

**SB67 ENROLLED**



1 11NX33-2  
2 By Senator Chambliss  
3 RFD: Veterans and Military Affairs  
4 First Read: 21-Mar-23  
5 2023 Regular Session



## SB67 Enrolled

1 Enrolled, An Act,

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4 Relating to the Alabama National Guard; to amend  
5 Sections 31-10-2, 31-10-3, and 31-10-4.1, Code of Alabama  
6 1975, relating to educational benefits for qualified active  
7 members; to limit the amount of private tuition reimbursed to  
8 eligible guard members to the median tuition of any public  
9 institution in the state; to clarify the law relating to  
10 undergraduate and graduate credentials; and to repeal Article  
11 2, commencing with Section 31-10-20, of Chapter 10, Title 31,  
12 Code of Alabama 1975, relating to supplemental educational  
13 assistance benefits.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Sections 31-10-2, 31-10-3, and 31-10-4.1 of  
16 the Code of Alabama 1975, are amended to read as follows:

17 "§31-10-2

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

20 (1) ACADEMIC EXCELLENCE BENEFITS. Additional funds for  
21 guard members who are enrolled undergraduate students who  
22 graduated from high school with a cumulative GPA greater than  
23 3.5 and, while enrolled in an institution of higher education  
24 in this state, have maintained a 3.0 collegiate cumulative  
25 GPA. These funds can be used for tuition, fees, or ancillary  
26 costs.

27 ~~(1)~~ (3) ALABAMA NATIONAL GUARD. Federally recognized  
28 units of the Alabama National Guard.



## SB67 Enrolled

29 (2) ACTIVE MEMBER. A member of a federally recognized  
30 unit of the Alabama National Guard meeting the minimum  
31 requirements for satisfactory membership as defined in the  
32 Department of the Army and Department of the Air Force  
33 regulations.

34 (4) ANCILLARY COSTS. Expenses incurred outside of  
35 tuition related to educational costs, including textbooks,  
36 additional course fees, or other course related costs.

37 (5) QUALIFYING ACADEMIC PATHWAY. A postsecondary  
38 program at an institution of higher education in the state  
39 that is one of the following:

40 a. A program that has been identified as a Pell Grant  
41 eligible program for which the student earns credits required  
42 for a postsecondary degree at the undergraduate level.

43 b. A graduate program that is the individual's first  
44 degree sought at that level.

45 ~~(3)~~ (6) TUITION. The per-semester term cost of  
46 instruction and mandatory instructional fees to the public or  
47 private postsecondary student not to exceed the median cost of  
48 tuition per term, such as quarter or semester, of all public  
49 four-year institutions of higher education in this state~~to~~  
50 ~~the student not to exceed the average cost of tuition per~~  
51 ~~semester of a state-supported Alabama four-year institution,~~  
52 as reported to the Alabama Commission on Higher Education by  
53 state-supported institutions of higher education and appearing  
54 on the tuition plus required fees report of the commission,  
55 for classes or courses that count towards the individual's  
56 degree or certificate plan as designed and approved by the

SB67 Enrolled



57 college or institution attended for the individual's declared  
58 program of study. Differential tuition is not included."

59 "§31-10-3

60 (a) Subject to the annual appropriation to the Alabama  
61 National Guard Educational Assistance Program in the annual  
62 Education Trust Fund Appropriation Act, provided ~~such~~ the  
63 annual appropriations shall not exceed ten million dollars  
64 (\$10,000,000), the Alabama Commission on Higher Education ~~is~~  
65 ~~hereby authorized to~~ may pay or reimburse the qualifying  
66 tuition for any active member of the Alabama National Guard  
67 who is one of the following:

68 (1) A student dually or concurrently enrolled in high  
69 school and an institution of higher education.

70 (2) A postsecondary student who is enrolled in an  
71 institution of higher education.

72 (3) A postsecondary student who is dually or  
73 concurrently enrolled in more than one institution of higher  
74 education and is enrolled in a program leading to ~~the~~ a  
75 qualifying academic pathway, including a short certificate or  
76 long certificate, or associate, baccalaureate, masters, or  
77 doctorate degree in an accredited institution of higher  
78 learning, including a community or technical college within  
79 ~~the State of Alabama~~ this state.

