

1 SB364
2 209005-3
3 By Senator Barfoot
4 RFD: Veterans and Military Affairs
5 First Read: 01-APR-21

SYNOPSIS: Under existing law, the Alabama G.I. and Dependents' Educational Benefit Act provides scholarship benefits for postsecondary education to the dependents of veterans based on certain conditions.

This bill would provide that the scholarship benefits are provided for instruction at any public or private two-year or four-year institution of higher education that is physically located in the state and receives state funds.

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama G.I. and Dependents' Educational Benefit Act; to amend Sections 31-6-2, 31-6-4, 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, Code of Alabama 1975, to provide that scholarship benefits may be used for instruction

1 at any public or private two-year or four-year institution of
2 higher education located in the state that receives state
3 funds; and to make nonsubstantive, technical revisions to
4 update the existing code language to current style.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. Sections 31-6-2, 31-6-4, 31-6-5, 31-6-6,
7 31-6-8, 31-6-9, 31-6-11, 31-6-12, 31-6-13, 31-6-15, 31-6-15.1,
8 and 31-6-16 of the Code of Alabama 1975, are amended to read
9 as follows:

10 "§31-6-2.

11 "For the purposes of this chapter, the following
12 terms shall have the meanings ascribed to them by this
13 section:

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

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

21 "(2) SPOUSE. Husband or wife.

22 "(3) STATE-SUPPORTED SCHOOL. Any regionally
23 accredited public or private two-year or four-year institution
24 of higher education physically located in the state that
25 receives a direct appropriation from the state or whose
26 resident students may receive appropriations from the state
27 through the Alabama Student Grant Program.

1 "~~(3)~~(4) TUITION. Fees for instruction.

2 "~~(4)~~(5) TUITION AND FEES. All fees known and classed
3 as instructional fees.

4 "~~(5)~~(6) WIDOW. ~~Such term shall mean widow~~ Widow or
5 widower.

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

7 "§31-6-4.

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

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

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

22 "(3) Has been assigned 100 percent permanent or
23 total disability rated by the United States Veterans'
24 Administration, or was discharged or retired from the armed
25 forces with a 40 percent or more disability and maintained
26 that percentage (such person to be deemed to be a disabled
27 veteran); may attend any ~~Alabama state institution of higher~~

1 ~~learning, college, or university~~ state-supported school for a
2 period of five standard academic years, not to exceed 45
3 months or the equivalent of 45 months if enrolled part-time,
4 pursuant to the tuition reimbursement guidelines as provided
5 in subsection (c), for ~~such college or university~~
6 state-supported school attendance, or any such child may take
7 a prescribed course in any ~~Alabama~~ state-supported ~~community~~
8 ~~or technical college~~ school for the length of any prescribed
9 course of study of his or her choosing, and if such course
10 does not require the full 45 months, then training for the
11 remainder of such 45 months' entitlement may be taken at a
12 state-supported ~~college or university~~ school only, pursuant to
13 the tuition reimbursement guidelines as provided in subsection
14 (c). Training under this section must be initiated prior to
15 the child's thirtieth birthday, and must be completed within
16 eight years after its initiation, except for delays caused by
17 military service during the training period, and in no case
18 may training be received under this chapter beyond the
19 thirty-eighth birthday of such child.

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

1 ~~higher learning, college, or university~~ state-supported school
2 attended.

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

11 "(d) For the purpose of the minimum disability
12 requirement provided for in subsection (a)(3), the dependent
13 of any veteran whose disability rating as of July 31, 2017, is
14 at least 20 percent but less than 40 percent shall qualify for
15 the benefits of this chapter, provided that the dependent
16 shall file application for such benefits before July 31, 2023,
17 and the dependent is reasonably expected to be eligible to
18 attend ~~an Alabama institution of higher learning, college or~~
19 ~~university~~ a state-supported school in the next academic year.

20 "§31-6-5.

21 "(a) Any ~~wife or husband~~ spouse or unmarried widow
22 ~~or widower~~ whose spouse, during their marriage:

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

26 "(2) Died from a disability incurred from military
27 service; or

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

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

1 provided under this section shall be in addition to federal
2 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,~~ spouses and unmarried widows ~~or widowers~~ making
6 application for benefits for the first time beginning with the
7 fall term of the 2014-2015 academic year, and thereafter,
8 shall be limited to undergraduate courses of study only, and
9 the value of tuition paid shall be limited to the in-state
10 tuition rate of the ~~Alabama~~ state-supported ~~college or~~
11 ~~university~~ school attended.

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

20 "§31-6-6.

