

1 SB94
2 188690-1
3 By Senators Dial and Whatley
4 RFD: Finance and Taxation Education
5 First Read: 09-JAN-18

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, a nonresident member of
9 the Alabama National Guard that is enrolled at an
10 institution of higher education within the state
11 must be a member of the Alabama National Guard for
12 a period of at least two years immediately
13 preceding qualifying for resident tuition and must
14 continue to be a member of the Alabama National
15 Guard in order to qualify for educational benefits
16 for his or her service.

17 Under existing law, an active member of the
18 Alabama National Guard enrolled in a program
19 leading to a degree at an accredited institution of
20 higher education in the state must be a resident of
21 Alabama in order for the Alabama Commission on
22 Higher Education to pay or reimburse the qualifying
23 tuition for that person.

24 Under existing law, the authorization for
25 the Alabama Commission on Higher Education to pay
26 or reimburse the qualifying tuition for an active
27 member of the Alabama National Guard enrolled in a

1 program leading to a degree at an accredited
2 institution of higher education in the state does
3 not include high school students simultaneously
4 enrolled at institutions of higher education while
5 attending high school.

6 Also under existing law, federal funds that
7 are paid directly to the student enrolled in a
8 program leading to a degree at an accredited
9 institution of higher education may be considered
10 in the determination of tuition benefits provided
11 under the Educational Trust Fund Appropriation Act.

12 This bill would provide that a member of the
13 Alabama National Guard is not required to reside in
14 the state for at least two years before he or she
15 can qualify as a resident student.

16 This bill would provide that a person is not
17 required to be a resident of Alabama in order for
18 the Alabama Commission on Higher Education to pay
19 or reimburse the qualifying tuition for that person
20 as an active member of the Alabama National Guard.

21 This bill would provide that the Alabama
22 Commission on Higher Education may pay or reimburse
23 the qualifying tuition for an active member of the
24 Alabama National Guard enrolled in a program
25 leading to the associate, baccalaureate, masters,
26 or doctorate degree, including high school students

1 simultaneously enrolled at institutions of higher
2 education while attending high school.

3 This bill would also provide that federal
4 funds that are paid directly to the student may not
5 be considered in the determination of tuition
6 benefits provided under the Educational Trust Fund
7 Appropriation Act.

8
9 A BILL
10 TO BE ENTITLED
11 AN ACT
12

13 Relating to higher education and the Alabama
14 National Guard; to amend Section 16-64-2 and Section 31-10-3,
15 as last amended by Act 2017-349 of the 2017 Regular Session,
16 Code of Alabama 1975, to provide that a member of the Alabama
17 National Guard does is not required to reside in the state for
18 at least two years before he or she can qualify as a resident
19 student to receive state educational benefits associated with
20 his or her service; to provide that an active member of the
21 Alabama National Guard does is not required to be a resident
22 of Alabama in order for the Alabama Commission on Higher
23 Education to pay or reimburse the qualifying tuition for that
24 person; to provide that the Alabama Commission on Higher
25 Education may pay or reimburse the qualifying tuition for an
26 active member of the Alabama National Guard, including high
27 school students simultaneously enrolled at institutions of

1 higher education while simultaneously attending high school in
2 the state; and to provide that federal funds that are paid
3 directly to the student may not be considered in the
4 determination of tuition benefits provided under the
5 Educational Trust Fund Appropriation Act.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Section 16-64-2 and Section 31-10-3, as
8 last amended by Act 2017-349 of the 2017 Regular Session, Code
9 of Alabama 1975, are amended to read as follows:

10 "§16-64-2.

11 "(a) For purposes of admission and tuition, a public
12 institution of higher education may consider that the term
13 resident student includes any of the following:

14 "(1) One who, at the time of registration, is not a
15 minor and satisfies one of the following:

16 "a. Is a full-time permanent employee of the
17 institution at which the student is registering or is the
18 spouse of such an employee.

19 "b. Can verify full-time permanent employment within
20 the State of Alabama or is the spouse of such an employee and
21 will commence the employment within 90 days of registration
22 with the institution.

23 "c. Is employed as a graduate assistant or fellow by
24 the institution at which the student is registering.

25 "d. Is an accredited member of or the spouse of an
26 accredited member of a consular staff assigned to duties in
27 Alabama.

1 "e. Is in a program or takes courses within an
2 interstate consortium of colleges or universities that either
3 offers reciprocal resident student tuition to residents of
4 Alabama in the program or courses offered by colleges or
5 universities not within Alabama, or is enrolled in a program
6 or courses through an interstate consortium of colleges or
7 universities that assesses tuition at a uniform rate for all
8 students enrolled in that course or program.

9 "f. Is, at the time of passage of this chapter, a
10 student enrolled at a public college or university and who is
11 currently classified as a resident for tuition purposes
12 provided such student maintains continuous enrollment at that
13 institution.

14 "(2) One who, at the time of registration, is a
15 minor and whose supporting person satisfies one of the
16 following:

17 "a. Is a full-time permanent employee of the
18 institution at which the student is registering.

19 "b. Can verify full-time permanent employment within
20 the State of Alabama and will commence the employment within
21 90 days of registration with the institution.

22 "c. Is an accredited member of a consular staff
23 assigned to duties in Alabama.

