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3 DIAL FLOOR SUBSTITUTE NO. 2 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 require a dependent to  
14 submit proof of a veteran's residency; restrict the  
15 reimbursement for educational benefits to the value  
16 of the Department of Defense Tuition Assistance  
17 Cap; establish a grade point average requirement  
18 for dependents while receiving benefits; require  
19 the state benefits to only be used after all  
20 federal or other benefits have been used; and  
21 create the Alabama Disabled Veterans' Dependents  
22 Education Advisory Committee.

23  
24 A BILL  
25 TO BE ENTITLED  
26 AN ACT  
27

1           To amend Sections 31-6-4, 31-6-5, 31-6-6, 31-6-9,  
2           31-6-10, 31-6-11, 31-6-16, 31-10-2, 31-10-3, 31-10-4,  
3           31-10-21, and 31-10-22 of the Code of Alabama 1975, to  
4           increase the amount that may be spent by the Alabama  
5           Commission on Higher Education for an eligible member of the  
6           Alabama National Guard from \$2,000 per year to \$4,800 per year  
7           and remove the requirement for a certain amount of yearly  
8           assistance to be spent on each member per semester; to  
9           establish an exemption from tuition and fees for any member of  
10          the Alabama National Guard who remains in good standing and  
11          meets certain criteria while enrolled at any in-state public  
12          institution of higher learning; relating to the educational  
13          scholarship benefits for dependents of veterans; to require  
14          dependents submit proof of residency for veterans; to restrict  
15          the reimbursement for educational benefits to the Department  
16          of Defense Tuition Assistance Cap; to establish a grade point  
17          average requirement for dependents receiving benefits; to  
18          require state educational benefits to be applied only after  
19          all other resources have been exhausted; to create the Alabama  
20          Disabled Veterans' Dependents Education Advisory Committee  
21          responsible for monitoring the progress of dependents  
22          receiving educational benefits; to provide for the membership  
23          and meetings of the committee; and to require that the  
24          committee report its findings to the Legislature.

25          BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26                 Section 1. Sections 31-6-4, 31-6-5, 31-6-6, 31-6-9,  
27                 31-6-11, 31-6-16, 31-10-2, 31-10-3, 31-10-4, 31-10-21, and

1 31-10-22 of the Code of Alabama 1975, are amended to read as  
2 follows:

3 "§31-6-4.

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

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

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

17 "(3) Has been assigned 100 percent permanent or  
18 total disability rated by the United States Veterans'  
19 Administration, or was discharged or retired from the armed  
20 forces with a ~~20~~ 40 percent or more disability and maintained  
21 that percentage (such person to be deemed to be a disabled  
22 veteran)

23 "may attend any Alabama state institution of higher learning,  
24 college, or university for a period of five standard academic  
25 years, not to exceed 45 months or the equivalent of 45 months  
26 if enrolled part-time, without paying any tuition, fees, or  
27 books whatsoever for such college or university attendance, or

1 any such child may take a prescribed course in any Alabama  
2 state trade school for the length of any prescribed course of  
3 study of his or her choosing, and if such course does not  
4 require the full 45 months, then training for the remainder of  
5 such 45 months' entitlement may be taken at a state-supported  
6 college or university only, without the payment of any  
7 tuition, fees, or books whatsoever. Training under this  
8 section must be initiated prior to the child's thirtieth  
9 birthday, and must be completed within eight years after its  
10 initiation, except for delays caused by military service  
11 during the training period, and in no case may training be  
12 received under this chapter beyond the thirty-eighth birthday  
13 of such child.

14 "(b) Except as provided in Section 31-6-11(e), the  
15 educational benefits provided by this section to children  
16 making application for benefits for the first time beginning  
17 with the fall term of the 2014-2015 academic year, and  
18 thereafter, shall be limited to undergraduate courses of study  
19 only, and the value of tuition paid shall be limited to the  
20 in-state tuition rate of the Alabama state institution of  
21 higher learning, college, or university attended. Effective  
22 the fall term of the 2017-2018 academic year, and thereafter,  
23 the value of tuition paid per semester hour (or equivalent)  
24 shall be limited to the rate of the Department of Defense  
25 Tuition Assistance Cap.