80 (b) ~~Such~~ The payments or reimbursements shall be made  
81 timely at the end of each academic quarter or semester for all  
82 tuition reimbursements, and shall be made on the basis of  
83 certified invoices submitted by ~~such~~ the institution ~~or school~~  
84 to the Alabama Commission on Higher Education, and shall be

SB67 Enrolled



85 supported by names of the students receiving ~~such~~ the  
86 benefits, together with the amounts claimed for each student.  
87 ~~To be eligible for such benefits, the individual, at the time~~  
88 ~~of his or her enrollment must be an active member of the~~  
89 ~~Alabama National Guard in good standing and an active member~~  
90 ~~of a federally recognized unit of the Alabama National Guard.~~  
91 ~~The member must be at least 17 years of age and must be a~~  
92 ~~resident of the State of Alabama.~~ The tuition reimbursement  
93 authorized under this article may be used for undergraduate or  
94 graduate studies. ~~In no event will any individual be eligible~~  
95 ~~to receive more than 100 percent of qualified tuition when~~  
96 ~~combined with similar federal veterans' educational benefits~~  
97 ~~available to members of the National Guard. All applicants for~~  
98 ~~tuition reimbursement shall complete a Free Application for~~  
99 ~~Student Financial Aid (FAFSA).~~ In no event shall payments of  
100 the tuition reimbursement under the Alabama National Guard  
101 Educational Assistance Program amount to more than 100 percent  
102 of qualified tuition and fees. An undergraduate student that  
103 qualifies for the Academic Excellence Benefit shall receive an  
104 amount equivalent to 100 percent of qualified tuition and  
105 fees. Undergraduate students with this benefit may use these  
106 funds for tuition and fee reimbursement or ancillary costs. No  
107 ~~person~~ guard member shall be eligible for tuition  
108 reimbursement or academic excellence benefits for more than 12  
109 years after the date of the first tuition payment to him or  
110 her under this article. ~~For degrees above the baccalaureate,~~  
111 ~~only 10 percent of the total funds of the benefit program are~~  
112 ~~to be utilized. The Alabama Commission on Higher Education~~



## SB67 Enrolled

113 ~~shall set up minimum standards for performance that must be~~  
114 ~~met in order to maintain eligibility for the continuation of~~  
115 ~~the receipt of tuition reimbursements under this article that~~  
116 ~~will ensure a member will maintain at least a 2.0 cumulative~~  
117 ~~grade point average.~~ In the event that requests for tuition  
118 reimbursements provided for in this ~~chapter~~ article from the  
119 institutions for educational benefits in any fiscal year  
120 exceed the appropriated amount, then the reimbursements ~~will~~  
121 shall be prorated equally among the institutions on a  
122 percentage basis of the total invoices received by ~~ACHE~~ the  
123 Alabama Commission on Higher Education and paid accordingly.  
124 ~~Such~~ The reimbursement shall be made promptly at the end of  
125 each academic quarter or semester for all certified invoices."

126 "§31-10-4.1

127 (a) Beginning October 1, 2016, any member of the  
128 Alabama National Guard enrolled in a program leading to a  
129 qualifying academic pathway, such as a certificate, or an  
130 associate or bachelor's degree at an accredited public  
131 institution of higher education, technical college, or  
132 community college within the State of Alabama may apply for a  
133 tuition reimbursement benefit as provided for in this section  
134 if the applicant under this ~~chapter~~ article meets the  
135 following requirements:

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

137 (2) The individual is a member of the Alabama National  
138 Guard in good standing throughout the period or semester for  
139 which that individual receives ~~education~~ educational benefits  
140 as indicated by continued satisfactory participation in the



## SB67 Enrolled

141 Alabama National Guard as required by all applicable laws and  
142 regulations of the Department of the Army, the Department of  
143 the Air Force, and the Alabama National Guard, and there is no  
144 unfavorable administrative action pending against him or her.

145 (3) The individual completes a Free Application for  
146 Federal Student Aid (FAFSA), except for high school students  
147 dually or concurrently enrolled in high school and an  
148 institution of higher education.

149 (4) The individual is enrolled in a credit-bearing  
150 course or courses of a qualifying academic pathway at a  
151 regionally accredited institution of higher education.

152 (b) Any member of the Alabama National Guard receiving  
153 educational benefits under this section and the educational  
154 institutions they attend ~~must~~ shall comply with the standards  
155 of Satisfactory Academic Progress (SAP) as required for Title  
156 IV benefits under the Higher Education Act and as defined by  
157 that ~~education~~ educational institution provided the member  
158 ~~must~~ shall maintain at least a cumulative 2.0 grade point  
159 average, or the letter equivalent. Those students who would no  
160 longer be eligible to receive Title IV benefits due to a  
161 failure to meet SAP standards shall no longer be eligible to  
162 receive benefits under this section.

163 (c) To the extent permitted by law, ~~prior to applying~~  
164 ~~any benefits provided for under this section, institutional~~  
165 ~~certifying officials and financial aid officials shall first~~  
166 ~~apply other federal, state, institutional, and third party~~  
167 ~~scholarships and grants awarded to the member for that~~  
168 ~~academic period for payment of required educational expenses~~



169 ~~during an academic period, but only for classes or courses~~  
170 ~~that count towards the individual's degree or certificate plan~~  
171 ~~as designed and approved by the college or institution~~  
172 ~~attended for the individual's declared program of study~~ the  
173 benefits provided for under this section shall be applied in a  
174 last-dollar manner to maximize all of the guard member's  
175 educational benefits.

