- 1 SB119
- 2 216156-1
- 3 By Senators Barfoot and Butler
- 4 RFD: Veterans and Military Affairs
- 5 First Read: 18-JAN-22

1	216156-1:n:01/05/2022:KMS*/cmg LSA2022-43
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8	SYNOPSIS: Under existing law, the Alabama G.I. and
9	Dependents' Educational Benefit Act provides
10	scholarship benefits for postsecondary education to
11	the dependents of veterans based on certain
12	conditions.
13	This bill would provide that the scholarship
14	benefits are provided for instruction at any public
15	or private two-year or four-year institution of
16	higher education that is physically located in the
17	state and receives state funds.
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19	A BILL
20	TO BE ENTITLED
21	AN ACT
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23	Relating to the Alabama G.I. and Dependents'
24	Educational Benefit Act; to amend Sections 31-6-2 and 31-6-4,
25	as last amended by Act 2021-444, 2021 Regular Session, and
26	Sections 31-6-5, 31-6-6, 31-6-8, 31-6-9, 31-6-11, 31-6-12,
27	31-6-13 $31-6-15$ $31-6-15$ 1 and $31-6-16$ Codo of Alabama

1 1975, to provide that scholarship benefits may be used for 2 instruction at any public or private two-year or four-year institution of higher education located in the state that 3 receives state funds; and to make nonsubstantive, technical 4 5 revisions to update the existing code language to current 6 style. 7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA: Section 1. Sections 31-6-2 and 31-6-4, as last 8 amended by Act 2021-444, 2021 Regular Session, and Sections 9 10 31-6-5, 31-6-6, 31-6-8, 31-6-9, 31-6-11, 31-6-12, 31-6-13, 31-6-15, 31-6-15.1, and 31-6-16 of the Code of Alabama 1975, 11 are amended to read as follows: 12 13 "§31-6-2. "For the purposes of this chapter, the following 14 15 terms shall have the meanings ascribed to them by this 16 section: 17 "(1) ARMED FORCES. The term includes Includes the 18 United States Army, Air Force, Navy, Marine Corps, Space 19 Force, and Coast Guard. The term also includes the units of 20 those branches of the services having women troops and the 21 Army, Navy, Marine Corps, Space Force, and Coast Guard Nurse 22 Corps. "(2) COMPREHENSIVE TRANSITION AND POSTSECONDARY 23 24 PROGRAM FOR STUDENTS WITH INTELLECTUAL DISABILITIES. Has the 25 same meaning as in 20 U.S.C. § 1140. 26 "(3) HUSBAND. Spouse.

"(3) SPOUSE. Husband or wife.

1	"(4) STATE-SUPPORTED SCHOOL. Any regionally
2	accredited public or private two-year or four-year institution
3	of higher education physically located in the state that
4	receives a direct appropriation from the state or whose
5	resident students may receive appropriations from the state
6	through the Alabama Student Grant Program.
7	" $\frac{(4)}{(5)}$ TUITION. Fees for instruction.
8	" $\frac{(5)}{(6)}$ TUITION AND FEES. All fees known and classed
9	as instructional fees.
10	" $\frac{(6)}{(7)}$ WIDOW or WIDOWER. An individual whose spouse
11	is deceased.
12	" (7) WIFE. Spouse.
13	" §31-6-4.
14	"(a) Any child whose father or mother:
15	"(1) Was killed or died in $\underline{\text{the}}$ line of duty or is
16	listed as missing in action or is/was a prisoner of war or
17	whose death or permanent total disabilities were
18	service-connected while serving as a member of the armed
19	forces;
20	"(2) Died from a disability incurred from military
21	service, as established by the State Department of Veterans'
22	Affairs, after having been discharged under conditions other
23	than dishonorable and after having served at least 90 days
24	consecutively in the armed forces prior to and/or subsequent
25	to the date on which the disability occurred, or who was
26	honorably discharged by reason of wartime, service-connected
27	disability after serving less than 90 days;

"(3) Was killed or died while on state active duty status as defined in Section 31-12-1, or whose death results proximately and within three years from an injury received while on state active duty status; or