21 "(a) The spouse and children of any veteran who is
22 suffering from 40 to 90 percent service-connected disability
23 brought about from service in the Armed Forces of the United
24 States, or the unmarried widow ~~or widower~~ and children of a
25 deceased veteran who was suffering from 40 percent or more of
26 service-connected disability at the time of death, provided
27 such disabilities as are mentioned herein are incurred from

1 military service, as established by the State Department of
2 Veterans' Affairs, shall be entitled to the following
3 educational advantages and opportunities:

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

18 "(2) Each child of such disabled veteran shall be
19 entitled to five standard academic years, or the equivalent of
20 45 months if enrolled part-time, in any ~~Alabama~~
21 ~~state-supported institution of higher learning, college, or~~
22 ~~university~~ school, or to a prescribed course at ~~an Alabama a~~
23 ~~state-supported community or technical college~~ school. If the
24 course of training at the ~~community or technical college~~
25 state-supported school does not require the full time to which
26 such child is entitled hereunder, then the remaining
27 entitlement may be taken in a state-supported ~~college or~~

1 ~~university~~ school only, pursuant to the tuition reimbursement
2 guidelines as provided in subsection (d). One change of
3 program will be allowed without counseling. Training under
4 this subdivision must be initiated prior to the child's
5 twenty-sixth birthday, and must be completed within eight
6 years after its initiation, except for delays caused by
7 military service during the training period, and in no case
8 may training be received under this section beyond the
9 thirty-fourth birthday of such child.

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

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

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

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

15 "§31-6-8.

16 "Every bona fide permanent resident of at least one
17 year's residence in the State of Alabama immediately prior to
18 entrance into service, who serves in the Armed Forces of the
19 United States at least 24 months at any time after August 4,
20 1964, but before the end of the Vietnam War period as
21 determined by the President or the Congress of the United
22 States, or who is or was released or discharged from such
23 service, under conditions other than dishonorable, by reason
24 of wartime service-connected disability after serving less
25 than 24 months, shall be entitled to take any extension or
26 correspondence course from any ~~state college or university~~
27 state-supported school offering same, without the payment of

1 any fees or charge for such extension or correspondence
2 course. The veteran taking advantage of this provision of this
3 chapter must do so within four years from the date of his or
4 her discharge; provided, however, no veteran shall be entitled
5 to such correspondence or extension course during the time he
6 or she is receiving educational benefits under any federal
7 statute, or if he or she has already received maximum benefits
8 to which he or she was entitled under any federal statute.

9 "§31-6-9.

10 "(a) For those dependents who first file for
11 benefits under this chapter prior to July 31, 2017, the
12 benefits provided under this chapter shall be in addition to
13 any other state or federal benefits to which that dependent
14 may be entitled.

15 "(b) For dependents who first file for benefits
16 under this chapter on or after July 31, 2017:

17 "(1) To the extent permitted by law, prior to
18 applying any benefits provided for under this chapter,
19 institutional certifying officials and financial aid officials
20 shall first apply other federal, state, institutional, and
21 third party scholarships and grants awarded to the dependent
22 for that academic period for payment of required educational
23 expenses during an academic period.

24 "(2) A completed Free Application for Federal
25 Student Aid (FAFSA), or the equivalent, must be submitted to
26 the United States Department of Education for each year in
27 which the dependent receives benefits under this chapter. The

1 dependent shall have applied for all federal student financial
2 aid grants, including, but not limited to, Pell Grants,
3 Supplemental Education Opportunity Grants, and Education and
4 Training Vouchers, identified as being available for the
5 student's application by Federal Student Aid, an office of the
6 United States Department of Education, or its successor
7 agency.

8 "(3) All students receiving educational benefits
9 under this chapter and the ~~educational institutions~~
10 state-supported schools they attend must comply with the
11 standards of Satisfactory Academic Progress (SAP) as required
12 for Title IV benefits under the Higher Education Act and as
13 defined by that ~~education institution~~ state-supported school.
14 Those students who would no longer be eligible to receive
15 Title IV benefits due to a failure to meet SAP standards shall
16 no longer be eligible to receive benefits under this chapter.
17 ~~Education institutions~~ Each state-supported school shall
18 notify the Alabama Department of Veterans Affairs of any
19 student who currently holds a certificate of eligibility for
20 benefits under this chapter who is no longer eligible to
21 receive benefits due to a failure to meet SAP standards and
22 the effective date of that change in eligibility.

23 "(4) The dependent shall ensure that all
24 state-supported schools they attend under this program are
25 authorized to release such personally identifiable information
26 to the Alabama Department of Veterans Affairs as is required
27 for the determination of that dependent's continued

1 eligibility and as required for the completion of all reports
2 required by law.

3 "(c) Any dependent who receives benefits under this
4 chapter, and whose benefit period is interrupted due to
5 accident, injury, or illness, shall have the benefit time
6 period which is lost due to such accident, illness, or injury
7 restored to him or her.

8 "(d) Notwithstanding any other provision of this
9 chapter to the contrary, dependents of any veteran whose
10 disability rating, if any, prior to May 23, 2017, was less
11 than 20 percent, but who had a claim for compensation pending
12 prior to that date which resulted in a final award by the
13 United States Department of Veterans Affairs of at least 20
14 percent, shall be eligible for education benefits as the
15 chapter read prior to May 23, 2017, if the dependent files an
16 application for benefits under this chapter within six months
17 of that final adjudication and provides proof satisfactory to
18 the Alabama Department of Veterans Affairs that they qualify
19 under this exception and currently meet the eligibility
20 requirements as the chapter read prior to May 23, 2017.

