

1 SB315
2 183653-4
3 By Senator Dial
4 RFD: Finance and Taxation Education
5 First Read: 14-MAR-17

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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 at an
16 Alabama state public university to the average
17 tuition rate of institutions under the Alabama
18 Community College System; establish a grade point
19 average requirement for dependents while receiving
20 benefits; require the state benefits to only be
21 used after all federal or other benefits have been
22 used; and create the Alabama Disabled Veterans'
23 Dependents Education Advisory Committee.

24
25 A BILL

26 TO BE ENTITLED

27 AN ACT

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

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

6 "§31-6-4.

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

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

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

20 "(3) Has been assigned 100 percent permanent or
21 total disability rated by the United States Veterans'
22 Administration, or was discharged or retired from the armed
23 forces with a ~~20~~ 50 percent or more disability and maintained
24 that percentage (such person to be deemed to be a disabled
25 veteran)

26 "may attend any Alabama state institution of higher learning,
27 college, or university for a period of five standard academic

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

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

25 "(c) Notwithstanding the provisions of subsection
26 (a) of this section the educational benefit provided to
27 children making application for benefits for the first time

1 beginning with the fall term of the 2017-2018 academic year,
2 and thereafter, shall be limited to reimbursement for tuition
3 while attending an institution within the Alabama Community
4 College System or while attending an Alabama public university
5 shall be limited to reimbursement for tuition at the rate
6 equal to the average tuition rate for all institutions within
7 the Alabama Community College System.

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

13 "§31-6-5.

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

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

19 "(2) Died from a disability incurred from military
20 service; or

21 "(3) Is 100 percent permanently and totally
22 disabled, whose permanent and total disabilities were
23 service-connected;

24 "shall be entitled to training in any Alabama state-supported
25 college or university for a period of five standard academic
26 years, not to exceed 45 months or to training for the
27 equivalent of 45 months if enrolled part-time or to training

1 in a prescribed course in a state-supported trade school, and
2 if such course does not require the full 45 months, then
3 training for the remainder of such 45 months' entitlement may
4 be taken at a state-supported college or university only,
5 without the payment of any tuition, fees, or books,
6 whatsoever. One change of program will be allowed without
7 counseling. All training received under this section must be
8 completed within eight years after the beginning date of the
9 course. This section shall not apply to the spouse of any such
10 deceased serviceman or veteran who has remarried prior to
11 applying for and obtaining educational benefits under this
12 section, and should any such spouse of such deceased
13 serviceman or veteran remarry during the time he or she is in
14 attendance upon any of the schools, colleges, or universities
15 mentioned in this section, then he or she shall pay tuition
16 and fees for the course of study or attendance upon such
17 school, college, or university from the time of the
18 remarriage. All applicants for this benefit shall complete a
19 Free Application for Student Financial Aid (FAFSA). The
20 benefits provided under this section shall ~~be in addition to~~
21 ~~federal government benefits~~ only be available after all other
22 federal, state and third party education benefits have been
23 applied.

24 "(b) Except as provided in Section 31-6-11(e), the
25 educational benefits provided by this section to wives,
26 husbands, and unmarried widows or widowers making application
27 for benefits for the first time beginning with the fall term

1 of the 2014-2015 academic year, and thereafter, shall be
2 limited to undergraduate courses of study only, and the value
3 of tuition paid shall be limited to the in-state tuition rate
4 of the Alabama state-supported college or university attended.

5 "(c) Notwithstanding the provisions of subsection
6 (a) of this section the educational benefit provided to
7 spouses and unmarried widows or widowers making application
8 for benefits for the first time beginning with the fall term
9 of the 2017-2018 academic year, and thereafter, shall be
10 limited to reimbursement for tuition while attending an
11 institution within the Alabama Community College System or
12 while attending an Alabama public university shall be limited
13 to reimbursement for tuition at the rate equal to the average
14 tuition rate for all institutions within the Alabama Community
15 College System."

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

21 "§31-6-6.

