

**CHAPTER NO. 477**

**SENATE BILL NO. 127**

**By Cooper, Crowe, Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Curtis S. Person, Jr., Ramsey, Southerland, Trail, Williams, Mr. Speaker Wilder**

**Substituted for: House Bill No. 233**

**By Bone, Cooper, Mr. Speaker Naifeh, McMillan, Head, Gresham, Black, Lynn, Rowland, Phillip Johnson, Crider, Pleasant, DuBois, Stanley, Dunn, Casada, Bittle, Sharp, Brenda Turner, Vincent, Mumpower, Odom, Fraley, Coleman, Fowlkes, McDonald, Sontany, Curtiss, Davidson, Harmon, Wood, Hargett, Eldridge, Miller, Maddox, Marrero, Ferguson, Cobb, Harry Brooks, Fitzhugh, Shepard, Godsey, Patton, Litz, Yokley, Montgomery, Buttry, Davis, Overbey, Russell Johnson, McCord, Roach, McKee, Todd, Kent, Baird, Pinion, Ulysses Jones, Winningham, Armstrong, Hensley, McDaniel, West, Hood, Windle, Cochran, Langster, Hargrove, Rinks, Briley, Garrett, Sherry Jones, Pruitt, Michael Turner, Bunch**

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 4 and Title 58, Chapter 1, to enact the "Tennessee National Guard Tuition Assistance Act".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Tennessee National Guard Tuition Assistance Act".

SECTION 2. The purpose of this act is to encourage non-prior service persons to become members of the Tennessee National Guard and to encourage retention of those members already serving in the Tennessee National Guard.

SECTION 3. The following definitions shall apply to Sections 1 through 6 of this act:

(1) "Educational institution" means any state-supported university, community college, or vocational or technical school or any private college or university located within the State of Tennessee;

(2) "Member" means an active member of a federally recognized unit of the Tennessee National Guard who is maintaining satisfactory membership as defined by regulations of the Department of the United States Army and the Department of the United States Air Force;

(3) "Tennessee National Guard" means the federally recognized units of the Tennessee Army and Air National Guard; and

(4) "Tuition" means the total semester, quarter, or classroom hour cost of instruction delineated in the catalog of an educational institution.

SECTION 4. The Tennessee National Guard Tuition Assistance Program (hereinafter the "program") is hereby created to provide members of the Tennessee National Guard with the opportunity to attend an educational institution. Such tuition assistance program shall be established under the authority of the Adjutant General of Tennessee who shall promulgate administrative rules and regulations, in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, to establish eligibility requirements for participation in such program and to provide for the financial management of such program.

SECTION 5. Upon certification by the adjutant general that the member is eligible, the military department, to the extent that funds have been appropriated therefor by the General Appropriations Act and are available to the program, shall pay the cost of the member's tuition at an educational institution, on behalf of and for the benefit of the eligible member, in such manner and with such documentation as required by the educational institution and on such forms as may be established and required by rule or regulation promulgated by the Adjutant General of Tennessee.

SECTION 6. Any active member of the Tennessee National Guard who is not a Tennessee resident shall qualify for the tuition assistance benefits provided by this act subject to the following conditions:

(1) The member is enrolled in an educational institution within the state;

(2) The tuition assistance benefits provided to the member who is an out-of-state resident shall not exceed the amount of in-state tuition assistance the member would receive if the member were a Tennessee resident; and

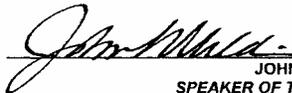
(3) The tuition assistance benefits provided to the member who is enrolled at a private college or university shall not exceed the amount of in-state tuition assistance the member would receive if the member were enrolled at a state-supported educational institution.

SECTION 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 8. The provisions of this act shall not be construed to be an appropriation of funds, and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the General Appropriations Act.

SECTION 9. This act shall take effect July 1, 2004, the public welfare requiring it.

PASSED: March 25, 2004

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 8<sup>th</sup> day of April 2004

  
PHIL BREDESEN, GOVERNOR