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"(4) Has been assigned 100 percent permanent or total disability rated by the United States Veterans' Administration, or was discharged or retired from the armed forces with a 40 percent or more disability and maintained that percentage (such person to be deemed to be a disabled veteran); may attend any Alabama state institution of higher learning, college, or university state-supported school for a period of five standard academic years, not to exceed 45 months or the equivalent of 45 months if enrolled part-time, pursuant to the tuition reimbursement quidelines as provided in subsection (c) for such college or university state-supported school attendance, or any such child may take a prescribed course in any Alabama state-supported community or technical college school for the length of any prescribed course of study of his or her choosing, and if such course does not require the full 45 months, then training for the remainder of the 45 months' entitlement may be taken at a state-supported college or university school only, pursuant to the tuition reimbursement guidelines as provided in subsection (c). Training under this section must be initiated prior to the child's thirtieth birthday, and must be completed within eight years after its initiation, except for delays caused by military service during the training period, and in no case

may training be received under this chapter beyond the thirty-eighth birthday of such the child.

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

"(c) For those first filing for benefits under this chapter on or after July 31, 2017, the educational benefit shall be for tuition reimbursement and books and fees reimbursement. The value of tuition paid per semester hour (or equivalent) shall be limited to the rate of the Department of Defense Tuition Assistance Cap. The value of the books and fees paid per semester shall be limited to one thousand dollars (\$1,000) per student.

"(d) For the purpose of the minimum disability requirement provided for in subdivision (a)(4), the dependent of any veteran whose disability rating as of July 31, 2017, is at least 20 percent but less than 40 percent shall qualify for the benefits of this chapter, provided that the dependent shall file application for such benefits before July 31, 2023, and the dependent is reasonably expected to be eligible to

attend an Alabama institution of higher learning, college or

university a state-supported school in the next academic year.

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- "(a) Any wife or husband spouse or unmarried widow or widower whose spouse, during their marriage:
- "(1) Was killed or died in the line of duty or is listed as missing in action or is/was a prisoner of war while serving as a member of the armed forces;
- "(2) Died from a disability incurred from military service; or
- "(3) Is 100 percent permanently and totally disabled, whose permanent and total disabilities were service-connected; shall be entitled to training in any Alabama state-supported college or university school for a period of five standard academic years, not to exceed 45 months, or to training for the equivalent of 45 months if enrolled part-time, or to training in a prescribed course in a state-supported community or technical college <u>school</u>, and if such the course does not require the full 45 months, then training for the remainder of such 45 months' entitlement may be taken at a state-supported college or university school only, pursuant to the tuition reimbursement guidelines as provided in subsection (c). One change of program will be allowed without counseling. All training received under this section must be completed within eight years after the beginning date of the course. This section shall not apply to the spouse of any such deceased serviceman or veteran who has

remarried prior to applying for and obtaining educational benefits under this section, and should any such spouse of such the deceased serviceman or veteran remarry during the time he or she is in attendance upon any of the state-supported schools, colleges, or universities mentioned in this section, then he or she shall pay tuition and fees for the course of study or attendance upon such state-supported school, college, or university from the time of the remarriage. The benefits provided under this section shall be in addition to federal government benefits.

- "(b) Except as provided in Section 31-6-11(e), the educational benefits provided by this section to wives, husbands, spouses and unmarried widows or widowers making application for benefits for the first time beginning with the fall term of the 2014-2015 academic year, and thereafter, shall be limited to undergraduate courses of study only, and the value of tuition paid shall be limited to the in-state tuition rate of the Alabama state-supported college or university school attended.
- "(c) For those first filing for benefits under this chapter on or after July 31, 2017, the educational benefit shall be for tuition reimbursement and books and fees reimbursement. The value of tuition paid per semester hour (or equivalent) shall be limited to the rate of the Department of Defense Tuition Assistance Cap. The value of the books and fees paid per semester shall be limited to \$1,000 one thousand dollars (\$1,000) per student.

1 "\$31-6-6.

