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HOUSE BILL 1876

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State of Washington                      53rd Legislature                      1993 Regular Session

By Representatives Flemming, Carlson, Dyer, Kremen and Rayburn

Read first time 02/12/93. Referred to Committee on Higher Education.

1            AN ACT Relating to education grants for members of the Washington  
2 national guard; and adding a new section to chapter 38.40 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            NEW SECTION.    **Sec. 1.** A new section is added to chapter 38.40 RCW  
5 to read as follows:

6            (1) An enlisted member or an officer of the rank of captain or  
7 below of the Washington national guard who does not already possess a  
8 baccalaureate degree shall be eligible, upon application in accordance  
9 with rules adopted by the adjutant general, for educational grants to  
10 attend a regional university, a state university, The Evergreen State  
11 College, a community college, or a technical college as defined in RCW  
12 28B.10.016. The member shall be enrolled in a program leading to a  
13 baccalaureate, associate of arts, or technical degree or certificate.  
14 In consideration of the grant, the member shall agree and be eligible  
15 to serve an additional period of service of at least four years  
16 beginning after the end of the last class for which the member received  
17 a grant. The amount of the grant shall be reduced by the amount of  
18 tuition paid or payable to or on behalf of the student through a  
19 federal tuition program for the quarter, semester, or term for which

1 the grant is made. At no time may one person be placed in priority  
2 over another because of sex, race, or religion.

3 (2) The adjutant general shall adopt rules for the administration  
4 of educational grants for eligible members. If the adjutant general  
5 estimates that appropriations for all educational grants applied for  
6 under this section and likely to be used during the biennium are  
7 inadequate, the adjutant general shall promptly inform applicants for  
8 the next quarter, semester, or term when appropriations will be  
9 adequate for the grants. Applicants shall be eligible for grants  
10 beginning the quarter, semester, or term they enroll in an eligible  
11 institution.

12 (3) The eligible institution of higher education shall be paid on  
13 behalf of the student the amount of the tuition charges each quarter,  
14 semester, or term that the student is enrolled and is a current member  
15 in good standing of the Washington national guard if the student's  
16 enlistment obligation extends beyond the expiration date of the current  
17 quarter, semester, or term. No person is eligible for grants under  
18 this section for more than twelve quarters, eight semesters, or the  
19 full-time equivalent of these amounts obtained through a combination of  
20 quarters, semesters, and terms.

21 (4) Except as otherwise provided in this section, a member of the  
22 Washington national guard who fails to complete his or her obligated  
23 period of service as required by subsection (1) of this section is  
24 liable to the state for repayment of all educational grants paid on his  
25 or her behalf under this section, plus interest at the rate of ten  
26 percent per annum calculated from the dates the grants were paid. The  
27 adjutant general may recover in a civil action the amount of the  
28 grants, interest, and expenses incurred in prosecuting the action,  
29 including court costs and reasonable attorneys' fees. The attorney  
30 general shall represent the adjutant general in the action and court  
31 costs and reasonable attorneys' fees awarded by the court, based upon  
32 the time spent preparing and presenting the case, shall be paid to the  
33 general fund. A member of the national guard is not liable under this  
34 section if the failure to complete the obligated service is due to  
35 military requirements or limitations imposed upon the member, the  
36 member's death, the member's discharge from the national guard due to  
37 his or her disability, or the member's enlistment, for a term not less

1 than his or her remaining term in the national guard, in the active or  
2 reserve forces of the United States armed forces.

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