

1 SB315  
2 186881-7  
3 By Senator Dial  
4 RFD: Finance and Taxation Education  
5 First Read: 14-MAR-17

1 SB315

2  
3  
4 ENROLLED, An Act,

5 To amend Sections 31-6-4, 31-6-5, 31-6-6, 31-6-9,  
6 31-6-11, 31-6-15, 31-10-2, 31-10-3, 31-10-4, 31-10-21, and  
7 31-10-22 of the Code of Alabama 1975, to set the tuition rate  
8 for a member of the Alabama National Guard not to exceed the  
9 average cost of tuition per semester of a state-supported  
10 Alabama four year institution; to establish a tuition  
11 reimbursement for any member of the Alabama National Guard who  
12 remains in good standing and meets certain criteria while  
13 enrolled at any in-state public institution of higher  
14 learning; relating to the educational scholarship benefits for  
15 dependents of veterans; to increase the minimum disability  
16 rating; to establish residency requirements for veterans and  
17 dependents; restrict the reimbursement for educational  
18 benefits at an Alabama state public education institution to  
19 the average tuition rate based on the Department of Defense  
20 Tuition Assistance Cap and a maximum amount per semester for  
21 books and fees; to establish an academic requirement for  
22 dependents receiving benefits; to require state educational  
23 benefits to be applied only after all other available  
24 resources have been applied; and to require that the Alabama

1 Department of Veterans Affairs and the Alabama Commission on  
2 Higher Education submit an annual report to the Legislature.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 31-6-4, 31-6-5, 31-6-6, 31-6-9,  
5 31-6-11, 31-6-15, 31-10-2, 31-10-3, 31-10-4, 31-10-21, and  
6 31-10-22 of the Code of Alabama 1975, are amended to read as  
7 follows:

8 "§31-6-4.

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

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

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

22 "(3) Has been assigned 100 percent permanent or  
23 total disability rated by the United States Veterans'  
24 Administration, or was discharged or retired from the armed  
25 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, pursuant to the tuition reimbursement  
7 guidelines as provided in subsection (c), ~~without paying any~~  
8 ~~tuition, fees, or books whatsoever~~ for such college or  
9 university attendance, or any such child may take a prescribed  
10 course in any Alabama ~~state trade school~~ state-supported  
11 community or technical college for the length of any  
12 prescribed course of study of his or her choosing, and if such  
13 course does not require the full 45 months, then training for  
14 the remainder of such 45 months' entitlement may be taken at a  
15 state-supported college or university only, pursuant to the  
16 tuition reimbursement guidelines as provided in subsection  
17 (c), ~~without the payment of any tuition, fees, or books~~  
18 ~~whatsoever~~. Training under this section must be initiated  
19 prior to the child's thirtieth birthday, and must be completed  
20 within eight years after its initiation, except for delays  
21 caused by military service during the training period, and in  
22 no case may training be received under this chapter beyond the  
23 thirty-eighth birthday of such child.

24 "(b) Except as provided in Section 31-6-11(e), the  
25 educational benefits provided by this section to children

1 making application for benefits for the first time beginning  
2 with the fall term of the 2014-2015 academic year, and  
3 thereafter, shall be limited to undergraduate courses of study  
4 only, and the value of tuition paid shall be limited to the  
5 in-state tuition rate of the Alabama state institution of  
6 higher learning, college, or university attended.

7 "(c) For those first filing for benefits under this  
8 chapter on or after July 31, 2017, the educational benefit  
9 shall be for tuition reimbursement and books and fees  
10 reimbursement. The value of tuition paid per semester hour (or  
11 equivalent) shall be limited to the rate of the Department of  
12 Defense Tuition Assistance Cap. The value of the books and  
13 fees paid per semester shall be limited to \$1,000 per student.

14 "(d) For the purpose of the minimum disability  
15 requirement provided for in subsection (a) (3), the dependent  
16 of any veteran whose disability rating as of July 31, 2017 is  
17 at least 20 percent but less than 40 percent shall qualify for  
18 the benefits of this chapter provided that the dependent shall  
19 file application for said benefits before July 31, 2023, and  
20 the dependent is reasonably expected to be eligible to attend  
21 an Alabama institution of higher learning, college or  
22 university in the next academic year."

23 "§31-6-5.