22 "(a) The spouse and children of any veteran who is
23 suffering from ~~20~~ 50 to 90 percent service-connected
24 disability brought about from service in the Armed Forces of
25 the United States, or the unmarried widow or widower and
26 children of a deceased veteran who was suffering from ~~20~~ 50
27 percent or more of service-connected disability at the time of

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

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

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

1 this subdivision must be initiated prior to the child's
2 twenty-sixth birthday, and must be completed within eight
3 years after its initiation, except for delays caused by
4 military service during the training period, and in no case
5 may training be received under this section beyond the
6 thirty-fourth birthday of such child.

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

16 "(c) All applicants for this benefit shall complete
17 a Free Application for Student Financial Aid (FAFSA). The
18 benefits provided under this section shall ~~be available in~~
19 ~~addition to federal government benefits~~ only be available
20 after all other federal, state, and third party education
21 benefits have been applied. Any child, spouse, or unmarried
22 widow or widower who was denied full entitlement, 27 or 45
23 months, whichever the case may be, shall have the remainder of
24 their entitlement reinstated under this chapter.

25 "(d) Notwithstanding the provisions of subsection
26 (a) of this section the educational benefit provided to
27 spouses, children, and unmarried widows or widowers making

1 application for benefits for the first time beginning with the
2 fall term of the 2017-2018 academic year, and thereafter,
3 shall be limited to reimbursement for tuition while attending
4 an institution within the Alabama Community College System or
5 while attending an Alabama public university shall be limited
6 to reimbursement for tuition at a rate equal to the average
7 tuition rate for all institutions within the Alabama Community
8 College System."

9 "§31-6-9.

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

25 "§31-6-11.

26 "(a) Before an application of any veteran for
27 benefits under this chapter can be approved, such veteran

1 shall submit proof, satisfactory to the State Department of
2 Veterans' Affairs, of all of the following:

3 "(1) Identification.

4 "(2) For any veteran entering into service on or
5 before the effective date of this bill, having ~~Having~~ been a
6 permanent resident of the State of Alabama for at least one
7 year immediately prior to his or her entrance into service.
8 For any veteran entering into service on or after the
9 effective date of this bill having been a permanent resident
10 of the State of Alabama for at least five years immediately
11 prior to his or her entrance into service.

12 "(3) For any veteran entering into service on or
13 after the effective date of this bill must have been a
14 resident five years prior to enrollment, be a current
15 resident, and must maintain Alabama residency during the
16 duration of the educational benefits.

17 ~~(3)~~ (4) An honorable discharge or other proof of
18 honorable termination of at least 24 months of service in the
19 armed forces, or if such veteran was discharged or released by
20 reason of service-connected disability then proof of honorable
21 termination of less than 24 months of service is acceptable.

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

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

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

24 "(3) The spouse, widow(er), or child of a disabled
25 veteran or a deceased veteran or serviceman must have been a
26 resident five years prior to enrollment, be a current
27 resident, and must maintain Alabama residency during the

1 duration of the educational benefits if the sponsoring veteran
2 entered into service after the effective date of this bill.

3 ~~"(3)~~ (4) 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
26 provided by this chapter shall be extended in like manner for
27 any such previously denied person to ensure that the person

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

11 "§31-6-16.

12 "Nothing in this chapter shall be construed as
13 lowering the standards or requirements, or as to making any
14 exceptions thereto for entrance into any of the state schools
15 or institutions affected by this chapter. All applicants, in
16 order to obtain the educational benefits of this chapter, must
17 first meet all scholastic and other requirements for entrance
18 into any of the schools coming within the purview of this
19 chapter. All dependents receiving the educational benefits
20 must maintain a 2.0 grade point average while attending any of
21 the state schools or institutions affected by this chapter. If
22 the dependent fails to maintain a 2.0 grade point average for
23 any completed academic period while receiving the education
24 benefits, the benefits shall be suspended for the succeeding
25 academic period or until such time as the dependent maintains
26 a 2.0 grade point average at the end of the completed academic
27 period."

1 "§31-10-2.

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

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

6 "(2) ACTIVE MEMBER. A member of a federally
7 recognized unit of the Alabama National Guard meeting the
8 minimum requirements for satisfactory membership as defined in
9 the Department of the Army and Department of the Air Force
10 regulations.