"(a) The spouse and children of any veteran who is suffering from 40 to 90 percent service-connected disability brought about from service in the Armed Forces of the United States, or the unmarried widow or widower and children of a deceased veteran who was suffering from 40 percent or more of service-connected disability at the time of death, provided such the disabilities as are mentioned herein are incurred from military service, as established by the State Department of Veterans' Affairs, shall be entitled to the following educational advantages and opportunities:

"(1) The spouse or unmarried widow or widower, as the case may be, shall be entitled to up to 27 months of schooling, or the equivalent of 27 months if enrolled part-time, in any Alabama state-supported institution of higher learning, college, or university school, or to a prescribed course in any Alabama state-supported community or technical college school, pursuant to the tuition reimbursement guidelines as provided in subsection (d). One change of program will be allowed without counseling. It is provided, however, that all All training received at state institutions of higher learning or state-supported community or technical college schools under this subdivision must be completed within a period of six years after the beginning date of such two-year course or such prescribed course.

"(2) Each child of $\frac{a}{a}$ disabled veteran shall be entitled to five standard academic years, or the equivalent of

45 months if enrolled part-time, in any Alabama state-supported institution of higher learning, college, or university school, or to a prescribed course at an Alabama a state-supported community or technical college school. If the course of training at the community or technical college state-supported school does not require the full time to which such the child is entitled hereunder, then the remaining entitlement may be taken in a state-supported college or university school only, pursuant to the tuition reimbursement guidelines as provided in subsection (d). One change of program will be allowed without counseling. Training under this subdivision must be initiated prior to the child's twenty-sixth birthday, and must be completed within eight years after its initiation, except for delays caused by military service during the training period, and in no case may training be received under this section beyond the thirty-fourth birthday of such the child.

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"(b) For the purpose of the minimum disability requirement provided for in subsection (a), the dependent of any veteran whose disability rating as of July 31, 2017, is at least 20 percent but less than 40 percent shall qualify for the benefits of this chapter, provided that the dependent shall file application for such benefits before July 31, 2023, and the dependent is reasonably expected to be eligible to attend an Alabama institution of higher learning, college or university a state-supported school in the next academic year.

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

"(d) For those first filing for benefits under this chapter on or after July 31, 2017, the educational benefit shall be for tuition reimbursement and books and fees reimbursement. The value of tuition paid per semester hour (or equivalent) shall be limited to the rate of the Department of Defense Tuition Assistance Cap. The value of the books and fees paid per semester shall be limited to \$1,000 one thousand dollars (\$1,000) per student.

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

"§31-6-8.

"Every bona fide permanent resident of at least one year's residence in the State of Alabama immediately prior to entrance into service, who serves in the Armed Forces of the

United States at least 24 months at any time after August 4, 1964, but before the end of the Vietnam War period as determined by the President or the Congress of the United States, or who is or was released or discharged from such service, under conditions other than dishonorable, by reason of wartime service-connected disability after serving less than 24 months, shall be entitled to take any extension or correspondence course from any state college or university state-supported school offering same, without the payment of any fees or charge for such extension or correspondence course. The veteran taking advantage of this provision of this chapter must do so within four years from the date of his or her discharge; provided, however, no veteran shall be entitled to such the correspondence or extension course during the time he or she is receiving educational benefits under any federal statute, or if he or she has already received maximum benefits to which he or she was entitled under any federal statute.

"§31-6-9.

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- "(a) For those dependents who first file for benefits under this chapter prior to July 31, 2017, the benefits provided under this chapter shall be in addition to any other state or federal benefits to which that dependent may be entitled.
- "(b) For dependents who first file for benefits under this chapter on or after July 31, 2017:
- "(1) To the extent permitted by law, prior to applying any benefits provided for under this chapter,

institutional certifying officials and financial aid officials
shall first apply other federal, state, institutional, and
third party scholarships and grants awarded to the dependent
for that academic period for payment of required educational
expenses during an academic period.

"(2) A completed Free Application for Federal Student Aid (FAFSA), or the equivalent, must be submitted to the United States Department of Education for each year in which the dependent receives benefits under this chapter. The dependent shall have applied for all federal student financial aid grants, including, but not limited to, Pell Grants, Supplemental Education Opportunity Grants, and Education and Training Vouchers, identified as being available for the student's application by Federal Student Aid, an office of the United States Department of Education, or its successor agency.