176 (d) No public institution of higher education in this  
177 state shall impose a nonresident tuition rate or differential  
178 out-of-state resident fee on an Alabama National Guard member  
179 in good standing and who meets the requirements of subsection  
180 (a).

181 (e) All requirements under subsections (a) and (b)  
182 shall be met as a condition of obtaining any education  
183 assistance benefits under this ~~chapter~~ article and continued  
184 eligibility for this exemption.

185 (f) The Alabama Commission on Higher Education shall be  
186 responsible for administering the overall policies, guidance,  
187 implementation, and proper utilization of the scholarship  
188 under this section.

189 ~~The tuition scholarship under this chapter shall be~~  
190 ~~claimed for no more than a total of 120 academic hours or~~  
191 ~~until the receipt of the first degree for which the~~  
192 ~~scholarship is used, whichever comes first.~~ For the purposes  
193 of this article, the first undergraduate degree obtained is a  
194 baccalaureate degree. Short certificates, long certificates,  
195 and associate degrees of qualifying academic pathways may be  
196 used to obtain a baccalaureate degree. The tuition

SB67 Enrolled



197 reimbursement and academic excellence benefits provided by  
198 this article shall only pay for the first baccalaureate  
199 degree. The tuition reimbursement and academic excellence  
200 benefits for undergraduate students under this article shall  
201 be claimed for no more than a total of 120 academic hours or  
202 until receipt of the first bachelor's degree for which the  
203 scholarship is used, whichever comes first. The total of 120  
204 academic hours includes no more than a total of 72 academic  
205 hours earned at a community college.

206 (h) A guard member who has already obtained a  
207 baccalaureate degree is not eligible to receive tuition  
208 reimbursement or academic excellence benefits for coursework  
209 leading to a second degree at the same level.

210 (i) If the benefits were not used by a guard member for  
211 a baccalaureate degree, the tuition reimbursement and academic  
212 excellence benefits for graduate students under this article  
213 shall be claimed for no more than a total of 60 academic hours  
214 or until the receipt of the first graduate degree.

215 (j) A guard member who has already obtained a graduate  
216 degree is not eligible to receive tuition reimbursement for  
217 coursework leading to a second degree at the same level.

218 ~~(h)~~ (k) Any member of the Alabama National Guard who  
219 fails to remain in good standing or is terminated from further  
220 service in the Alabama National Guard shall no longer be  
221 eligible for exemption benefits under this section and any  
222 benefits received by the member for the ~~period, semester, or~~  
223 term, such as quarter or semester, in which he or she becomes  
224 ineligible shall be repaid by the member to the exempting



## SB67 Enrolled

225 institution. Any exceeding funds of tuition reimbursement and  
226 academic excellence benefits repaid to the institution shall  
227 be reimbursed to the program.

228 ~~(j)~~ (l) Any member who is expelled or dismissed by an  
229 institution of higher learning that provides scholarship  
230 benefits under this section to that member shall no longer be  
231 eligible for scholarship benefits under this section and shall  
232 repay all benefits received under this section to the  
233 institution. Any exceeding funds of tuition reimbursement and  
234 academic excellence benefits repaid to the institution shall  
235 be reimbursed to the program.

236 ~~(j)~~ (m) Any member who is disqualified from serving in  
237 the Alabama National Guard due solely to medical reasons, with  
238 a Veterans Administration disability rating of 40 percent or  
239 greater, shall be exempt from repaying any benefits received  
240 under this section.

241 (n) Any participating member of the Alabama National  
242 Guard Educational Assistance Program shall sign a promissory  
243 note or similar document with provisions for the collection  
244 and repayment of benefits in the event that the member is  
245 disqualified or otherwise becomes ineligible to continue to  
246 receive benefits pursuant to the section."

247 Section 2. Specifically Article 2, commencing with  
248 Section 31-10-20, of Chapter 10, Title 31 of the Code of  
249 Alabama 1975, relating to supplemental educational assistance  
250 benefits for qualified active members of the National Guard,  
251 is repealed.

252 Section 3. This act shall become effective on the last



## SB67 Enrolled

253 day of the month of its passage and approval by the Governor,  
254 or its otherwise becoming law.



**SB67 Enrolled**

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB67

Senate 25-Apr-23

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris,  
Secretary.

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House of Representatives

Amended and passed: 25-May-23

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Senate concurred in House amendment 31-May-23

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By: Senator Chambliss