased armed service personnel are eligible for state-funded student financial aid resources.

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; and that §18-19-1, §18-19-2 and §18-19-3 be amended and reenacted, all to read as follows:

CHAPTER 15. PUBLIC SAFETY.

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
2 National Guard who is enrolled in a course of undergraduate
3 study or a Master's degree program and is attending any
4 accredited college, university, business or trade school
5 located in West Virginia or is attending any aviation school
6 located in West Virginia for the purpose of taking college-
7 credit courses, may be entitled to payment of tuitions and
8 fees at that college, university, business or trade school or
9 aviation school during the period of his or her service in the
10 National Guard. The Adjutant General may prescribe criteria
11 of eligibility for payment of tuition and fees at the college,
12 university, business or trade school or aviation school. The
13 payment is contingent upon appropriations being made by the
14 Legislature for this express purpose. A member may receive
15 payment for only one Master's degree pursuant to this
16 section.

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

24 (c) Any member of the Army National Guard or Air
25 National Guard who is enrolled in a course of undergraduate
26 study or a Master's degree program and is attending any
27 accredited college or university located in West Virginia, and
28 is receiving payments under a federally funded continuing
29 education system, may be entitled to payment of tuition and
30 fees at that college or university during his or her period of
31 service in the Army National Guard or Air National Guard:

32 *Provided*, That the sum of payments received under this
33 subsection and a federally funded continuing education
34 system may not exceed the actual amount of tuition and fees
35 at the school and in no event may exceed the highest amounts
36 payable at any state-supported school. The payments are
37 contingent upon appropriations being made by the
38 Legislature for this express purpose.

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

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

53 (f) The Adjutant General shall administer the tuition and
54 fee payments authorized under this section and shall propose
55 policies to implement the provisions of this section.

CHAPTER 18. EDUCATION.

ARTICLE 19. EDUCATIONAL OPPORTUNITIES FOR CHILDREN AND SPOUSES OF DECEASED SOLDIERS, SAILORS, MARINES AND AIRMEN.

§18-19-1. Appropriation to provide educational opportunities.

1 (a) The purpose of this article is to provide educational
2 opportunities for the children and spouses of those:

3 (1) Who served in:

4 (A) The Army, Navy or Marine Corps of the United
5 States during the world war from the sixth day of April, one
6 thousand nine hundred seventeen, to the second day of July,
7 one thousand nine hundred twenty-one, all dates inclusive;

8 (B) The Armed Forces of the United States of America at
9 any time between the first day of December, one thousand
10 nine hundred forty-one, and the declaration of peace by the
11 Congress of the United States, all dates inclusive;

12 (C) The Armed Forces of the United States of America at
13 any time between the twenty-seventh day of June, one
14 thousand nine hundred fifty, and the thirty-first day of
15 January, one thousand nine hundred fifty-five, all dates
16 inclusive;

17 (D) The Armed Forces of the United States of America
18 at any time between the fifth day of August, one thousand
19 nine hundred sixty-four, and the seventh day of May, one
20 thousand nine hundred seventy-five, all dates inclusive; or

21 (E) The Armed Forces of the United States of America at
22 any time during which the forces or members of the reserve
23 components are called to active duty by the President of the
24 United States under Title 10 of the United States Code for the
25 purpose of entering into armed combat; and

26 (2) Who were killed in action or have died or may
27 hereafter die from disease or disability resulting from their
28 war service.

29 (b) For the purpose of this article, there is appropriated
30 from the State, General Revenue Fund the sum of at least five
31 thousand dollars for each fiscal year commencing the first
32 day of July and ending on the thirtieth day of June of each
33 year of the next biennium to be used for the benefit of these
34 children and spouses while attending post-secondary
35 education or training institutions.

36 (c) This benefit also shall be given to children and
37 spouses of a service member killed during hostile actions as
38 defined by the agency administering this section.

39 (d) The term "children" as used in this article includes
40 any child of a veteran who has been legitimized by operation
41 of law prior to the veteran's demise.

