

1 SB89  
2 126416-1  
3 By Senators Holtzclaw, Orr, Reed, Dial, Bedford, Holley,  
4 Williams and Whatley  
5 RFD: Veterans and Military Affairs  
6 First Read: 01-MAR-11

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8 SYNOPSIS: Currently, to be eligible for veterans'  
9 educational benefits, the veteran must have been a  
10 permanent resident of Alabama for at least one year  
11 prior to entrance into service. The wife or child  
12 of a permanently and totally disabled veteran who  
13 was a resident for at least one year prior to  
14 entering the service or immediately prior to his or  
15 her death may also be eligible for educational  
16 benefits.

17 This bill would require the State Department  
18 of Veterans' Affairs to develop a program to  
19 provide educational benefits to certain categories  
20 of veterans who did not reside in Alabama prior to  
21 entry into service, but who have resided in the  
22 state for 10 years immediately preceding the  
23 application for benefits.

24 This bill would allow a veteran who has a  
25 service connected disability rating of 50 to 90  
26 percent and who has been a permanent resident of  
27 the state for 10 years prior to application for

1 benefits, and who meets any other criteria  
2 established by the department to apply for  
3 educational benefits.

4 This bill would also allow the spouse or  
5 child of any veteran who has a service connected  
6 disability rating of 50 to 90 percent and who has  
7 been a permanent resident of the state for 10 years  
8 prior to application for benefits, and who meets  
9 any additional criteria required by the department  
10 to apply for educational benefits.

11 This bill would provide that all benefits  
12 provided pursuant to this act would be subject to  
13 criteria developed by the department and the  
14 availability of adequate funding and resources  
15 necessary to provide the benefits.

16  
17 A BILL

18 TO BE ENTITLED

19 AN ACT

20  
21 Relating to veterans' educational benefits; to amend  
22 Section 31-6-11, Code of Alabama 1975, to provide for proof of  
23 eligibility of benefits for certain veterans; to provide that  
24 certain disabled veterans who have been a permanent resident  
25 of the state for 10 years and the spouse or children of such  
26 veterans may apply to the State Department of Veterans'  
27 Affairs for educational benefits for disabled veterans and

1 their spouses and children; to authorize the department to  
2 develop criteria for awarding the educational benefits; and to  
3 require the provision of such benefits to be contingent on the  
4 funding and resources of the department.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

8 "§31-6-11.

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

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

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

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

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

1           "(1) Establishing the identification of ~~such~~ the  
2 wife, widow or child as the wife, widow or child of the  
3 veteran or serviceman, as the case may be~~;~~.

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, or  
7 if the applicant is the wife, widow or child of a totally and  
8 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 entrance into  
11 service or proof that ~~such~~ the veteran has been a bona fide  
12 resident of this state for at least five years immediately  
13 prior to the filing of the application for benefits under this  
14 chapter or immediately prior to his or her death if the  
15 veteran is deceased~~;~~~~and~~.

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) If the application for benefits is made  
23 pursuant to Section 2 of this act, the veteran or the spouse  
24 or child of the veteran, as the case may be, shall submit  
25 proof of all of the following:

1           "(1) Identification of the veteran or identification  
2 establishing the identity of the spouse or child as the spouse  
3 or child of the veteran.

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

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

9           "(4) Additional information concerning other  
10 criteria the State Department of Veterans' Affairs may  
11 require.

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

17           Section 2. Any veteran with a service connected  
18 disability rating of 50 to 90 percent who has been a permanent  
19 resident of the state at least 10 years prior to application  
20 for benefits or the spouse or child of such veteran may apply  
21 to the State Department of Veterans' Affairs to receive  
22 educational benefits. The department may develop by rule  
23 criteria for awarding benefits or otherwise limit benefits  
24 available to veterans or spouses or children of veterans  
25 pursuant to this section based on the availability of funding  
26 and other resources necessary to administer the benefits. In

1 all cases, benefits awarded pursuant to this section shall be  
2 contingent upon sufficient funding and resources.

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