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3 DIAL SUBSTITUTE FOR SB315  
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8 SYNOPSIS: Under existing law, the Alabama Commission  
9 on Higher Education is authorized to pay or  
10 reimburse the tuition for any eligible active  
11 member of the Alabama National Guard in a program  
12 leading to a degree at a college or university in  
13 the state.

14 Also under existing law, the education  
15 assistance provided by the state to eligible  
16 Alabama National Guard members has a limit of  
17 \$2,000 per year with a limit of \$1,000 per  
18 semester.

19 This bill would increase the amount that may  
20 be spent per eligible member from \$2,000 per year  
21 to \$4,800 per year and remove the requirement for a  
22 certain amount to be spent on the member per  
23 semester.

24 Under existing law, there is no requirement  
25 for public institutions of higher learning to  
26 exempt members of the Alabama National Guard from

1           tuition and fees while enrolled to pursue a  
2           technical certificate or degree.

3           This bill would provide for the exemption  
4           from tuition and fees for any member of the Alabama  
5           National Guard who remains in good standing and  
6           meets certain criteria at any in-state public  
7           institution of higher learning.

8           Under current law, children, spouses, and  
9           unmarried widows or widowers of disabled veterans  
10          may receive educational benefits for tuition, fees,  
11          and books depending on the severity of the  
12          disability of the veteran.

13          This bill would establish specific residency  
14          requirements for veterans and dependents; restrict  
15          the reimbursement for educational benefits for the  
16          first two years of attendance at an Alabama public  
17          university to the average tuition rate of  
18          institutions under the Alabama Community College  
19          System, then reimburse for the remainder the full  
20          value of tuition at an Alabama public university;  
21          establish a grade point average requirement for  
22          dependents while receiving benefits; require the  
23          state benefits to only be used after all federal or  
24          other benefits have been used; and create the  
25          Alabama Disabled Veterans' Dependents Education  
26          Advisory Committee.

1 A BILL  
2 TO BE ENTITLED  
3 AN ACT

4  
5 To amend Sections 31-6-4, 31-6-5, 31-6-6, 31-6-9,  
6 31-6-10, 31-6-11, 31-6-16, 31-10-2, 31-10-3, 31-10-4,  
7 31-10-21, and 31-10-22 of the Code of Alabama 1975, to  
8 increase the amount that may be spent by the Alabama  
9 Commission on Higher Education for an eligible member of the  
10 Alabama National Guard from \$2,000 per year to \$4,800 per year  
11 and remove the requirement for a certain amount of yearly  
12 assistance to be spent on each member per semester; to  
13 establish an exemption from tuition and fees for any member of  
14 the Alabama National Guard who remains in good standing and  
15 meets certain criteria while enrolled at any in-state public  
16 institution of higher learning; relating to the educational  
17 scholarship benefits for dependents of veterans; to establish  
18 residency requirements for veterans and dependents; to  
19 restrict the reimbursement for educational benefits for the  
20 first two years of attendance at an Alabama public university  
21 to the average tuition rate of institutions under the Alabama  
22 Community College System; to allow for full tuition  
23 reimbursement after two years; to establish a grade point  
24 average requirement for dependents receiving benefits; to  
25 require state educational benefits to be applied only after  
26 all other resources have been exhausted; to create the Alabama  
27 Disabled Veterans' Dependents Education Advisory Committee

1 responsible for monitoring the progress of dependents  
2 receiving educational benefits; to provide for the membership  
3 and meetings of the committee; and to require that the  
4 committee report its findings to the Legislature.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. Sections 31-6-4, 31-6-5, 31-6-6, 31-6-9,  
7 31-6-11, 31-6-16, 31-10-2, 31-10-3, 31-10-4, 31-10-21, and  
8 31-10-22 of the Code of Alabama 1975, are amended to read as  
9 follows:

10 "§31-6-4.

