

1 SB390  
2 119147-2  
3 By Senator Orr  
4 RFD: Veterans and Military Affairs  
5 First Read: 09-FEB-10

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 Relating to veterans' educational benefits; to amend  
12 Section 31-6-11, Code of Alabama 1975, to provide for proof of  
13 eligibility of benefits for certain veterans; to provide that  
14 certain disabled veterans who have been a permanent resident  
15 of the state for 10 years and the spouse or children of such  
16 veterans may apply to the State Department of Veterans'  
17 Affairs for educational benefits for disabled veterans and  
18 their spouses and children; to authorize the department to  
19 develop criteria for awarding the educational benefits; and to  
20 require the provision of such benefits to be contingent on the  
21 funding and resources of the department.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Section 31-6-11, Code of Alabama 1975, is  
24 amended to read as follows:

25 "§31-6-11.

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

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

3 "(1) Identification~~7.~~

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

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

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

18 "(1) Establishing the identification of ~~such the~~  
19 wife, widow or child as the wife, widow or child of the  
20 veteran or serviceman, as the case may be~~7.~~

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

1 service or proof that ~~such~~ the veteran has been a bona fide  
2 resident of this state for at least five years immediately  
3 prior to the filing of the application for benefits under this  
4 chapter or immediately prior to his or her death if the  
5 veteran is deceased; ~~and,~~

6 "(3) An honorable discharge or other proof of  
7 honorable termination of service of the veteran or serviceman  
8 in the armed forces for a period of at least 90 days between  
9 the dates mentioned in this chapter, or service of less than  
10 90 days if the veteran or serviceman was discharged or  
11 released by reason of service-connected disability.

12 "(c) If the application for benefits is made  
13 pursuant to Section 2 of this act, the veteran or the spouse  
14 or child of the veteran, as the case may be, shall submit  
15 proof of all of the following:

16 "(1) Identification of the veteran or identification  
17 establishing the identity of the spouse or child as the spouse  
18 or child of the veteran.

19 "(2) Of the veteran having a service connected  
20 disability rating of 50 to 90 percent.

21 "(3) Of the veteran having been a permanent resident  
22 of the state for at least 10 years immediately prior to filing  
23 application for benefits.

24 "(4) Additional information concerning other  
25 criteria the State Department of Veterans' Affairs may  
26 require.

1           "~~(c)~~(d) The service upon which any benefits are  
2 awarded under this chapter shall have been rendered during  
3 wartime or under extrahazardous conditions; and this condition  
4 of eligibility shall be established by the State Department of  
5 Veterans' Affairs."

6           Section 2. Any veteran with a service connected  
7 disability rating of 50 to 90 percent who has been a permanent  
8 resident of the state at least 10 years prior to application  
9 for benefits or the spouse or child of such veteran may apply  
10 to the State Department of Veterans' Affairs to receive  
11 educational benefits. The department may develop by rule  
12 criteria for awarding benefits or otherwise limit benefits  
13 available to veterans or spouses or children of veterans  
14 pursuant to this section based on the availability of funding  
15 and other resources necessary to administer the benefits. In  
16 all cases, benefits awarded pursuant to this section shall be  
17 contingent upon sufficient funding and resources.

18           Section 3. This act shall become effective on the  
19 first day of the third month following its passage and  
20 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate committee on Veterans and Military Affairs .....	09-FEB-10
Read for the second time and placed on the calen- dar .....	17-FEB-10
Read for the third time and passed as amended ...	08-APR-10

Yeas 32  
Nays 0

McDowell Lee  
Secretary