26 "(c) The minimum disability requirement provided for  
27 in subsection (a) (3) will remain 20 percent for those making

1 application for benefits under this chapter prior to the  
2 effective date of this bill."

3 "§31-6-5.

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

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

9 "(2) Died from a disability incurred from military  
10 service; or

11 "(3) Is 100 percent permanently and totally  
12 disabled, whose permanent and total disabilities were  
13 service-connected;

14 "shall be entitled to training in any Alabama state-supported  
15 college or university for a period of five standard academic  
16 years, not to exceed 45 months or to training for the  
17 equivalent of 45 months if enrolled part-time or to training  
18 in a prescribed course in a state-supported trade school, and  
19 if such course does not require the full 45 months, then  
20 training for the remainder of such 45 months' entitlement may  
21 be taken at a state-supported college or university only,  
22 without the payment of any tuition, fees, or books,  
23 whatsoever. One change of program will be allowed without  
24 counseling. All training received under this section must be  
25 completed within eight years after the beginning date of the  
26 course. This section shall not apply to the spouse of any such  
27 deceased serviceman or veteran who has remarried prior to

1 applying for and obtaining educational benefits under this  
2 section, and should any such spouse of such deceased  
3 serviceman or veteran remarry during the time he or she is in  
4 attendance upon any of the schools, colleges, or universities  
5 mentioned in this section, then he or she shall pay tuition  
6 and fees for the course of study or attendance upon such  
7 school, college, or university from the time of the  
8 remarriage. ~~The benefits provided under this section shall be~~  
9 ~~in addition to federal government benefits.~~

10 "(b) Except as provided in Section 31-6-11(e), the  
11 educational benefits provided by this section to wives,  
12 husbands, and unmarried widows or widowers making application  
13 for benefits for the first time beginning with the fall term  
14 of the 2014-2015 academic year, and thereafter, shall be  
15 limited to undergraduate courses of study only, and the value  
16 of tuition paid shall be limited to the in-state tuition rate  
17 of the Alabama state-supported college or university attended.  
18 Effective the fall term of the 2017-2018 academic year, and  
19 thereafter, the value of tuition paid per semester hour (or  
20 equivalent) shall be limited to the rate of the Department of  
21 Defense Tuition Assistance Cap."

22 "§31-6-6.

23 "(a) The spouse and children of any veteran who is  
24 suffering from ~~20~~ 40 to 90 percent service-connected  
25 disability brought about from service in the Armed Forces of  
26 the United States, or the unmarried widow or widower and  
27 children of a deceased veteran who was suffering from ~~20~~ 40

1 percent or more of service-connected disability at the time of  
2 death, provided such disabilities as are mentioned herein are  
3 incurred from military service, as established by the State  
4 Department of Veterans' Affairs, shall be entitled to the  
5 following educational advantages and opportunities:

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

18 "(2) Each child of such disabled veteran shall be  
19 entitled to five standard academic years, or the equivalent of  
20 45 months if enrolled part-time, in any Alabama  
21 state-supported institution of higher learning, college, or  
22 university, or to a prescribed course at an Alabama  
23 state-supported trade school. If the course of training at the  
24 trade school does not require the full time to which such  
25 child is entitled hereunder, then the remaining entitlement  
26 may be taken in a state-supported college or university only,  
27 without payment of any tuition, fees, or books. One change of



1 program will be allowed without counseling. Training under  
2 this subdivision must be initiated prior to the child's  
3 twenty-sixth birthday, and must be completed within eight  
4 years after its initiation, except for delays caused by  
5 military service during the training period, and in no case  
6 may training be received under this section beyond the  
7 thirty-fourth birthday of such child.

8 (b) The minimum disability requirement provided for  
9 in subsection (a) will remain 20 percent for those first  
10 making application for benefits under this chapter prior to  
11 the effective date of this bill.