11 "(a) Any child whose father or mother:

12 "(1) Was killed or died in line of duty or is listed  
13 as missing in action or is/was a prisoner of war or whose  
14 death or permanent total disabilities were service-connected  
15 while serving as a member of the armed forces; or

16 "(2) Died from a disability incurred from military  
17 service, as established by the State Department of Veterans'  
18 Affairs, after having been discharged under conditions other  
19 than dishonorable and after having served at least 90 days  
20 consecutively in the armed forces prior to and/or subsequent  
21 to the date on which such disability occurred, or who was  
22 honorably discharged by reason of wartime, service-connected  
23 disability after serving less than 90 days; or

24 "(3) Has been assigned 100 percent permanent or  
25 total disability rated by the United States Veterans'  
26 Administration, or was discharged or retired from the armed  
27 forces with a ~~20~~ 40 percent or more disability and maintained

1 that percentage (such person to be deemed to be a disabled  
2 veteran)

3 "may attend any Alabama state institution of higher learning,  
4 college, or university for a period of five standard academic  
5 years, not to exceed 45 months or the equivalent of 45 months  
6 if enrolled part-time, without paying any tuition, fees, or  
7 books whatsoever for such college or university attendance, or  
8 any such child may take a prescribed course in any Alabama  
9 state trade school for the length of any prescribed course of  
10 study of his or her choosing, and if such course does not  
11 require the full 45 months, then training for the remainder of  
12 such 45 months' entitlement may be taken at a state-supported  
13 college or university only, without the payment of any  
14 tuition, fees, or books whatsoever. Training under this  
15 section must be initiated prior to the child's thirtieth  
16 birthday, and must be completed within eight years after its  
17 initiation, except for delays caused by military service  
18 during the training period, and in no case may training be  
19 received under this chapter beyond the thirty-eighth birthday  
20 of such child.

21 "(b) Except as provided in Section 31-6-11(e), the  
22 educational benefits provided by this section to children  
23 making application for benefits for the first time beginning  
24 with the fall term of the 2014-2015 academic year, and  
25 thereafter, shall be limited to undergraduate courses of study  
26 only, and the value of tuition paid shall be limited to the

1 in-state tuition rate of the Alabama state institution of  
2 higher learning, college, or university attended.

3 "(c) Notwithstanding the provisions of subsection  
4 (a) of this section the educational benefit provided to  
5 children making application for benefits for the first time  
6 beginning with the fall term of the 2017-2018 academic year,  
7 and thereafter, shall be limited to reimbursement at the value  
8 of tuition paid equal to the average tuition rate for all  
9 institutions within the Alabama Community College System for  
10 the first two years of attendance. Subsequent years shall be  
11 reimbursed at the value of tuition paid for the in-state  
12 tuition rate of the Alabama state institution of higher  
13 learning, college, or university attended.

14 "(d) All applicants for this benefit shall complete  
15 a Free Application for Student Financial Aid (FAFSA). The  
16 benefits provided under this section shall only be available  
17 after all other federal, state, and third party education  
18 benefits have been applied."

19 "§31-6-5.

20 "(a) Any wife or husband or unmarried widow or  
21 widower whose spouse, during their marriage:

22 "(1) Was killed or died in the line of duty or is  
23 listed as missing in action or is/was a prisoner of war while  
24 serving as a member of the armed forces;

25 "(2) Died from a disability incurred from military  
26 service; or

1           "(3) Is 100 percent permanently and totally  
2 disabled, whose permanent and total disabilities were  
3 service-connected;  
4 "shall be entitled to training in any Alabama state-supported  
5 college or university for a period of five standard academic  
6 years, not to exceed 45 months or to training for the  
7 equivalent of 45 months if enrolled part-time or to training  
8 in a prescribed course in a state-supported trade school, and  
9 if such course does not require the full 45 months, then  
10 training for the remainder of such 45 months' entitlement may  
11 be taken at a state-supported college or university only,  
12 without the payment of any tuition, fees, or books,  
13 whatsoever. One change of program will be allowed without  
14 counseling. All training received under this section must be  
15 completed within eight years after the beginning date of the  
16 course. This section shall not apply to the spouse of any such  
17 deceased serviceman or veteran who has remarried prior to  
18 applying for and obtaining educational benefits under this  
19 section, and should any such spouse of such deceased  
20 serviceman or veteran remarry during the time he or she is in  
21 attendance upon any of the schools, colleges, or universities  
22 mentioned in this section, then he or she shall pay tuition  
23 and fees for the course of study or attendance upon such  
24 school, college, or university from the time of the  
25 remarriage. All applicants for this benefit shall complete a  
26 Free Application for Student Financial Aid (FAFSA). The  
27 benefits provided under this section shall ~~be in addition to~~

1 ~~federal government benefits~~ only be available after all other  
2 federal, state and third party education benefits have been  
3 applied.

