

1 SB85
2 158125-9
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

1 SB85

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4 ENROLLED, An Act,

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

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

4 "§31-6-2.

5 "For the purposes of this chapter, the following
6 terms shall have the meanings ascribed to them by this
7 section:

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

14 "~~(4)~~ (2) HUSBAND. Such term shall mean spouse.

15 "(3) TUITION. Fees for instruction.

16 "~~(2)~~ (4) TUTION AND FEES. All fees known and
17 classed as instructional fees.

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

19 "~~(3)~~ (6) WIFE. Such term shall mean spouse.

20 "§31-6-4.

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

22 "(1) Was killed or died in line of duty or is listed
23 as missing in action or is/was a prisoner of war or whose
24 death or permanent total disabilities were service-connected
25 while serving as a member of the armed forces; or

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

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

1 "(3) Is 100 percent permanently and totally
2 disabled, whose permanent and total disabilities were service-
3 connected;
4 shall be entitled to training in any Alabama state-supported
5 college or university for a period of five standard academic
6 years, not to exceed 45 months or to training for the
7 equivalent of 45 months if enrolled part-time or to training
8 in a prescribed course in a state-supported trade school, and
9 if such course does not require the full 45 months, then
10 training for the remainder of such 45 months' entitlement may
11 be taken at a state-supported college or university only,
12 without the payment of any tuition, fees, or books,
13 whatsoever. One change of program will be allowed without
14 counseling. All training received under this section must be
15 completed within eight years after the beginning date of the
16 course. This section shall not apply to the spouse of any such
17 deceased serviceman or veteran who has remarried prior to
18 applying for and obtaining educational benefits under this
19 section, and should any such spouse of such deceased
20 serviceman or veteran remarry during the time he or she is in
21 attendance upon any of the schools, colleges, or universities
22 mentioned in this section, then he or she shall pay tuition
23 and fees for the course of study or attendance upon such
24 school, college, or university from the time of the

1 remarriage. The benefits provided under this section shall be
2 in addition to federal government benefits.

3 "(b) Except as provided in Section 31-6-11(e), the
4 educational benefits provided by this section to wives,
5 husbands, and unmarried widows or widowers making application
6 for benefits for the first time beginning with the fall term
7 of the 2014-2015 academic year, and thereafter, shall be
8 limited to undergraduate courses of study only, and the value
9 of tuition paid shall be limited to the in-state tuition rate
10 of the Alabama state-supported college or university attended.

11 "§31-6-6.

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

22 "(1) The spouse or unmarried widow or widower, as
23 the case may be, shall be entitled to up to 27 months of
24 schooling or the equivalent of 27 months if enrolled
25 part-time, in any Alabama state-supported institution of

1 higher learning, college, or university, or to a prescribed
2 course in any Alabama state-supported trade school without the
3 payment of any tuition, fee, or books. One change of program
4 will be allowed without counseling. It is provided, however,
5 that all training received at state institutions of higher
6 learning or state trade schools under this subdivision must be
7 completed within a period of six years after the beginning
8 date of such two-year course or such prescribed course.

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

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

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

16 "§31-6-11.

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

21 "(1) Identification~~;~~.

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

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

6 "(b) Before the application of a wife, widow, or
7 child of a disabled veteran or a deceased veteran or
8 serviceman for educational benefits under this chapter is
9 approved, proof, satisfactory to the State Department of
10 Veterans' Affairs, must be submitted of all of the following:

11 "(1) Establishing the identification of such wife,
12 widow, or child as the wife, widow, or child of the veteran or
13 serviceman, as the case may be~~7~~.

14 "(2) Of ~~such~~ the veteran or serviceman having been a
15 permanent resident of the State of Alabama for at least one
16 year immediately prior, to his or her entrance into service,
17 or if the applicant is the wife, widow, or child of a totally
18 and permanently disabled veteran, then proof either of the
19 veteran's having been a permanent resident of the State of
20 Alabama for at least one year prior to his or her entrance
21 into service or proof that ~~such~~ the veteran has been a bona
22 fide resident of this state for at least five years
23 immediately prior to the filing of the application for
24 benefits under this chapter or immediately prior to his or her
25 death if the veteran is deceased~~7~~and~~7~~.

1 "(3) An honorable discharge or other proof of
2 honorable termination of service of the veteran or serviceman
3 in the armed forces for a period of at least 90 days between
4 the dates mentioned in this chapter, or service of less than
5 90 days if the veteran or serviceman was discharged or
6 released by reason of service-connected disability.

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

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

16 "(e) Notwithstanding any other provision of this
17 chapter to the contrary, any person denied educational
18 benefits provided by this chapter based solely upon the
19 service requirements provided for in subsection (c) shall be
20 eligible to receive the benefits the person would otherwise
21 have been entitled to had their application been approved at
22 the time of initial application, except as provided otherwise
23 in this subsection. Any age limitation on the benefits
24 provided by this chapter shall be extended in like manner for
25 any such previously denied person to ensure that the person

1 has the opportunity to receive all benefits they would
2 otherwise have been entitled. In order to receive any
3 educational benefits, such previously denied person must
4 reapply for educational benefits with the State Department of
5 Veterans' Affairs and begin use of the educational benefits no
6 later than the fall term of the 2015-2016 academic year. The
7 value of tuition paid for any such previously denied person
8 shall be limited to the in-state tuition rate of the Alabama
9 state institution of higher learning, college, or university
10 attended.

11 "§31-6-15.

12 "There is hereby appropriated from the Education
13 Trust Fund such an amount as may be necessary to reimburse
14 every Alabama state institution of higher learning, college,
15 university, or Alabama state trade school or junior college in
16 which benefits are given to veterans, their wives, widows, or
17 children under this chapter. Such reimbursement shall be made
18 at the end of each academic quarter or semester for all
19 tuition and fees waived by such institution, college,
20 university, or school under this chapter, and shall be made on
21 the basis of certified invoices submitted by such institution
22 or school to the State Department of Veterans' Affairs, and
23 shall be supported by names of the students receiving such
24 benefits, together with the amounts claimed for each student."

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

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB85
Senate 20-FEB-14
I hereby certify that the within Act originated in and passed
the Senate, as amended.

Patrick Harris
Secretary

House of Representatives
Passed: 11-MAR-14

By: Senator Taylor