

1 SB85  
2 158125-8  
3 By Senators Taylor, Fielding, Hightower, Holley, Whatley,  
4 Dial, Glover, Waggoner, Marsh, Reed, Williams and Scofield  
5 RFD: Veterans and Military Affairs  
6 First Read: 14-JAN-14  
7 PFD: 01/09/2014

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 To amend Sections 31-6-2, 31-6-4, 31-6-5, 31-6-6,  
12 31-6-11, and 31-6-15 of the Code of Alabama 1975, relating to  
13 the educational scholarship benefits for postsecondary  
14 education to dependents of veterans; to remove the requirement  
15 that in order to qualify for the benefits any service of the  
16 veteran had to have been during wartime or extrahazardous  
17 conditions for dependents seeking benefits for the first time  
18 beginning with the fall term of the 2014-2015 academic year;  
19 to allow dependents denied educational scholarship benefits  
20 due to service of the veteran not meeting the wartime or  
21 extrahazardous conditions requirement to receive the full  
22 educational benefits for which they were initially entitled;  
23 to limit the educational scholarship benefits for new  
24 scholarship recipients seeking benefits for the first time  
25 beginning with the fall term of the 2014-2015 academic year to  
26 undergraduate courses of study only and the value of the

1 benefits to the in-state tuition rate of the school attended  
2 by the scholarship recipient.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 31-6-2, 31-6-4, 31-6-5, 31-6-6,  
5 31-6-11, and 31-6-15 of the Code of Alabama 1975, are amended  
6 to read as follows:

7 "§31-6-2.

8 "For the purposes of this chapter, the following  
9 terms shall have the meanings ascribed to them by this  
10 section:

11 "(1) ARMED FORCES. Such term shall include the  
12 United States Army, Air Force, Navy, Marine Corps, and Coast  
13 Guard, and such term shall also include the units of those  
14 branches of the services having women troops. It shall also  
15 include the Army, Navy, Marine Corps, and Coast Guard Nurse  
16 Corps.

17 "~~(4)~~ (2) HUSBAND. Such term shall mean spouse.

18 "(3) TUITION. Fees for instruction.

19 "~~(2)~~ (4) TUITION AND FEES. All fees known and  
20 classed as instructional fees.

21 "(5) WIDOW. Such term shall mean widow or widower.

22 "~~(3)~~ (6) WIFE. Such term shall mean spouse.

23 "§31-6-4.

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

25 "(1) Was killed or died in line of duty or is listed  
26 as missing in action or is/was a prisoner of war or whose

1 death or permanent total disabilities were service-connected  
2 while serving as a member of the armed forces; or

3 "(2) Died from a disability incurred from military  
4 service, as established by the State Department of Veterans'  
5 Affairs, after having been discharged under conditions other  
6 than dishonorable and after having served at least 90 days  
7 consecutively in the armed forces prior to and/or subsequent  
8 to the date on which such disability occurred, or who was  
9 honorably discharged by reason of wartime, service-connected  
10 disability after serving less than 90 days; or

11 "(3) Has been assigned 100 percent permanent or  
12 total disability rated by the United States Veterans'  
13 Administration, or was discharged or retired from the armed  
14 forces with a 20 percent or more disability and maintained  
15 that percentage (such person to be deemed to be a disabled  
16 veteran)  
17 may attend any Alabama state institution of higher learning,  
18 college, or university for a period of five standard academic  
19 years, not to exceed 45 months or the equivalent of 45 months  
20 if enrolled part-time, without paying any tuition, fees, or  
21 books whatsoever for such college or university attendance, or  
22 any such child may take a prescribed course in any Alabama  
23 state trade school for the length of any prescribed course of  
24 study of his or her choosing, and if such course does not  
25 require the full 45 months, then training for the remainder of  
26 such 45 months' entitlement may be taken at a state-supported  
27 college or university only, without the payment of any

1 tuition, fees, or books whatsoever. Training under this  
2 section must be initiated prior to the child's thirtieth  
3 birthday, and must be completed within eight years after its  
4 initiation, except for delays caused by military service  
5 during the training period, and in no case may training be  
6 received under this chapter beyond the thirty-eighth birthday  
7 of such child.

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

16 "§31-6-5.

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

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

22 "(2) Died from a disability incurred from military  
23 service; or

24 "(3) Is 100 percent permanently and totally  
25 disabled, whose permanent and total disabilities were  
26 service-connected;

1 shall be entitled to training in any Alabama state-supported  
2 college or university for a period of five standard academic  
3 years, not to exceed 45 months or to training for the  
4 equivalent of 45 months if enrolled part-time or to training  
5 in a prescribed course in a state-supported trade school, and  
6 if such course does not require the full 45 months, then  
7 training for the remainder of such 45 months' entitlement may  
8 be taken at a state-supported college or university only,  
9 without the payment of any tuition, fees, or books,  
10 whatsoever. One change of program will be allowed without  
11 counseling. All training received under this section must be  
12 completed within eight years after the beginning date of the  
13 course. This section shall not apply to the spouse of any such  
14 deceased serviceman or veteran who has remarried prior to  
15 applying for and obtaining educational benefits under this  
16 section, and should any such spouse of such deceased  
17 serviceman or veteran remarry during the time he or she is in  
18 attendance upon any of the schools, colleges, or universities  
19 mentioned in this section, then he or she shall pay tuition  
20 and fees for the course of study or attendance upon such  
21 school, college, or university from the time of the  
22 remarriage. The benefits provided under this section shall be  
23 in addition to federal government benefits.

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 "§31-6-6.