4 "(b) Except as provided in Section 31-6-11(e), the  
5 educational benefits provided by this section to wives,  
6 husbands, and unmarried widows or widowers making application  
7 for benefits for the first time beginning with the fall term  
8 of the 2014-2015 academic year, and thereafter, shall be  
9 limited to undergraduate courses of study only, and the value  
10 of tuition paid shall be limited to the in-state tuition rate  
11 of the Alabama state-supported college or university attended.

12 "(c) Notwithstanding the provisions of subsection  
13 (a) of this section the educational benefit provided to  
14 spouses and unmarried widows or widowers making application  
15 for benefits for the first time beginning with the fall term  
16 of the 2017-2018 academic year, and thereafter, shall be  
17 limited to reimbursement at the value of tuition paid equal to  
18 the average tuition rate for all institutions within the  
19 Alabama Community College System for the first two years of  
20 attendance. Subsequent years shall be reimbursed at the value  
21 of tuition paid for the in-state tuition rate of the Alabama  
22 state institution of higher learning, college, or university  
23 attended."

24 "(d) All applicants for this benefit shall complete  
25 a Free Application for Student Financial Aid (FAFSA). The  
26 benefits provided under this section shall only be available



1 after all other federal, state, and third party education  
2 benefits have been applied."

3 "§31-6-6.

4 "(a) The spouse and children of any veteran who is  
5 suffering from ~~20~~ 40 to 90 percent service-connected  
6 disability brought about from service in the Armed Forces of  
7 the United States, or the unmarried widow or widower and  
8 children of a deceased veteran who was suffering from ~~20~~ 40  
9 percent or more of service-connected disability at the time of  
10 death, provided such disabilities as are mentioned herein are  
11 incurred from military service, as established by the State  
12 Department of Veterans' Affairs, shall be entitled to the  
13 following educational advantages and opportunities:

14 "(1) The spouse or unmarried widow or widower, as  
15 the case may be, shall be entitled to up to 27 months of  
16 schooling or the equivalent of 27 months if enrolled  
17 part-time, in any Alabama state-supported institution of  
18 higher learning, college, or university, or to a prescribed  
19 course in any Alabama state-supported trade school without the  
20 payment of any tuition, fee, or books. One change of program  
21 will be allowed without counseling. It is provided, however,  
22 that all training received at state institutions of higher  
23 learning or state trade schools under this subdivision must be  
24 completed within a period of six years after the beginning  
25 date of such two-year course or such prescribed course.

26 "(2) Each child of such disabled veteran shall be  
27 entitled to five standard academic years, or the equivalent of

1 45 months if enrolled part-time, in any Alabama  
2 state-supported institution of higher learning, college, or  
3 university, or to a prescribed course at an Alabama  
4 state-supported trade school. If the course of training at the  
5 trade school does not require the full time to which such  
6 child is entitled hereunder, then the remaining entitlement  
7 may be taken in a state-supported college or university only,  
8 without payment of any tuition, fees, or books. One change of  
9 program will be allowed without counseling. Training under  
10 this subdivision must be initiated prior to the child's  
11 twenty-sixth birthday, and must be completed within eight  
12 years after its initiation, except for delays caused by  
13 military service during the training period, and in no case  
14 may training be received under this section beyond the  
15 thirty-fourth birthday of such child.

16 "(b) Except as provided in Section 31-6-11(e), the  
17 educational benefits provided by this section to spouses,  
18 children, and unmarried widows and widowers making application  
19 for benefits for the first time beginning with the fall term  
20 of the 2014-2015 academic year, and thereafter, shall be  
21 limited to undergraduate courses of study only, and the value  
22 of tuition paid shall be limited to the in-state tuition rate  
23 of the Alabama state-supported institution of higher learning,  
24 college, or university attended.