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

21 "§31-10-3.

22 "The Alabama Commission on Higher Education is
23 hereby authorized to pay or reimburse the tuition for any
24 active member of the Alabama National Guard who is enrolled in
25 a program leading to the associate, baccalaureate, masters, or
26 doctorate degree in an accredited institution of higher
27 learning, technical college, or junior college within the

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

22 "§31-10-4.

23 "In order to be eligible to receive tuition grants
24 under this article, the member must meet the following minimum
25 requirements:

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

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

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

22 "(4) The Alabama Commission on Higher Education of
23 the State of Alabama shall be responsible for the promulgation
24 of rules and regulations for the administration and
25 implementation of this article including rules and regulations
26 providing for the selection of persons to receive benefits
27 under this article. The Alabama Commission on Higher Education

1 of the State of Alabama shall be the final authority in
2 determining eligible applicants.

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

8 "§31-10-21.

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

23 "(b) Any active member of the Alabama National Guard
24 who enrolls utilizing the tuition benefits provided by this
25 article shall complete the requirements for an undergraduate
26 degree no later than 10 years from the date of initial
27 enrollment or the active member shall be responsible for all

1 costs of any further studies required to attain his or her
2 degree. Active member must currently have and maintain an
3 overall C average, or the grade point equivalent thereof, 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 VA educational benefits, any
16 student grant or scholarship, the Active Duty Tuition
17 Assistance Program, and the Alabama National Guard Education
18 Assistance Program. In order to receive the tuition benefits
19 provided by this article, the active member of the Alabama
20 National Guard shall take the necessary steps to utilize all
21 of the above benefits."

22 "§31-10-22.

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

25 "(i) Failure to satisfactorily complete the Alabama
26 National Guard military obligation.

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

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

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

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

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

25 (b) Any member of the Alabama National Guard
26 enrolled in an institution of higher education and receiving
27 benefits under this program shall maintain an overall grade

1 point average of a 2.0 or above and shall earn a grade no
2 lower than a "C" in any class or course allowed under the act.

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

6 (d) No public institution of higher education in
7 this state shall impose a nonresident tuition rate or
8 differential out-of-state resident fee on an Alabama National
9 Guard member in good standing and who meets the requirements
10 of subsection (a).

11 (e) All requirements under subsections (a) and (b)
12 shall be met as a condition of obtaining any education
13 assistance benefits under the act and continued eligibility
14 for this exemption.

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

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

23 (c) Any member of the Alabama National Guard who
24 fails to remain in good standing or is terminated from further
25 service in the Alabama National Guard shall no longer be
26 eligible for exemption benefits under this section and any
27 benefits received by the member for the period, semester, or

1 term in which he or she becomes ineligible shall be repaid by
2 the member to the exempting institution.

3 (d) Any member who is expelled or dismissed by an
4 institution of higher learning that provides exemption
5 benefits under this section to that member shall no longer be
6 eligible for exemption benefits under this section and shall
7 repay all benefits received under this section to the
8 exempting institution.

9 (e) Any member who is disqualified from serving in
10 the Alabama National Guard due solely to medical reasons shall
11 be exempt from repaying any benefits received under this
12 section.

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

25 Section 5. The committee shall consist of the
26 following members and shall reflect the racial, gender,

1 geographic, urban and rural, and economic diversity of the
2 state:

3 (1) Two members appointed by the Governor.

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

5 (3) One member appointed by the Speaker of the House
6 of Representatives.

7 (4) One member appointed by the President Pro
8 Tempore of the Senate.

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

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

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

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

17 Section 6. The committee shall meet within 30 days
18 after the appointment of the committee membership and
19 establish procedures and other policies necessary to carry on
20 the business of the committee, including the establishment of
21 a quorum. The committee shall meet at least twice a year, but
22 may meet more frequently upon the call of the chair. Members
23 of the committee may participate in a meeting of the committee
24 by means of conference telephone, video conference, or similar
25 communications equipment by means of which all persons
26 participating in the meeting may hear each other at the same
27 time. Participation by such means shall constitute presence in

1 person at a meeting for all purposes, including the
2 establishment of a quorum.

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

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

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

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