21 "§31-6-11.

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

26 "(1) Identification.

1 "(2) Having been a permanent resident of the State
2 of Alabama for at least one year immediately prior to his or
3 her entrance into service.

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

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

15 "(1) Establishing the identification of ~~such wife~~
16 the spouse, widow, or child as the ~~wife~~ spouse, widow, or
17 child of the veteran or serviceman, as the case may be.

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

1 chapter or immediately prior to his or her death if the
2 veteran is deceased.

3 "(3) Of the veteran or serviceman having been a
4 permanent resident of the State of Alabama for at least two
5 years immediately prior to the filing of the application for
6 benefits under this chapter or has filed an Alabama income tax
7 return as a resident individual for the previous ~~ten~~ 10 years
8 or is a current resident and was discharged from active duty
9 within the prior 12 months. If the veteran or serviceman is
10 deceased, his or her dependent may still qualify if the
11 veteran or serviceman met this residency requirement at the
12 time of his or her death. Alabama income tax return
13 information, including, but not limited to, the type of return
14 filed, necessary to show the residency requirements under this
15 chapter have been met is hereby exempted from the
16 confidentiality provisions of Section 40-2A-10, and shall be
17 provided by the Department of Revenue to the Department of
18 Veterans Affairs upon request. Such requests and the
19 significance of the information provided, shall be requested
20 by the Department of Veterans Affairs as necessary when other
21 residency information is not available, and the department
22 shall promulgate rules and procedures to effect the provisions
23 of this section as needed.

24 "(4) Of the ~~wife~~ spouse, widow, or child being a
25 current resident of the State of Alabama.

26 "(5) An honorable discharge or other proof of
27 honorable termination of service of the veteran or serviceman

1 in the armed forces for a period of at least 90 days between
2 the dates mentioned in this chapter, or service of less than
3 90 days if the veteran or serviceman was discharged or
4 released by reason of service-connected disability.

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

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

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

1 Veterans' Affairs and begin use of the educational benefits no
2 later than the fall term of the 2015-2016 academic year. The
3 value of tuition paid for any such previously denied person
4 shall be limited to the in-state tuition rate of the ~~Alabama~~
5 ~~state institution of higher learning, college, or university~~
6 state-supported school attended.

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

15 "§31-6-12.

16 "The State Department of Veterans' Affairs is hereby
17 charged with the duty of informing the veterans and their
18 dependents in this state, through its county service
19 commissioners and all other sources at its command, of the
20 provisions of this chapter in order that those veterans and
21 their dependents may know of the benefits provided in this
22 chapter. The State Department of Veterans' Affairs shall
23 furnish and assist in preparing and producing all necessary
24 blanks, forms, and other matters necessary for the veterans,
25 their ~~wives~~ spouses, widows, or children to obtain the
26 benefits provided under this chapter. The State Service
27 Commissioner shall cause to be forwarded to the ~~state~~

1 ~~institution of higher learning, college or university, or~~
2 ~~state trade~~ state-supported school of the applicant's choice,
3 a certificate of eligibility and entitlement, or other
4 necessary proof for the veteran, his ~~wife~~ or her spouse,
5 widow, or child to obtain the benefits made available hereby.

6 "§31-6-13.

7 "The president or head of each ~~state institution of~~
8 ~~higher learning or college or university or state trade~~
9 state-supported school must inform the faculty members of each
10 respective institution of the provisions and benefits of this
11 chapter, who in turn shall inform the ~~wives~~ spouses, widows,
12 and children of veterans attending such institutions as to
13 their rights and benefits under the provisions of this
14 chapter.

15 "§31-6-15.

16 "The benefits provided in this chapter shall be paid
17 from an annual appropriation from the Education Trust Fund to
18 reimburse every ~~Alabama state institution of higher learning,~~
19 ~~college, university, or Alabama community or technical college~~
20 state-supported school in which benefits are given to
21 veterans, their ~~wives~~ spouses, widows, or children under this
22 chapter. Such reimbursement shall be made timely at the end of
23 each academic quarter or semester for all tuition
24 reimbursements for the certified invoices submitted by such
25 institution or school to the State Department of Veterans'
26 Affairs, and shall be supported by names of the students
27 receiving such benefits, together with the amounts claimed for

1 each student. Any amount of in-state tuition, books, or fees
2 not paid by the combination of federal, state, and third party
3 funds may be billed to students receiving such benefits or
4 waived by the institution or school.

5 "§31-6-15.1.

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

15 "§31-6-16.

16 "Nothing in this chapter shall be construed as
17 lowering the standards or requirements, or as to making any
18 exceptions thereto for entrance into any of the ~~state~~
19 state-supported schools ~~or institutions~~ affected by this
20 chapter. All applicants, in order to obtain the educational
21 benefits of this chapter, must first meet all scholastic and
22 other requirements for entrance into any of the
23 state-supported schools coming within the purview of this
24 chapter."

25 Section 2. This act shall become effective on the
26 first day of the third month following its passage and
27 approval by the Governor, or its otherwise becoming law.