25 "(c) All applicants for this benefit shall complete  
26 a Free Application for Student Financial Aid (FAFSA). The  
27 benefits provided under this section shall ~~be available in~~

1 ~~addition to federal government benefits~~ only be available  
2 after all other federal, state, and third party education  
3 benefits have been applied. Any child, spouse, or unmarried  
4 widow or widower who was denied full entitlement, 27 or 45  
5 months, whichever the case may be, shall have the remainder of  
6 their entitlement reinstated under this chapter.

7 "(d) Notwithstanding the provisions of subsection  
8 (a) of this section the educational benefit provided to  
9 spouses, children, and unmarried widows or widowers making  
10 application for benefits for the first time beginning with the  
11 fall term of the 2017-2018 academic year, and thereafter,  
12 shall be limited to reimbursement at the value of tuition paid  
13 equal to the average tuition rate for all institutions within  
14 the Alabama Community College System for the first two years  
15 of attendance. Subsequent years shall be reimbursed at the  
16 value of tuition paid for the in-state tuition rate of the  
17 Alabama state institution of higher learning, college, or  
18 university attended."

19 "§31-6-9.

20 "The benefits provided under this chapter ~~shall be~~  
21 ~~in addition to any other state or federal benefits~~ to which  
22 the wife or children of a disabled veteran or a member of the  
23 armed forces who is listed as missing in action or as a  
24 prisoner of war or the widow and children of a deceased  
25 veteran are entitled shall only be available after all other  
26 federal, state and third party education benefits have been  
27 applied, to include those federal and state benefits available

1 after the submission of the Free Application for Student Aid  
2 (FAFSA). It is further provided that any wife, widow, or  
3 dependent of a veteran who receives benefits under this  
4 chapter, and whose benefit period is interrupted due to  
5 accident, injury, or illness, shall have the benefit time  
6 period which is lost due to such accident, illness, or injury  
7 restored to him or her.

8 "§31-6-10.

9 "(a) All applications for benefits accruing under  
10 this chapter must be made to the State Department of Veterans'  
11 Affairs. The State Service Commissioner, or any official of  
12 the department designated by him, is hereby charged with the  
13 responsibility and duty of determining the eligibility of each  
14 applicant for the benefits under this chapter; provided,  
15 however, that such determination of eligibility shall be based  
16 upon the findings of the United States Veterans'  
17 Administration in addition to other proofs and records  
18 required under this chapter. The State Service Commissioner  
19 shall cause the State Department of Veterans' Affairs to issue  
20 a certificate of eligibility and entitlement in behalf of each  
21 applicant who may be determined by him to be entitled to the  
22 benefits.

23 "(b) Notwithstanding any other provision of this  
24 chapter to the contrary, any veteran having applied for  
25 disability benefits prior to October 1, 2017, but having not  
26 received final adjudication from either the U.S. Department of  
27 Veterans Affairs or the Alabama Department of Veterans Affairs

1 by that date, their dependents shall remain eligible for the  
2 education benefits as described before the amending language  
3 of this bill, upon receiving the certifying documentation from  
4 the U.S. Department of Veterans Affairs or the Alabama  
5 Department of Veterans Affairs."

6 "§31-6-11.

7 "(a) Before an application of any veteran for  
8 benefits under this chapter can be approved, such veteran  
9 shall submit proof, satisfactory to the State Department of  
10 Veterans' Affairs, of all of the following:

11 "(1) Identification.

12 "(2) For any veteran entering into service on or  
13 before the effective date of this bill, having ~~Having~~ been a  
14 permanent resident of the State of Alabama for at least one  
15 year immediately prior to his or her entrance into service.  
16 For any veteran entering into service on or after the  
17 effective date of this bill having been a permanent resident  
18 of the State of Alabama for at least three years immediately  
19 prior to his or her entrance into service.

20 "(3) For any veteran entering into service on or  
21 after the effective date of this bill be a current resident  
22 and must maintain Alabama residency during the duration of the  
23 educational benefits.

24 ~~(3)~~ (4) An honorable discharge or other proof of  
25 honorable termination of at least 24 months of service in the  
26 armed forces, or if such veteran was discharged or released by

1 reason of service-connected disability then proof of honorable  
2 termination of less than 24 months of service is acceptable.