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

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

4           "(2) Died from a disability incurred from military  
5 service; or

6           "(3) Is 100 percent permanently and totally  
7 disabled, whose permanent and total disabilities were  
8 service-connected;

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

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

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

17           "(c) For those first filing for benefits under this  
18 chapter on or after July 31, 2017, the educational benefit  
19 shall be for tuition reimbursement and books and fees  
20 reimbursement. The value of tuition paid per semester hour (or  
21 equivalent) shall be limited to the rate of the Department of  
22 Defense Tuition Assistance Cap. The value of the books and  
23 fees paid per semester shall be limited to \$1,000 per  
24 student."

25           "§31-6-6.

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

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



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

20           "(b) For the purpose of the minimum disability  
21 requirement provided for in subsection (a) (3), the dependent  
22 of any veteran whose disability rating as of July 31, 2017 is  
23 at least 20 percent but less than 40 percent shall qualify for  
24 the benefits of this chapter provided that the dependent shall  
25 file application for said benefits before July 31, 2023, and

1 the dependent is reasonably expected to be eligible to attend  
2 an Alabama institution of higher learning, college or  
3 university in the next academic year.

4 "~~(b)~~ (c) Except as provided in Section 31-6-11(e),  
5 the educational benefits provided by this section to spouses,  
6 children, and unmarried widows and 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 institution of higher learning,  
12 college, or university attended.

13 "(d) For those first filing for benefits under this  
14 chapter on or after July 31, 2017, the educational benefit  
15 shall be for tuition reimbursement and books and fees  
16 reimbursement. The value of tuition paid per semester hour (or  
17 equivalent) shall be limited to the rate of the Department of  
18 Defense Tuition Assistance Cap. The value of the books and  
19 fees paid per semester shall be limited to \$1,000 per student.

20 "~~(e)~~ (e) The benefits provided under this section  
21 shall be available in addition to federal government benefits.  
22 Any child, spouse, or unmarried widow or widower who was  
23 denied full entitlement, 27 or 45 months, whichever the case  
24 may be, shall have the remainder of their entitlement  
25 reinstated under this chapter."

1           "§31-6-9.

2           "(a) For those dependents who first file for  
3 benefits under this chapter prior to July 31, 2017, the ~~The~~  
4 benefits provided under this chapter shall be in addition to  
5 any other state or federal benefits to which ~~the wife or~~  
6 ~~children of a disabled veteran or a member of the armed forces~~  
7 ~~who is listed as missing in action or as a prisoner of war or~~  
8 ~~the widow and children of a deceased veteran are~~ that  
9 dependent may be entitled.

10           "(b) For dependents who first file for benefits  
11 under this chapter on or after July 31, 2017:

12           "(1) To the extent permitted by law, prior to  
13 applying any benefits provided for under this chapter,  
14 institutional certifying officials and financial aid officials  
15 shall first apply other federal, state, institutional, and  
16 third party scholarships and grants awarded to the dependent  
17 for that academic period for payment of required educational  
18 expenses during an academic period.

19           "(2) A completed Free Application for Federal  
20 Student Aid (FAFSA), or the equivalent, must be submitted to  
21 the United States Department of Education for each year in  
22 which the dependent receives benefits under this chapter. The  
23 dependent shall have applied for all federal student financial  
24 aid grants, including but not limited to Pell Grants,  
25 Supplemental Education Opportunity Grants, and Education and

1 Training Vouchers, identified as being available for the  
2 student's application by Federal Student Aid, an office of the  
3 United States Department of Education, or its successor  
4 agency.

5 "(3) All students receiving educational benefits  
6 under this chapter and the educational institutions they  
7 attend must comply with the standards of Satisfactory Academic  
8 Progress (SAP) as required for Title IV benefits under the  
9 Higher Education Act and as defined by that education  
10 institution. Those students who would no longer be eligible to  
11 receive Title IV benefits due to a failure to meet SAP  
12 standards shall no longer be eligible to receive benefits  
13 under this chapter. Education institutions shall notify the  
14 Alabama Department of Veterans Affairs of any student who  
15 currently holds a certificate of eligibility for benefits  
16 under this chapter who is no longer eligible to receive  
17 benefits due to a failure to meet SAP standards and the  
18 effective date of that change in eligibility.