6 "(a) The spouse and children of any veteran who is  
7 suffering from 20 to 90 percent service-connected disability  
8 brought about from service in the Armed Forces of the United  
9 States, or the unmarried widow or widower and children of a  
10 deceased veteran who was suffering from 20 percent or more of  
11 service-connected disability at the time of death, provided  
12 such disabilities as are mentioned herein are incurred from  
13 military service, as established by the State Department of  
14 Veterans' Affairs, shall be entitled to the following  
15 educational advantages and opportunities:

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

1           "(2) Each child of such disabled veteran shall be  
2           entitled to five standard academic years, or the equivalent of  
3           45 months if enrolled part-time, in any Alabama  
4           state-supported institution of higher learning, college, or  
5           university, or to a prescribed course at an Alabama  
6           state-supported trade school. If the course of training at the  
7           trade school does not require the full time to which such  
8           child is entitled hereunder, then the remaining entitlement  
9           may be taken in a state-supported college or university only,  
10          without payment of any tuition, fees, or books. One change of  
11          program will be allowed without counseling. Training under  
12          this subdivision must be initiated prior to the child's  
13          twenty-sixth birthday, and must be completed within eight  
14          years after its initiation, except for delays caused by  
15          military service during the training period, and in no case  
16          may training be received under this section beyond the  
17          thirty-fourth birthday of such child.

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



1           "~~(b)~~ (c) The benefits provided under this section  
2 shall be available in addition to federal government benefits.  
3 Any child, spouse, or unmarried widow or widower who was  
4 denied full entitlement, 27 or 45 months, whichever the case  
5 may be, shall have the remainder of their entitlement  
6 reinstated under this chapter.

7           "§31-6-11.

8           "(a) Before an application of any veteran for  
9 benefits under this chapter can be approved, such veteran  
10 shall submit proof, satisfactory to the State Department of  
11 Veterans' Affairs, of all of the following:

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

13           "(2) Having been a permanent resident of the State  
14 of Alabama for at least one year immediately prior to his or  
15 her entrance into service~~7~~; ~~and~~.

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

21           "(b) Before the application of a wife, widow, or  
22 child of a disabled veteran or a deceased veteran or  
23 serviceman for educational benefits under this chapter is  
24 approved, proof, satisfactory to the State Department of  
25 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~~7~~.

4           "(2) Of ~~such~~ the veteran or serviceman having been a  
5 permanent resident of the State of Alabama for at least one  
6 year immediately prior, to his or her entrance into service,  
7 or if the applicant is the wife, widow, or child of a totally  
8 and permanently disabled veteran, then proof either of the  
9 veteran's having been a permanent resident of the State of  
10 Alabama for at least one year prior to his or her entrance  
11 into service or proof that ~~such~~ the veteran has been a bona  
12 fide resident of this state for at least five years  
13 immediately prior to the filing of the application for  
14 benefits under this chapter or immediately prior to his or her  
15 death if the veteran is deceased~~7~~and~~7~~.

16           "(3) An honorable discharge or other proof of  
17 honorable termination of service of the veteran or serviceman  
18 in the armed forces for a period of at least 90 days between  
19 the dates mentioned in this chapter, or service of less than  
20 90 days if the veteran or serviceman was discharged or  
21 released by reason of service-connected disability.

22           "(c) The service upon which any benefits are awarded  
23 under this chapter shall have been rendered during wartime or  
24 under extrahazardous conditions, except as provided otherwise  
25 in this section; and this condition of eligibility shall be  
26 established by the State Department of Veterans' Affairs."

1           "(d) The service requirements provided for in  
2           subsection (c) shall not apply to any person making  
3           application for benefits under this chapter beginning with the  
4           fall term of the 2014-2015 academic year, and thereafter.

5           "(e) Notwithstanding any other provision of this  
6           chapter to the contrary, any person denied educational  
7           benefits provided by this chapter based solely upon the  
8           service requirements provided for in subsection (c) shall be  
9           eligible to receive the benefits the person would otherwise  
10          have been entitled to had their application been approved at  
11          the time of initial application, except as provided otherwise  
12          in this subsection. Any age limitation on the benefits  
13          provided by this chapter shall be extended in like manner for  
14          any such previously denied person to ensure that the person  
15          has the opportunity to receive all benefits they would  
16          otherwise have been entitled. In order to receive any  
17          educational benefits, such previously denied person must  
18          reapply for educational benefits with the State Department of  
19          Veterans' Affairs and begin use of the educational benefits no  
20          later than the fall term of the 2015-2016 academic year. The  
21          value of tuition paid for any such previously denied person  
22          shall be limited to the in-state tuition rate of the Alabama  
23          state institution of higher learning, college, or university  
24          attended.

25                "§31-6-15.

26                "There is hereby appropriated from the Education  
27                Trust Fund such an amount as may be necessary to reimburse

1 every Alabama state institution of higher learning, college,  
2 university, or Alabama state trade school or junior college in  
3 which benefits are given to veterans, their wives, widows, or  
4 children under this chapter. Such reimbursement shall be made  
5 at the end of each academic quarter or semester for all  
6 tuition and fees waived by such institution, college,  
7 university, or school under this chapter, and shall be made on  
8 the basis of certified invoices submitted by such institution  
9 or school to the State Department of Veterans' Affairs, and  
10 shall be supported by names of the students receiving such  
11 benefits, together with the amounts claimed for each student."

12 Section 2. This act shall become effective  
13 immediately following its passage and approval by the  
14 Governor, or its otherwise becoming law.

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2  
3 Senate  
  
4 Read for the first time and referred to the Senate  
5 committee on Veterans and Military Affairs ..... 14-JAN-14  
6  
7 Read for the second time and placed on the calen-  
8 dar..... 22-JAN-14  
9  
10 Read for the third time and passed as amended .... 20-FEB-14

11 Yeas 32  
12 Nays 0

13  
14  
15 Patrick Harris  
16 Secretary  
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