12 ~~"(b) (c)~~ Except as provided in Section 31-6-11(e),  
13 the educational benefits provided by this section to spouses,  
14 children, and unmarried widows and widowers making application  
15 for benefits for the first time beginning with the fall term  
16 of the 2014-2015 academic year, and thereafter, shall be  
17 limited to undergraduate courses of study only, and the value  
18 of tuition paid shall be limited to the in-state tuition rate  
19 of the Alabama state-supported institution of higher learning,  
20 college, or university attended. Effective the fall term of  
21 the 2017-2018 academic year, and thereafter, the value of  
22 tuition paid per semester hour (or equivalent) shall be  
23 limited to the rate of the Department of Defense Tuition  
24 Assistance Cap.

25 ~~"(c) (d) The benefits provided under this section~~  
26 ~~shall be available in addition to federal government benefits.~~  
27 Any child, spouse, or unmarried widow or widower who was

1 denied full entitlement, 27 or 45 months, whichever the case  
2 may be, shall have the remainder of their entitlement  
3 reinstated under this chapter."

4 "§31-6-9.

5 "The benefits provided under this chapter ~~shall be~~  
6 ~~in addition to any other state or federal benefits~~ to which  
7 the wife or children of a disabled veteran or a member of the  
8 armed forces who is listed as missing in action or as a  
9 prisoner of war or the widow and children of a deceased  
10 veteran are entitled shall only be available after all other  
11 federal, state and third party education benefits have been  
12 applied, to include those federal and state benefits available  
13 after the submission of the Free Application for Student Aid  
14 (FAFSA). It is further provided that any wife, widow, or  
15 dependent of a veteran who receives benefits under this  
16 chapter, and whose benefit period is interrupted due to  
17 accident, injury, or illness, shall have the benefit time  
18 period which is lost due to such accident, illness, or injury  
19 restored to him or her.

20 "§31-6-10.

21 "(a) All applications for benefits accruing under  
22 this chapter must be made to the State Department of Veterans'  
23 Affairs. The State Service Commissioner, or any official of  
24 the department designated by him, is hereby charged with the  
25 responsibility and duty of determining the eligibility of each  
26 applicant for the benefits under this chapter; provided,  
27 however, that such determination of eligibility shall be based

1 upon the findings of the United States Veterans'  
2 Administration in addition to other proofs and records  
3 required under this chapter. The State Service Commissioner  
4 shall cause the State Department of Veterans' Affairs to issue  
5 a certificate of eligibility and entitlement in behalf of each  
6 applicant who may be determined by him to be entitled to the  
7 benefits.

8 "(b) Notwithstanding any other provision of this  
9 chapter to the contrary, any veteran having applied for  
10 disability benefits prior to October 1, 2017, but having not  
11 received final adjudication from either the U.S. Department of  
12 Veterans Affairs or the Alabama Department of Veterans Affairs  
13 by that date, their dependents shall remain eligible for the  
14 education benefits as described before the amending language  
15 of this bill, upon receiving the certifying documentation from  
16 the U.S. Department of Veterans Affairs or the Alabama  
17 Department of Veterans Affairs."

18 "§31-6-11.

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

23 "(1) Identification.

24 "(2) Having been a permanent resident of the State  
25 of Alabama for at least one year immediately prior to his or  
26 her entrance into service.

1           "(3) An honorable discharge or other proof of  
2 honorable termination of at least 24 months of service in the  
3 armed forces, or if such veteran was discharged or released by  
4 reason of service-connected disability then proof of honorable  
5 termination of less than 24 months of service is acceptable.

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

11           "(1) Establishing the identification of such wife,  
12 widow, or child as the wife, widow, or child of the veteran or  
13 serviceman, as the case may be.

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

26           (3) Of the veteran or serviceman having been a  
27 permanent resident of the State of Alabama for at least one

1 year immediately prior to the filing of the application for  
2 benefits or immediately prior to his or her death if the  
3 veteran is deceased.