"(3) All students receiving educational benefits under this chapter and the educational institutions

state-supported schools they attend must comply with the standards of Satisfactory Academic Progress (SAP) as required for Title IV benefits under the Higher Education Act and as defined by that education institution state-supported school. Those students who would no longer be eligible to receive Title IV benefits due to a failure to meet SAP standards shall no longer be eligible to receive benefits under this chapter. Education institutions Each state-supported school shall notify the Alabama Department of Veterans Affairs of any

student who currently holds a certificate of eligibility for benefits under this chapter who is no longer eligible to receive benefits due to a failure to meet SAP standards and the effective date of that change in eligibility.

- "(4) The dependent shall ensure that all state-supported schools they attend he or she attends under this program are authorized to release such personally identifiable information to the Alabama Department of Veterans Affairs as is required for the determination of that dependent's continued eligibility and as required for the completion of all reports required by law.
- "(c) Any dependent who receives benefits under this chapter, and whose benefit period is interrupted due to accident, injury, or illness, shall have the benefit time period which is lost due to such accident, illness, or injury restored to him or her.
- "(d) Notwithstanding any other provision of this chapter to the contrary, dependents of any veteran whose disability rating, if any, prior to May 23, 2017, was less than 20 percent, but who had a claim for compensation pending prior to that date which resulted in a final award by the United States Department of Veterans Affairs of at least 20 percent, shall be eligible for education benefits as the chapter read prior to May 23, 2017, if the dependent files an application for benefits under this chapter within six months of that final adjudication and provides proof satisfactory to the Alabama Department of Veterans Affairs that they qualify

he or she qualifies under this exception and currently meet

satisfies the eligibility requirements as the chapter read

prior to May 23, 2017.

"\$31-6-11.

- "(a) Before an application of any veteran for benefits under this chapter can be approved, such the veteran shall submit proof, satisfactory to the State Department of Veterans' Affairs, of all of the following:
 - "(1) Identification.
- "(2) Having been a permanent resident of the State of Alabama for at least one year immediately prior to his or her entrance into service.
- "(3) An honorable discharge or other proof of honorable termination of at least 24 months of service in the armed forces, or if such veteran was discharged or released by reason of service-connected disability, then proof of honorable termination of less than 24 months of service is acceptable.
- "(b) Before the application of a wife spouse, widow, or child of a disabled veteran or a deceased veteran or serviceman for educational benefits under this chapter is approved, proof, satisfactory to the State Department of Veterans' Affairs, must be submitted of all of the following:
- "(1) Establishing the identification of such wife the spouse, widow, or child as the wife spouse, widow, or child of the veteran or serviceman, as the case may be.

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

"(3) Of the veteran or serviceman having been a permanent resident of the State of Alabama for at least two years immediately prior to the filing of the application for benefits under this chapter or has filed an Alabama income tax return as a resident individual for the previous ten 10 years or is a current resident and was discharged from active duty within the prior 12 months. If the veteran or serviceman is deceased, his or her dependent may still qualify if the veteran or serviceman met this residency requirement at the time of his or her death. Alabama income tax return information, including, but not limited to, the type of return filed, necessary to show the residency requirements under this chapter have been met is hereby exempted from the confidentiality provisions of Section 40-2A-10, and shall be provided by the Department of Revenue to the Department of

Veterans Affairs upon request. Such requests and the significance of the information provided, shall be requested by the Department of Veterans Affairs as necessary when other residency information is not available, and the department shall promulgate adopt rules and procedures to effect the provisions of this section as needed.