19 "(4) The dependent shall ensure that all schools  
20 they attend under this program are authorized to release such  
21 personally identifiable information to the Alabama Department  
22 of Veterans Affairs as is required for the determination of  
23 that dependent's continued eligibility and as required for the  
24 completion of all reports required by law.

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

7           "(d) Notwithstanding any other provision of this  
8 chapter to the contrary, dependents of any veteran whose  
9 disability rating, if any, prior to the date the act is signed  
10 into law was less than 20% but who had a claim for  
11 compensation pending prior to that date which resulted in a  
12 final award by the United States Department of Veterans  
13 Affairs of at least 20% shall be eligible for education  
14 benefits as described before the amending language of this  
15 bill if the dependent files an application for benefits under  
16 this chapter within six months of that final adjudication and  
17 provides proof satisfactory to the Alabama Department of  
18 Veterans Affairs that they qualify under this exception and  
19 currently meet the eligibility requirements as described  
20 before the amending language of this bill."

21           "§31-6-11.

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

1           "(1) Identification.

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

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

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

15           "(1) Establishing the identification of such wife,  
16 widow, or child as the wife, widow, or child of the veteran or  
17 serviceman, as the case may be.

18           "(2) Of the veteran or serviceman having been a  
19 permanent resident of the State of Alabama for at least one  
20 year immediately prior, to his or her entrance into service,  
21 or if the applicant is the wife, widow, or child of a totally  
22 and permanently disabled veteran, then proof either of the  
23 veteran's having been a permanent resident of the State of  
24 Alabama for at least one year prior to his or her entrance  
25 into service or proof that the veteran has been a bona fide

1 resident of this state for at least five years immediately  
2 prior to the filing of the application for benefits under this  
3 chapter or immediately prior to his or her death if the  
4 veteran is deceased.

5 "(3) Of the veteran or serviceman having been a  
6 permanent resident of the State of Alabama for at least two  
7 years immediately prior to the filing of the application for  
8 benefits under this chapter or has filed an Alabama income tax  
9 return as a resident individual for the previous ten years or  
10 is a current resident and was discharged from active duty  
11 within the prior 12 months. If the veteran or serviceman is  
12 deceased, their dependent may still qualify if the veteran or  
13 serviceman met this residency requirement at the time of their  
14 death. Alabama income tax return information, including but  
15 not limited to the type of return filed, necessary to show the  
16 residency requirements under this chapter have been met is  
17 hereby exempted from the confidentiality provisions of Section  
18 40-2A-10, Code of Alabama 1975, and shall be provided by the  
19 Department of Revenue to the Department of Veterans Affairs  
20 upon request. Such requests and the significance of the  
21 information provided shall be requested by the Department of  
22 Veterans Affairs as necessary when other residency information  
23 is not available, and the department shall promulgate rules  
24 and procedures to effect the provisions of this section as  
25 needed.

1           "(4) Of the wife, widow, or child being a current  
2 resident of the State of Alabama.

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

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

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

18           "(e) Notwithstanding any other provision of this  
19 chapter to the contrary, any person denied educational  
20 benefits provided by this chapter based solely upon the  
21 service requirements provided for in subsection (c) shall be  
22 eligible to receive the benefits the person would otherwise  
23 have been entitled to had their application been approved at  
24 the time of initial application, except as provided otherwise  
25 in this subsection. Any age limitation on the benefits



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

13 "(f) For those first filing for benefits under this  
14 chapter on or after July 31, 2017, the educational benefit  
15 shall be for tuition reimbursement and books and fees  
16 reimbursement. The value of tuition paid per semester hour (or  
17 equivalent) shall be limited to the rate of the Department of  
18 Defense Tuition Assistance Cap. The value of the books and  
19 fees paid per semester shall be limited to \$1,000 per  
20 student."

21 "§31-6-15.