3 "(b) Before the application of a wife, widow, or  
4 child of a disabled veteran or a deceased veteran or  
5 serviceman for educational benefits under this chapter is  
6 approved, proof, satisfactory to the State Department of  
7 Veterans' Affairs, must be submitted of all of the following:

8 "(1) Establishing the identification of such wife,  
9 widow, or child as the wife, widow, or child of the veteran or  
10 serviceman, as the case may be.

11 "(2) For any veteran entering into service on or  
12 before the effective date of this bill, proof of ~~of~~ the  
13 veteran or serviceman having been a permanent resident of the  
14 State of Alabama for at least one year immediately prior, to  
15 his or her entrance into service, or if the applicant is the  
16 wife, widow, or child of a totally and permanently disabled  
17 veteran, then proof either of the veteran's having been a  
18 permanent resident of the State of Alabama for at least one  
19 year prior to his or her entrance into service or proof that  
20 the veteran has been a bona fide resident of this state for at  
21 least five years immediately prior to the filing of the  
22 application for benefits under this chapter or immediately  
23 prior to his or her death if the veteran is deceased. For any  
24 veteran entering into service on or after the effective date  
25 of this bill, proof of the veteran or serviceman having been a  
26 permanent resident of the State of Alabama for at least three  
27 years immediately prior to his or her entrance into service or

1 proof that the veteran has been a bona fide resident of this  
2 state for at least five years immediately prior to the filing  
3 of the application for benefits under this chapter.

4 "(3) The spouse, widow(er), or child of a disabled  
5 veteran or a deceased veteran or serviceman must be a current  
6 resident, and must maintain Alabama residency during the  
7 duration of the educational benefits if the sponsoring veteran  
8 entered into service after the effective date of this bill.

9 ~~"(3)~~ (4) An honorable discharge or other proof of  
10 honorable termination of service of the veteran or serviceman  
11 in the armed forces for a period of at least 90 days between  
12 the dates mentioned in this chapter, or service of less than  
13 90 days if the veteran or serviceman was discharged or  
14 released by reason of service-connected disability.

15 "(c) The service upon which any benefits are awarded  
16 under this chapter shall have been rendered during wartime or  
17 under extrahazardous conditions, except as provided otherwise  
18 in this section; and this condition of eligibility shall be  
19 established by the State Department of Veterans' Affairs.

20 "(d) The service requirements provided for in  
21 subsection (c) shall not apply to any person making  
22 application for benefits under this chapter beginning with the  
23 fall term of the 2014-2015 academic year, and thereafter.

24 "(e) Notwithstanding any other provision of this  
25 chapter to the contrary, any person denied educational  
26 benefits provided by this chapter based solely upon the  
27 service requirements provided for in subsection (c) shall be

1 eligible to receive the benefits the person would otherwise  
2 have been entitled to had their application been approved at  
3 the time of initial application, except as provided otherwise  
4 in this subsection. Any age limitation on the benefits  
5 provided by this chapter shall be extended in like manner for  
6 any such previously denied person to ensure that the person  
7 has the opportunity to receive all benefits they would  
8 otherwise have been entitled. In order to receive any  
9 educational benefits, such previously denied person must  
10 reapply for educational benefits with the State Department of  
11 Veterans' Affairs and begin use of the educational benefits no  
12 later than the fall term of the 2015-2016 academic year. The  
13 value of tuition paid for any such previously denied person  
14 shall be limited to the in-state tuition rate of the Alabama  
15 state institution of higher learning, college, or university  
16 attended."

17 "§31-6-16.

18 "Nothing in this chapter shall be construed as  
19 lowering the standards or requirements, or as to making any  
20 exceptions thereto for entrance into any of the state schools  
21 or institutions affected by this chapter. All applicants, in  
22 order to obtain the educational benefits of this chapter, must  
23 first meet all scholastic and other requirements for entrance  
24 into any of the schools coming within the purview of this  
25 chapter. All dependents receiving the educational benefits  
26 must maintain a 2.0 grade point average while attending any of  
27 the state schools or institutions affected by this chapter. If



1 the dependent fails to maintain a 2.0 grade point average for  
2 any completed academic period while receiving the education  
3 benefits, the benefits shall be suspended for the succeeding  
4 academic period or until such time as the dependent maintains  
5 a 2.0 grade point average at the end of the completed academic  
6 period."