24 "(b) For purposes of admission and tuition, a public
25 institution of higher education shall consider that the term
26 resident student includes any of the following:

1 "(1) One who, at the time of registration, is not a
2 minor and satisfies one of the following:

3 "a. Is a member or the spouse of a member of the
4 United States military on full-time active duty stationed in
5 Alabama under orders other than attending school.

6 **"b. Commencing on May 22, 2012, ~~has been~~ is a**
7 **member of the Alabama National Guard ~~for a period of at least~~**
8 **~~two years immediately preceding the student qualifying for~~**
9 **~~resident tuition and continues to be a member of the Alabama~~**
10 **~~National Guard~~ while enrolled at the public institution of**
11 **higher education.**

12 "c. Is a veteran of the Armed Forces of the United
13 States, provided that the veteran has become a resident of
14 Alabama and satisfies at least one of the following
15 conditions:

16 "1. The veteran has served on active duty for a
17 continuous period of time, not less than two years, and has
18 received an honorable discharge as verified by a United States
19 Department of Defense Form 214 within five years of enrolling
20 in an Alabama public institution of higher education.

21 "2. The veteran is currently serving in a reserve
22 component of the Armed Forces of the United States, as
23 verified by a memorandum from the commanding officer of the
24 veteran student.

25 "3. The veteran has been assigned a
26 service-connected disability by the United States Department
27 of Veterans Affairs.

1 "d. Is an out-of-state veteran who resides within 90
2 miles of a campus located in Alabama and has enrolled at an
3 institution whose board of trustees has voted to allow
4 nonresident in-state tuition for active and retired military.

5 "(2) One who, at the time of registration, is a
6 minor and whose supporting person is a member of the United
7 States military on full-time active duty stationed in Alabama
8 under orders for duties other than attending school.

9 "(3) One who, at the time of registration, is a
10 full-time undergraduate student enrolled at an institution
11 whose board of trustees has authorized resident tuition rates
12 to apply to those non-resident students receiving a partial or
13 full scholarship award in recognition of a particular talent
14 or ability, provided such student possessed the talent or
15 ability at the time of initial enrollment and maintains
16 continuous scholarship eligibility at that institution.

17 "(c) The boards of trustees of each public
18 institution of higher education in the state shall adopt rules
19 and guidelines necessary to implement this section. It is the
20 intent of the Legislature that constitutionally created boards
21 of trustees comply with the requirements of this section.

22 "§31-10-3.

23 "Subject to the annual appropriation in the annual
24 Education Trust Fund Appropriation Act, provided such annual
25 appropriations shall not exceed ~~\$10,000,000~~ ten million
26 dollars (\$10,000,000), the Alabama Commission on Higher
27 Education is hereby authorized to pay or reimburse the

1 qualifying tuition for any active member of the Alabama
2 National Guard who is enrolled in a program leading to the
3 associate, baccalaureate, masters, or doctorate degree in an
4 accredited institution of higher learning, community or
5 technical college within the State of Alabama. ~~Such~~ The
6 payments or reimbursements shall be made timely at the end of
7 each academic quarter or semester for all tuition
8 reimbursements, and shall be made on the basis of certified
9 invoices submitted by ~~such~~ the institution or school to the
10 Alabama Commission on Higher Education, and shall be supported
11 by names of the students receiving ~~such~~ the benefits, together
12 with the amounts claimed for each student. To be eligible for
13 ~~such~~ the benefits, the individual, at the time of his or her
14 enrollment must be an active member of the Alabama National
15 Guard in good standing and an active member of a federally
16 recognized unit of the Alabama National Guard. The member must
17 be at least 17 years of age ~~and must be a resident of the~~
18 ~~State of Alabama~~. The tuition reimbursement authorized under
19 this article may be used for undergraduate or graduate studies
20 and includes high school students who are simultaneously
21 enrolled at a qualifying institution of higher education. In
22 no event will any individual be eligible to receive more than
23 100 percent of qualified tuition when combined with ~~similar~~
24 federal veterans' educational benefits available to members of
25 the National Guard. Federal funds that are paid directly to
26 the student may not be considered in determining tuition
27 benefits provided by this article. All applicants for tuition

1 reimbursement shall complete a Free Application for Student
2 Financial Aid (FAFSA). No person shall be eligible for tuition
3 reimbursement for more than 12 years after the date of the
4 first tuition payment to him or her under this article. For
5 degrees above the baccalaureate, only 10 percent of the total
6 funds of the benefit program are to be utilized. The Alabama
7 Commission on Higher Education shall set up minimum standards
8 for performance that must be met in order to maintain
9 eligibility for the continuation of the receipt of tuition
10 reimbursements under this article that will ensure a member
11 will maintain at least a 2.0 cumulative grade point average.
12 In the event that requests for tuition reimbursements provided
13 for in this ~~chapter~~ article from the institutions for
14 educational benefits in any fiscal year exceed the
15 appropriated amount, then the reimbursements will be prorated
16 equally among the institutions on a percentage basis of the
17 total invoices received by ACHE and paid accordingly. ~~Such~~ The
18 reimbursement shall be made promptly at the end of each
19 academic quarter or semester for all certified invoices."

20 Section 2. This act shall become effective on the
21 first day of the third month following its passage and
22 approval by the Governor, or its otherwise becoming law.