4 ~~"(3)~~ (4) An honorable discharge or other proof of  
5 honorable termination of service of the veteran or serviceman  
6 in the armed forces for a period of at least 90 days between  
7 the dates mentioned in this chapter, or service of less than  
8 90 days if the veteran or serviceman was discharged or  
9 released by reason of service-connected disability.

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

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

19 "(e) The residency requirements provided for in  
20 subsections (b) (3) shall not apply to any person making  
21 application for benefits under this chapter prior to the  
22 effective date of this bill.

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

1 have been entitled to had their application been approved at  
2 the time of initial application, except as provided otherwise  
3 in this subsection. Any age limitation on the benefits  
4 provided by this chapter shall be extended in like manner for  
5 any such previously denied person to ensure that the person  
6 has the opportunity to receive all benefits they would  
7 otherwise have been entitled. In order to receive any  
8 educational benefits, such previously denied person must  
9 reapply for educational benefits with the State Department of  
10 Veterans' Affairs and begin use of the educational benefits no  
11 later than the fall term of the 2015-2016 academic year. The  
12 value of tuition paid for any such previously denied person  
13 shall be limited to the in-state tuition rate of the Alabama  
14 state institution of higher learning, college, or university  
15 attended. Effective the fall term of the 2017-2018 academic  
16 year, and thereafter, the value of tuition paid per semester  
17 hour (or equivalent) shall be limited to the rate of the  
18 Department of Defense Tuition Assistance Cap."

19 "§31-6-16.

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

1 must maintain a 2.0 grade point average while attending any of  
2 the state schools or institutions affected by this chapter. If  
3 the dependent fails to maintain a 2.0 grade point average for  
4 any completed academic period while receiving the education  
5 benefits, the benefits shall be suspended for the succeeding  
6 academic period or until such time as the dependent maintains  
7 a 2.0 grade point average at the end of the completed academic  
8 period."

9 "§31-10-2.

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

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

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

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

1 all federal benefits have been applied to the account of the  
2 student."

3 "§31-10-3.

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



1 for performance that must be met in order to maintain  
2 eligibility for the continuation of the receipt of tuition  
3 grants under this article."

4 "§31-10-4.

5 "In order to be eligible to receive tuition grants  
6 under this article, the member must meet the following minimum  
7 requirements:

8 "(1) Be an active member of the Alabama National  
9 Guard ~~and must have completed basic training and advanced~~  
10 ~~individual training.~~

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

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

1 on Higher Education shall be the final authority for making  
2 such determinations.

3 "(4) The Alabama Commission on Higher Education of  
4 the State of Alabama shall be responsible for the promulgation  
5 of rules and regulations for the administration and  
6 implementation of this article including rules and regulations  
7 providing for the selection of persons to receive benefits  
8 under this article. The Alabama Commission on Higher Education  
9 of the State of Alabama shall be the final authority in  
10 determining eligible applicants.

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

16 "§31-10-21.

17 "(a) Any active member of the Alabama National Guard  
18 ~~who has successfully completed advanced individual training or~~  
19 ~~commissioning~~ shall be entitled to the tuition benefits  
20 provided by this article upon his or her enrollment in a  
21 degree ~~objective~~ or certificate program in any community or  
22 ~~junior~~ technical college that is under the authority of the  
23 ~~State Board of Education~~ Alabama Community College System  
24 Board of Trustees, or enrollment in pursuit of his or her  
25 first undergraduate degree ~~objective~~ in any public  
26 baccalaureate-awarding college or university within the state.  
27 Certification and eligibility for the tuition benefits

1 provided by this article shall be determined by the State  
2 Education Services Office of the Alabama National Guard which  
3 shall promulgate and implement administrative rules and  
4 procedures that it deems necessary to carry out and monitor  
5 the tuition benefits provided by this article.

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

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

1 Assistance Program. In order to receive the tuition benefits  
2 provided by this article, the active member of the Alabama  
3 National Guard shall take the necessary steps to utilize all  
4 of the above benefits."