7 "§31-10-2.

8 "The following words used in this article shall have  
9 the meanings as set forth by this section:

10 "(1) ALABAMA NATIONAL GUARD. Federally recognized  
11 units of the Alabama National Guard.

12 "(2) ACTIVE MEMBER. A member of a federally  
13 recognized unit of the Alabama National Guard meeting the  
14 minimum requirements for satisfactory membership as defined in  
15 the Department of the Army and Department of the Air Force  
16 regulations.

17 "(3) TUITION. The cost of instruction and fees to  
18 the student as stated in the institution's catalog, plus the  
19 average cost of books and supplies, to a minimum of one  
20 hundred dollars (\$100) per semester, ~~and not to exceed one~~  
21 ~~thousand dollars (\$1,000) per semester after all federal~~  
22 ~~benefits have been applied to the account of the student, for~~  
23 a total amount not exceeding ~~two thousand dollars (\$2,000)~~  
24 four thousand eight hundred dollars (\$4,800) annually. after  
25 all federal benefits have been applied to the account of the  
26 student."

27 "§31-10-3.

1           "The Alabama Commission on Higher Education is  
2 hereby authorized to pay or reimburse the tuition for any  
3 active member of the Alabama National Guard who is enrolled in  
4 a program leading to the associate, baccalaureate, masters, or  
5 doctorate degree in an accredited institution of higher  
6 learning, technical college, or junior college within the  
7 State of Alabama. To be eligible for such benefits, the  
8 individual, at the time of his or her enrollment must be a  
9 member of the Alabama National Guard in good standing and a  
10 member of a federally recognized unit of the Alabama National  
11 Guard. The member must be at least 17 years of age ~~and must be~~  
12 ~~a resident of the State of Alabama.~~ The tuition grant  
13 authorized under this article may be used for undergraduate or  
14 graduate studies. In no event will any individual be eligible  
15 to receive more than 100 percent of covered expenses when  
16 combined with similar federal veterans' educational benefits  
17 available to members of the National Guard. All applicants for  
18 a tuition grant shall complete a Free Application for Student  
19 Financial Aid (FAFSA). No person shall be eligible for a  
20 tuition grant for more than 12 years after the date of the  
21 first tuition payment to him or her under this article. For  
22 degrees above the baccalaureate, only 10 percent of the total  
23 funds of the benefit program are to be utilized. The Alabama  
24 Commission on Higher Education shall set up minimum standards  
25 for performance that must be met in order to maintain  
26 eligibility for the continuation of the receipt of tuition  
27 grants under this article."

1           "§31-10-4.

2           "In order to be eligible to receive tuition grants  
3 under this article, the member must meet the following minimum  
4 requirements:

5           "(1) Be an active member of the Alabama National  
6 Guard ~~and must have completed basic training and advanced~~  
7 ~~individual training.~~

8           "(2) The member must be a member in good standing  
9 with the Alabama National Guard as prescribed by regulations  
10 promulgated by the Department of the Army, Department of the  
11 Air Force, and the Military Department of the State of  
12 Alabama, at the time of application and during the entire  
13 semester or quarter for which benefits are received.

14           "(3) In the event the individual's service in the  
15 Alabama National Guard is terminated or his or her service  
16 becomes unsatisfactory while receiving or for four years after  
17 receiving the benefits afforded by this program, the benefits  
18 will be terminated and repaid by the individual on a pro rata  
19 basis. After termination for the above causes, an individual  
20 will be ineligible for any further benefits under this  
21 article. If for any reason an individual is dismissed from any  
22 school for academic or disciplinary reasons, he is ineligible  
23 for further benefits from this program. The Alabama Commission  
24 on Higher Education shall be the final authority for making  
25 such determinations.

26           "(4) The Alabama Commission on Higher Education of  
27 the State of Alabama shall be responsible for the promulgation

1 of rules and regulations for the administration and  
2 implementation of this article including rules and regulations  
3 providing for the selection of persons to receive benefits  
4 under this article. The Alabama Commission on Higher Education  
5 of the State of Alabama shall be the final authority in  
6 determining eligible applicants.