22 ~~"There is hereby appropriated~~ The benefits provided  
23 in this chapter shall be paid from an annual appropriation  
24 from the Education Trust Fund such an amount as may be  
25 ~~necessary~~ to reimburse every Alabama state institution of

1 higher learning, college, university, or Alabama ~~state trade~~  
2 ~~school or junior college~~ community or technical college in  
3 which benefits are given to veterans, their wives, widows, or  
4 children under this chapter. Such reimbursement shall be made  
5 timely at the end of each academic quarter or semester for all  
6 tuition reimbursements for the ~~and fees waived by such~~  
7 ~~institution, college, university, or school under this~~  
8 ~~chapter, and shall be made on the basis of~~ certified invoices  
9 submitted by such institution or school to the State  
10 Department of Veterans' Affairs, and shall be supported by  
11 names of the students receiving such benefits, together with  
12 the amounts claimed for each student. Any amount of in-state  
13 tuition, books, or fees not paid by the combination of  
14 federal, state and third party funds may be billed to students  
15 receiving such benefits or waived by the institution or  
16 school."

17 "§31-10-2.

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

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

22 "(2) ACTIVE MEMBER. A member of a federally  
23 recognized unit of the Alabama National Guard meeting the  
24 minimum requirements for satisfactory membership as defined in

1 the Department of the Army and Department of the Air Force  
2 regulations.

3 "(3) TUITION. The per semester cost of instruction  
4 and fees to the student ~~as stated in the institution's~~  
5 ~~catalog, plus the average cost of books and supplies, to a~~  
6 ~~minimum of one hundred dollars (\$100) per semester, and not to~~  
7 ~~exceed one thousand dollars (\$1,000) per semester after all~~  
8 ~~federal benefits have been applied to the account of the~~  
9 ~~student, for a total amount not exceeding two thousand dollars~~  
10 ~~(\$2,000) annually not to exceed the average cost of tuition~~  
11 ~~per semester of a state-supported Alabama four year~~  
12 ~~institution for classes or courses that count towards the~~  
13 ~~individual's degree or certificate plan as designed and~~  
14 ~~approved by the college or institution attended for the~~  
15 ~~individual's declared program of study.~~"

16 "§31-10-3.

17 "Subject to the annual appropriation in the annual  
18 Education Trust Fund Appropriation Act, provided said annual  
19 appropriations shall not exceed \$10,000,000, ¶the Alabama  
20 Commission on Higher Education is hereby authorized to pay or  
21 reimburse the qualifying tuition for any active member of the  
22 Alabama National Guard who is enrolled in a program leading to  
23 the associate, baccalaureate, masters, or doctorate degree in  
24 an accredited institution of higher learning, community or  
25 ~~technical college, or junior college~~ within the State of

1 Alabama. Such payments or reimbursements shall be made timely  
2 at the end of each academic quarter or semester for all  
3 tuition reimbursements, and shall be made on the basis of  
4 certified invoices submitted by such institution or school to  
5 the Alabama Commission on Higher Education, and shall be  
6 supported by names of the students receiving such benefits,  
7 together with the amounts claimed for each student. To be  
8 eligible for such benefits, the individual, at the time of his  
9 or her enrollment must be ~~a~~ an active member of the Alabama  
10 National Guard in good standing and ~~a~~ an active member of a  
11 federally recognized unit of the Alabama National Guard. The  
12 member must be at least 17 years of age and must be a resident  
13 of the State of Alabama. The tuition ~~grant~~ reimbursement  
14 authorized under this article may be used for undergraduate or  
15 graduate studies. In no event will any individual be eligible  
16 to receive more than 100 percent of ~~covered expenses~~ qualified  
17 tuition when combined with similar federal veterans'  
18 educational benefits available to members of the National  
19 Guard. All applicants for ~~a~~ tuition ~~grant~~ reimbursement shall  
20 complete a Free Application for Student Financial Aid (FAFSA).  
21 No person shall be eligible for ~~a~~ tuition ~~grant~~ reimbursement  
22 for more than 12 years after the date of the first tuition  
23 payment to him or her under this article. For degrees above  
24 the baccalaureate, only 10 percent of the total funds of the  
25 benefit program are to be utilized. The Alabama Commission on

1 Higher Education shall set up minimum standards for  
2 performance that must be met in order to maintain eligibility  
3 for the continuation of the receipt of tuition ~~grants~~  
4 reimbursements under this article that will ensure a member  
5 will maintain at least a 2.0 cumulative grade point average.  
6 In the event that requests for tuition reimbursements provided  
7 for in this chapter from the institutions for educational  
8 benefits in any fiscal year exceed the appropriated amount,  
9 then the reimbursements will be prorated equally among the  
10 institutions on a percentage basis of the total invoices  
11 received by ACHE and paid accordingly. Such reimbursement  
12 shall be made promptly at the end of each academic quarter or  
13 semester for all certified invoices."