- "(4) Of the <u>wife spouse</u>, widow, or child being a current resident of the State of Alabama.
- "(5) An honorable discharge or other proof of honorable termination of service of the veteran or serviceman in the armed forces for a period of at least 90 days between the dates mentioned in this chapter, or service of less than 90 days if the veteran or serviceman was discharged or released by reason of service-connected disability.
- "(c) The service upon which any benefits are awarded under this chapter shall have been rendered during wartime or under extrahazardous conditions, except as provided otherwise in this section; and this condition of eligibility shall be established by the State Department of Veterans' Affairs.
- "(d) The service requirements provided for in subsection (c) shall not apply to any person making application for benefits under this chapter beginning with the fall term of the 2014-2015 academic year, and thereafter.
- "(e) Notwithstanding any other provision of this chapter to the contrary, any person denied educational benefits provided by this chapter based solely upon the service requirements provided for in subsection (c) shall be

eligible to receive the benefits the person would otherwise have been entitled to had their application been approved at the time of initial application, except as provided otherwise in this subsection. Any age limitation on the benefits provided by this chapter shall be extended in like manner for any such previously denied person to ensure that the person has the opportunity to receive all benefits they would otherwise have been entitled. In order to receive any educational benefits, such the previously denied person must reapply for educational benefits with the State Department of Veterans' Affairs and begin use of the educational benefits no later than the fall term of the 2015-2016 academic year. The value of tuition paid for any such previously denied person shall be limited to the in-state tuition rate of the Alabama state institution of higher learning, college, or university state-supported school attended.

"(f) For those first filing for benefits under this chapter on or after July 31, 2017, the educational benefit shall be for tuition reimbursement and books and fees reimbursement. The value of tuition paid per semester hour (or equivalent) shall be limited to the rate of the Department of Defense Tuition Assistance Cap. The value of the books and fees paid per semester shall be limited to \$1,000 one thousand dollars (\$1,000) per student.

"§31-6-12.

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"The State Department of Veterans' Affairs is hereby charged with the duty of informing the veterans and their

dependents in this state, through its county service commissioners and all other sources at its command, of the provisions of this chapter in order that those veterans and their dependents may know of the benefits provided in this chapter. The State Department of Veterans' Affairs shall furnish and assist in preparing and producing all necessary blanks, forms, and other matters necessary for the veterans, their wives spouses, widows, or children to obtain the benefits provided under this chapter. The State Service Commissioner shall cause to be forwarded to the state institution of higher learning, college or university, or state trade state-supported school of the applicant's choice, a certificate of eligibility and entitlement, or other necessary proof for the veteran, his wife or her spouse, widow, or child to obtain the benefits made available hereby. "\$31-6-13.

"The president or head of each state institution of higher learning or college or university or state trade

state-supported school must inform the faculty members of each respective institution of the provisions and benefits of this chapter, who in turn shall inform the wives spouses, widows, and children of veterans attending such institutions as to their rights and benefits under the provisions of this chapter.

"\$31-6-15.

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"The benefits provided in this chapter shall be paid from an annual appropriation from the Education Trust Fund to

reimburse every Alabama state institution of higher learning, college, university, or Alabama community or technical college state-supported school in which benefits are given to veterans, their wives spouses, widows, or children under this chapter. Such reimbursement Reimbursement shall be made timely at the end of each academic quarter or semester for all tuition reimbursements for the certified invoices submitted by such the institution or school to the State Department of Veterans' Affairs, and shall be supported by names of the students receiving such benefits, together with the amounts claimed for each student. Any amount of in-state tuition, books, or fees not paid by the combination of federal, state, and third party funds may be billed to students receiving such benefits or waived by the institution or school.

"\$31-6-15.1.

"The State Department of Veterans Affairs shall report to the Legislature, by January 1st of each year, the number of applicants approved in the previous fiscal year and those approved as of the reporting date for the current fiscal year, the number of students by years of remaining eligibility, and the costs of the previous fiscal year's expenditures to the program by each category of public institution of higher learning state-supported school to include the number of students who attended each of those institutions schools.

"§31-6-16.

"Nothing in this chapter shall be construed as 1 2 lowering the standards or requirements, or as to making any 3 exceptions thereto for entrance into any of the state state-supported schools or institutions affected by this 4 chapter. All applicants, in order to obtain the educational 5 benefits of this chapter, must first meet all scholastic and 7 other requirements for entrance into any of the state-supported schools coming within the purview of this 8 chapter." 9 10 Section 2. This act shall become effective on the 11 first day of the third month following its passage and 12 approval by the Governor, or its otherwise becoming law.