7 "(5) The Adjutant General of the State of Alabama  
8 shall serve as an advisor to the Alabama Commission on Higher  
9 Education for the purpose of determining the eligibility of  
10 members of the Alabama National Guard to receive benefits  
11 under this article."

12 "§31-10-21.

13 "(a) Any active member of the Alabama National Guard  
14 ~~who has successfully completed advanced individual training or~~  
15 ~~commissioning~~ shall be entitled to the tuition benefits  
16 provided by this article upon his or her enrollment in a  
17 degree objective in any community or junior college that is  
18 under the authority of the State Board of Education, or  
19 enrollment in pursuit of his or her first undergraduate degree  
20 objective in any public college or university within the  
21 state. Certification and eligibility for the tuition benefits  
22 provided by this article shall be determined by the State  
23 Education Services Office of the Alabama National Guard which  
24 shall promulgate and implement administrative rules and  
25 procedures that it deems necessary to carry out and monitor  
26 the tuition benefits provided by this article.

1           "(b) Any active member of the Alabama National Guard  
2 who enrolls utilizing the tuition benefits provided by this  
3 article shall complete the requirements for an undergraduate  
4 degree no later than 10 years from the date of initial  
5 enrollment or the active member shall be responsible for all  
6 costs of any further studies required to attain his or her  
7 degree. Active member must currently have and maintain an  
8 overall C average, or the grade point equivalent thereof, at  
9 the end of each term. Failure to do so shall result in the  
10 termination of the tuition benefits provided by this article.  
11 If a student withdraws, declares academic bankruptcy, or is  
12 granted a grade waiver through a forgiveness program, he or  
13 she is responsible for paying back that portion of tuition and  
14 fees the state paid on his or her behalf.

15           "(c) Each educational institution that enrolls an  
16 active member of the Alabama National Guard who is eligible  
17 for the tuition benefits provided by this article shall take  
18 necessary action to insure that the active member is aware of  
19 all benefits that he or she may be entitled to under the  
20 Montgomery G.I. Bill, any other VA educational benefits, any  
21 student grant or scholarship, the Active Duty Tuition  
22 Assistance Program, and the Alabama National Guard Education  
23 Assistance Program. In order to receive the tuition benefits  
24 provided by this article, the active member of the Alabama  
25 National Guard shall take the necessary steps to utilize all  
26 of the above benefits."

27           "§31-10-22.

1           "The tuition benefits provided by this article may  
2 be terminated for the following reasons:

3           "(i) Failure to satisfactorily complete the Alabama  
4 National Guard military obligation.

5           "(ii) Failure to maintain a 90 percent attendance at  
6 annual training and drill assemblies as required by the  
7 Alabama National Guard.

8           "(iii) Four unsatisfactory ~~drill performances~~ Unit  
9 Training Assemblies in a calendar year while enrolled in the  
10 tuition benefits program provided by this article."

11           Section 2. (a) Any member of the Alabama National  
12 Guard enrolled in a program leading to a vocational or  
13 technical certificate, associate, bachelor, master, or  
14 doctoral degree at an accredited public institution of higher  
15 education, technical college, or junior college within the  
16 State of Alabama shall be exempt from all tuition and fees  
17 imposed by the institution if the applicant for the tuition  
18 and fees exemption under the act meets the following  
19 requirements:

20           (1) The individual is 17 years of age or over.

21           (2) The individual is a member of the Alabama  
22 National Guard in good standing throughout the period or  
23 semester for which that individual receives education benefits  
24 as indicated by continued satisfactory participation in the  
25 Alabama National Guard as required by all applicable laws and  
26 regulations of the Department of the Army, the Department of

1 the Air Force, and the Alabama National Guard, and there is no  
2 unfavorable administrative action pending against him or her.

3 (b) Any member of the Alabama National Guard  
4 enrolled in an institution of higher education and receiving  
5 benefits under this program shall maintain an overall grade  
6 point average of a 2.0 or above and shall earn a grade no  
7 lower than a "C" in any class or course allowed under the act.

8 (c) This exemption shall apply only after all  
9 applicable federal and state tuition assistance or aid have  
10 been applied to the individual's student account.

11 (d) No public institution of higher education in  
12 this state shall impose a nonresident tuition rate or  
13 differential out-of-state resident fee on an Alabama National  
14 Guard member in good standing and who meets the requirements  
15 of subsection (a).