14 "§31-10-4.

15 "In order to be eligible to receive tuition ~~grants~~  
16 reimbursement under this article, the member must meet the  
17 following minimum requirements:

18 "(1) Be an active member of the Alabama National  
19 Guard and must have completed basic training ~~and advanced~~  
20 ~~individual training.~~

21 "(2) The member must be a member in good standing  
22 with the Alabama National Guard as prescribed by regulations  
23 promulgated by the Department of the Army, Department of the  
24 Air Force, and the Military Department of the State of

1 Alabama, at the time of application and during the entire  
2 semester or quarter for which benefits are received.

3 "(3) In the event the individual's service in the  
4 Alabama National Guard is terminated or his or her service  
5 becomes unsatisfactory while receiving or for four years after  
6 receiving the benefits afforded by this program, the benefits  
7 will be terminated and repaid by the individual on a pro rata  
8 basis. After termination for the above causes, an individual  
9 will be ineligible for any further benefits under this  
10 article. If for any reason an individual is dismissed from any  
11 school for academic or disciplinary reasons, he is ineligible  
12 for further benefits from this program. The Alabama Commission  
13 on Higher Education shall be the final authority for making  
14 such determinations.

15 "(4) The Alabama Commission on Higher Education of  
16 the State of Alabama shall be responsible for the promulgation  
17 of rules and regulations for the administration and  
18 implementation of this article including rules and regulations  
19 providing for the selection of persons to receive benefits  
20 under this article. The Alabama Commission on Higher Education  
21 of the State of Alabama shall be the final authority in  
22 determining eligible applicants.

23 "(5) The Adjutant General of the State of Alabama  
24 shall serve as an advisor to the Alabama Commission on Higher  
25 Education for the purpose of determining the eligibility of

1 members of the Alabama National Guard to receive benefits  
2 under this article.

3 "§31-10-21.

4 "(a) Any active member of the Alabama National Guard  
5 ~~who has successfully completed advanced individual training or~~  
6 ~~commissioning~~ shall be entitled to the tuition benefits  
7 provided by this article upon his or her enrollment in a  
8 degree ~~objective~~ or certificate program in any community or  
9 ~~junior~~ technical college that is under the authority of the  
10 ~~State Board of Education~~ Alabama Community College System  
11 Board of Trustees, or enrollment in pursuit of his or her  
12 first undergraduate degree ~~objective~~ in any public  
13 baccalaureate-awarding college or university within the state.  
14 Certification and eligibility for the tuition benefits  
15 provided by this article shall be determined by the State  
16 Education Services Office of the Alabama National Guard which  
17 shall promulgate and implement administrative rules and  
18 procedures that it deems necessary to carry out and monitor  
19 the tuition benefits provided by this article.

20 "(b) Any active member of the Alabama National Guard  
21 who enrolls utilizing the tuition benefits provided by this  
22 article shall complete the requirements for an undergraduate  
23 degree no later than 10 years from the date of initial  
24 enrollment or the active member shall be responsible for all  
25 costs of any further studies required to attain his or her

1 degree. Active member must currently have and maintain a  
2 cumulative 2.0 grade point average, ~~an overall C average~~, or  
3 the ~~grade point~~ letter grade equivalent thereof, or better at  
4 the end of each term. Failure to do so shall result in the  
5 termination of the tuition benefits provided by this article.  
6 If a student withdraws, declares academic bankruptcy, or is  
7 granted a grade waiver through a forgiveness program, he or  
8 she is responsible for paying back that portion of tuition and  
9 fees the state paid on his or her behalf.

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

22 "§31-10-22.

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



1           "(i) Failure to satisfactorily complete the Alabama  
2 National Guard military obligation.

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

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

9           Section 2. (a) Beginning October 1, 2016 any member  
10 of the Alabama National Guard enrolled in a program leading to  
11 a certificate, or an associate or bachelor's degree at an  
12 accredited public institution of higher education, technical  
13 college, or community college within the State of Alabama may  
14 apply for a tuition reimbursement benefit as provided for in  
15 this section if the applicant under the act meets the  
16 following requirements:

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

18           (2) The individual is a member of the Alabama  
19 National Guard in good standing throughout the period or  
20 semester for which that individual receives education benefits  
21 as indicated by continued satisfactory participation in the  
22 Alabama National Guard as required by all applicable laws and  
23 regulations of the Department of the Army, the Department of  
24 the Air Force, and the Alabama National Guard, and there is no  
25 unfavorable administrative action pending against him or her.