5 "§31-10-22.

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

8 "(i) Failure to satisfactorily complete the Alabama  
9 National Guard military obligation.

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

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

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

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

25 (2) The individual is a member of the Alabama  
26 National Guard in good standing throughout the period or  
27 semester for which that individual receives education benefits

1 as indicated by continued satisfactory participation in the  
2 Alabama National Guard as required by all applicable laws and  
3 regulations of the Department of the Army, the Department of  
4 the Air Force, and the Alabama National Guard, and there is no  
5 unfavorable administrative action pending against him or her.

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

11 (c) This exemption shall apply only after all  
12 applicable federal and state tuition assistance or aid have  
13 been applied to the individual's student account, and only for  
14 classes or courses that count towards the individual's degree  
15 or certificate plan as designed and approved by the college or  
16 institution attended for the individual's declared program of  
17 study.

18 (d) No public institution of higher education in  
19 this state shall impose a nonresident tuition rate or  
20 differential out-of-state resident fee on an Alabama National  
21 Guard member in good standing and who meets the requirements  
22 of subsection (a).

23 (e) All requirements under subsections (a) and (b)  
24 shall be met as a condition of obtaining any education  
25 assistance benefits under the act and continued eligibility  
26 for this exemption.

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

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

9           (c) Any member of the Alabama National Guard who  
10 fails to remain in good standing or is terminated from further  
11 service in the Alabama National Guard shall no longer be  
12 eligible for exemption benefits under this section and any  
13 benefits received by the member for the period, semester, or  
14 term in which he or she becomes ineligible shall be repaid by  
15 the member to the exempting institution.

16           (d) Any member who is expelled or dismissed by an  
17 institution of higher learning that provides exemption  
18 benefits under this section to that member shall no longer be  
19 eligible for exemption benefits under this section and shall  
20 repay all benefits received under this section to the  
21 exempting institution.

22           (e) Any member who is disqualified from serving in  
23 the Alabama National Guard due solely to medical reasons shall  
24 be exempt from repaying any benefits received under this  
25 section.

26           Section 4. The Alabama Disabled Veterans' Dependents  
27 Education Advisory Committee is hereby created as an appointed

1 group responsible for monitoring and studying the effect of  
2 changes in eligibility for dependents of disabled veterans to  
3 the cost of the program as administered by the Department of  
4 Veterans Affairs, and the progress of dependents of disabled  
5 veteran's in attaining their degree objectives while attending  
6 institutions under the authority of the Alabama Commission on  
7 Higher Education and the Alabama Community College System. The  
8 Department of Veterans Affairs and the Alabama Commission on  
9 Higher Education shall provide information and support as  
10 required by the committee.

11 Section 5. The committee shall consist of the  
12 following members and shall reflect the racial, gender,  
13 geographic, urban and rural, and economic diversity of the  
14 state:

15 (1) Two members appointed by the Governor.

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

17 (3) One member appointed by the Speaker of the House  
18 of Representatives.

19 (4) One member appointed by the President Pro  
20 Tempore of the Senate.

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

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

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

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

3           Section 6. The committee shall meet within 30 days  
4 after the appointment of the committee membership and  
5 establish procedures and other policies necessary to carry on  
6 the business of the committee, including the establishment of  
7 a quorum. The committee shall meet at least twice a year, but  
8 may meet more frequently upon the call of the chair. Members  
9 of the committee may participate in a meeting of the committee  
10 by means of conference telephone, video conference, or similar  
11 communications equipment by means of which all persons  
12 participating in the meeting may hear each other at the same  
13 time. Participation by such means shall constitute presence in  
14 person at a meeting for all purposes, including the  
15 establishment of a quorum.

16           Section 7. Members of the committee shall serve at  
17 the pleasure of the official responsible for designating the  
18 members, but in no case shall the term of any member exceed  
19 four years. Vacancies shall be filled in the manner provided  
20 for the original appointments. Persons appointed to fill  
21 vacancies shall serve the unexpired portions of the terms.

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



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

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