16 (e) All requirements under subsections (a) and (b)  
17 shall be met as a condition of obtaining any education  
18 assistance benefits under the act and continued eligibility  
19 for this exemption.

20 Section 3. (a) The Adjutant General of the Alabama  
21 National Guard shall be responsible for administering the  
22 overall policies, guidance, implementation, and proper  
23 utilization of the exemption under this section.

24 (b) The tuition exemption under this act shall be  
25 claimed for no more than a total of 120 academic hours or  
26 until the receipt of the first degree for which the exemption  
27 is used, whichever comes first.

1 (c) Any member of the Alabama National Guard who  
2 fails to remain in good standing or is terminated from further  
3 service in the Alabama National Guard shall no longer be  
4 eligible for exemption benefits under this section and any  
5 benefits received by the member for the period, semester, or  
6 term in which he or she becomes ineligible shall be repaid by  
7 the member to the exempting institution.

8 (d) Any member who is expelled or dismissed by an  
9 institution of higher learning that provides exemption  
10 benefits under this section to that member shall no longer be  
11 eligible for exemption benefits under this section and shall  
12 repay all benefits received under this section to the  
13 exempting institution.

14 (e) Any member who is disqualified from serving in  
15 the Alabama National Guard due solely to medical reasons shall  
16 be exempt from repaying any benefits received under this  
17 section.

18 Section 4. The Alabama Disabled Veterans' Dependents  
19 Education Advisory Committee is hereby created as an appointed  
20 group responsible for monitoring and studying the effect of  
21 changes in eligibility for dependents of disabled veterans to  
22 the cost of the program as administered by the Department of  
23 Veterans Affairs, and the progress of dependents of disabled  
24 veteran's in attaining their degree objectives while attending  
25 institutions under the authority of the Alabama Commission on  
26 Higher Education and the Alabama Community College System. The  
27 Department of Veterans Affairs and the Alabama Commission on



1 Higher Education shall provide information and support as  
2 required by the committee.

3 Section 5. The committee shall consist of the  
4 following members and shall reflect the racial, gender,  
5 geographic, urban and rural, and economic diversity of the  
6 state:

7 (1) Two members appointed by the Governor.

8 (2) One member appointed by the Lieutenant Governor.

9 (3) One member appointed by the Speaker of the House  
10 of Representatives.

11 (4) One member appointed by the President Pro  
12 Tempore of the Senate.

13 (5) One member appointed by the Chairman of the  
14 Senate Finance and Taxation Education Committee.

15 (6) One member appointed by the Chairman of the  
16 House Ways and Means Education Committee.

17 (7) One member appointed by the Chairman of the  
18 Alabama Commission on Higher Education.

19 (8) One member appointed by the Board of Trustees of  
20 the Alabama Community College System.

21 Section 6. The committee shall meet within 30 days  
22 after the appointment of the committee membership and  
23 establish procedures and other policies necessary to carry on  
24 the business of the committee, including the establishment of  
25 a quorum. The committee shall meet at least twice a year, but  
26 may meet more frequently upon the call of the chair. Members  
27 of the committee may participate in a meeting of the committee

1 by means of conference telephone, video conference, or similar  
2 communications equipment by means of which all persons  
3 participating in the meeting may hear each other at the same  
4 time. Participation by such means shall constitute presence in  
5 person at a meeting for all purposes, including the  
6 establishment of a quorum.

7 Section 7. Members of the committee shall serve at  
8 the pleasure of the official responsible for designating the  
9 members, but in no case shall the term of any member exceed  
10 four years. Vacancies shall be filled in the manner provided  
11 for the original appointments. Persons appointed to fill  
12 vacancies shall serve the unexpired portions of the terms.

13 Section 8. The members of the committee shall not  
14 receive a salary or per diem allowance for serving as members  
15 of the council, and shall not be entitled to reimbursement for  
16 expenses incurred in the performance of the duties.

17 Section 9. The committee shall report to the  
18 Legislature on its findings and advisory recommendations, by  
19 the tenth legislative day of each session.

20 Section 10. This act shall become effective on the  
21 first day of the third month following its passage and  
22 approval by the Governor, or its otherwise becoming law.