1           (b) Any member of the Alabama National Guard  
2 receiving educational benefits under this section and the  
3 educational institutions they attend must comply with the  
4 standards of Satisfactory Academic Progress (SAP) as required  
5 for Title IV benefits under the Higher Education Act and as  
6 defined by that education institution provided the member must  
7 maintain at least a cumulative 2.0 grade point average, or the  
8 letter equivalent. Those students who would no longer be  
9 eligible to receive Title IV benefits due to a failure to meet  
10 SAP standards shall no longer be eligible to receive benefits  
11 under this section.

12           (c) To the extent permitted by law, prior to  
13 applying any benefits provided for under this section,  
14 institutional certifying officials and financial aid officials  
15 shall first apply other federal, state, institutional, and  
16 third party scholarships and grants awarded to the member for  
17 that academic period for payment of required educational  
18 expenses during an academic period, but only for classes or  
19 courses that count towards the individual's degree or  
20 certificate plan as designed and approved by the college or  
21 institution attended for the individual's declared program of  
22 study.

23           (d) No public institution of higher education in  
24 this state shall impose a nonresident tuition rate or  
25 differential out-of-state resident fee on an Alabama National

1 Guard member in good standing and who meets the requirements  
2 of subsection (a).

3 (e) All requirements under subsections (a) and (b)  
4 shall be met as a condition of obtaining any education  
5 assistance benefits under the act and continued eligibility  
6 for this exemption.

7 (f) The Alabama Commission of Higher Education shall  
8 be responsible for administering the overall policies,  
9 guidance, implementation, and proper utilization of the  
10 scholarship under this section.

11 (g) The tuition scholarship under this act shall be  
12 claimed for no more than a total of 120 academic hours or  
13 until the receipt of the first degree for which the  
14 scholarship is used, whichever comes first.

15 (h) Any member of the Alabama National Guard who  
16 fails to remain in good standing or is terminated from further  
17 service in the Alabama National Guard shall no longer be  
18 eligible for exemption benefits under this section and any  
19 benefits received by the member for the period, semester, or  
20 term in which he or she becomes ineligible shall be repaid by  
21 the member to the exempting institution.

22 (i) Any member who is expelled or dismissed by an  
23 institution of higher learning that provides scholarship  
24 benefits under this section to that member shall no longer be  
25 eligible for scholarship benefits under this section and shall

1        repay all benefits received under this section to the  
2        institution.

3                (j) Any member who is disqualified from serving in  
4        the Alabama National Guard due solely to medical reasons shall  
5        be exempt from repaying any benefits received under this  
6        section.

7                Section 3. (a) The Department of Veterans Affairs  
8        shall report to the Legislature by January 1st of each year,  
9        the number of applicants approved in the previous fiscal year  
10       and those approved as of the reporting date for the current  
11       fiscal year, the number of students by years of remaining  
12       eligibility, and the costs of the previous fiscal year's  
13       expenditures to the program by each category of public  
14       institution of higher learning to include the number of  
15       students who attended each of those institutions.

16                (b) The Alabama Commission on Higher Education and  
17        the Adjutant General of the Alabama National Guard shall  
18        report to the Legislature by November 1st of each year, the  
19        number of new applicants in the new academic year, the years  
20        of eligibility remaining for each student, and the costs of  
21        the previous year's expenditures to the program by each  
22        category of public institution of higher learning paid.

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

---

President and Presiding Officer of  
the Senate

---

Speaker of the House of Representa-  
tives

SB315  
Senate 04-APR-17  
I hereby certify that the within Act originated in  
and passed the Senate, as amended.

Senate 18-MAY-17  
I hereby certify that the within Act originated in  
and passed the Senate, as amended by Conference Committee  
Report.

Patrick Harris,  
Secretary.

---

House of Representatives  
Passed: 03-MAY-17, as amended  
House of Representatives  
Passed: 18-MAY-2017, as amended by Conference  
Committee Report.

---

By: Senator Dial