42 (e) The term "spouse" as used in this article includes any
43 spouse who remained married to the veteran prior to the
44 veteran's demise and who was neither the plaintiff nor
45 defendant in any active divorce or annulment proceedings
46 against the veteran at the time of the veteran's demise.

**§18-19-2. Eligibility of applicant for benefits; application forms;
preference.**

1 (a) To be eligible for the benefits of this article, a child or
2 spouse set forth in section one of this article shall be:

3 (1) At least sixteen and not more than twenty-five years
4 of age:

5 (2) Enrolled in a post-secondary education or training
6 institution in this state; and

7 (3) The child or spouse of an enlistee who designated
8 West Virginia as his or her state of record.

9 (b) The application shall be made to, and upon forms
10 provided by, the West Virginia Division of Veterans' Affairs.
11 The division shall determine the eligibility of those who
12 apply and the yearly amount to be allotted each applicant.
13 The amount, in the discretion of the division, may vary from
14 year to year, but may not exceed the sum of one thousand
15 dollars in any one semester or a total of two thousand dollars
16 in any one year. In selecting those to receive the benefits of
17 this article, preference shall be given those who are otherwise

18 financially unable to secure the educational opportunities.

§18-19-3. No tuition fees to be charged; how funds to be expended; cessation of allowances.

1 (a) A state post-secondary education or training
2 institution may not charge tuition and fees to an eligible
3 applicant attending that institution pursuant to this article.
4 The funds appropriated in this article shall be expended by
5 the West Virginia Division of Veterans' Affairs only for
6 matriculation fees, board, room rent, books, supplies and
7 other necessary living expenses of those children.

8 (b) In the event that a child or spouse eligible for a tuition
9 waiver pursuant to this section attends a private post-
10 secondary education or training institution where the tuition
11 waiver is not applicable, that child or spouse remains eligible
12 for up to two thousand dollars per year in education benefits
13 pursuant to section two of this article.

14 (c) In addition to the tuition waiver available pursuant to
15 this section, a child or spouse attending a state post-
16 secondary education or training institution is eligible for up
17 to two thousand dollars per year in education benefits as
18 provided in section two of this article.

19 (d) The division is charged with the duty of disbursing
20 the funds provided in this article and shall draw its
21 requisitions upon the State Auditor for that purpose. In its
22 discretion, the division, if satisfied as to the accuracy and
23 amounts of the expenditures, shall make the requisitions
24 payable to the post-secondary education or training
25 institutions or to those furnishing to the children or spouses
26 board, room rent, books, supplies and other necessary living
27 expenses.

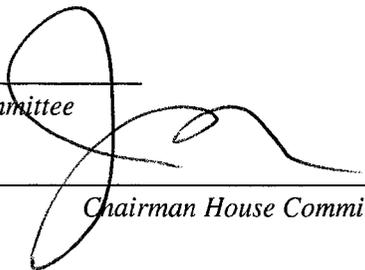
28 (e) A member or employee of the division may not
29 receive any additional compensation for the services required
30 in this article.

31 (f) Acceptance of benefits or tuition waivers pursuant to
32 this article does not limit the acceptance of any other
33 scholarship or grant for which a student may be eligible.

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



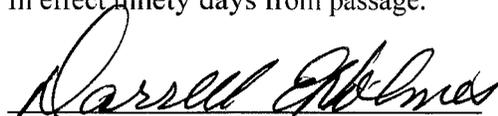
Chairman Senate Committee



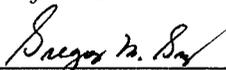
Chairman House Committee

Originating in the House.

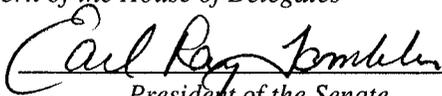
In effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates

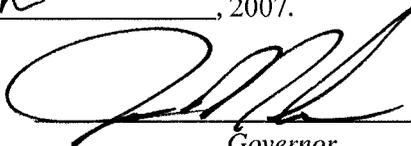


President of the Senate



Speaker of the House of Delegates

The within is approved this the 20th
day of March, 2007.



Governor

PRESENTED TO THE
GOVERNOR

MAR 15 2007

Time 3:50 pm