

1 SB143
2 126308-4
3 By Senator Glover
4 RFD: Veterans and Military Affairs
5 First Read: 03-MAR-11

1 SB143

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4 ENROLLED, An Act,

5 To amend Section 31-5-3, Code of Alabama 1975,
6 relating to the State Board of Veterans' Affairs; to further
7 provide for nominations for membership on the board by the
8 Alabama Alliance of the Military Officers Association of
9 America, Inc.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Section 31-5-3, Code of Alabama 1975, is
12 amended to read as follows:

13 "§31-5-3.

14 "(a) The State Board of Veterans' Affairs shall
15 consist of the Governor, as chair, and representatives, to
16 serve for a term of four years from the date of their
17 respective appointments, who shall be selected from the
18 memberships of the Alabama Department of the American Legion,
19 the United Spanish American War Veterans, the Veterans of
20 Foreign Wars, the Disabled American Veterans, Veterans of WWI
21 of the USA, Incorporated, the Vietnam Veterans of America,
22 AMVETS, the Military Order of the Purple Heart, the American
23 Ex-Prisoners of War, Incorporated, the Alabama Alliance of the
24 Military Officers Association of America, Inc., and the Marine
25 Corps League, the nomination of the representatives to be made

1 by the executive committees or similar governing bodies of the
2 respective organizations on the following ratio of the
3 membership as it existed on July 1 of the year in which the
4 appointment is to be made by the Governor in a manner whereby
5 there shall be one representative from each of the
6 organizations for the first 7,500 resident members or fraction
7 thereof, and one additional representative from each
8 organization for each additional 7,500 resident members or
9 fraction thereof. The total memberships of the respective
10 organizations shall be determined on July 1 of the year in
11 which the representatives shall be designated from the state
12 enrollment of each organization as duly verified for
13 correctness by the adjutant or a similar officer of the
14 organization. Notwithstanding the foregoing, the executive
15 committees or similar governing bodies of the above-named
16 organizations shall each nominate to the Governor three
17 veterans who are members of the organizations, for each place
18 on the board to which the organizations are entitled to have a
19 nominee. The nominations shall also include, in representative
20 proportions, veterans of every war which are included in the
21 membership of the organizations. The board shall have
22 authority to grant representation on the board, and on the
23 same basis of membership as provided in this section, to any
24 organization of veterans of the Second World War having a
25 national charter authorized by an act of Congress and

1 operating through local organizations in Alabama. The
2 membership of the board shall be inclusive and reflect the
3 racial, gender, geographic, urban/rural, and economic
4 diversity of the state.

5 "(b) The state board, in conference with the State
6 Service Commissioner, shall be responsible for the adoption of
7 policies, rules, and regulations for its government and for
8 the government of the Department of Veterans' Affairs.

9 "(c) The state board, subject to Section 31-5-6,
10 shall have and exercise all rule-making powers of the
11 department, and may make regulations not inconsistent
12 therewith or with state law that it deems necessary for
13 carrying out this chapter. The board also may alter, repeal,
14 or amend the regulations or any of them. This rule-making
15 power shall include the establishment and promulgation of
16 rules and regulations, including amendments and repeals
17 thereof, with respect to the manner of performance of all
18 functions and duties of the department and the various
19 officers and employees thereof, including the selection and
20 appointment of all service commissioners. All rules and
21 regulations shall be furnished to the Personnel Board, and in
22 accordance therewith, a list of eligibles shall be established
23 therefrom. Competition for places on the eligible lists shall
24 be limited to persons meeting qualifications and requirements
25 set up in the rules and regulations. The rules and regulations

1 shall have the force and effect of law and prima facie
2 evidence thereof may be given in all courts and proceedings by
3 the production of what purports to be an official printed copy
4 of the regulations, alterations, repeal, or amendment.

5 "(d) The state board may establish and operate
6 through the Department of Veterans' Affairs a state veterans'
7 cemetery and make application to the government of the United
8 States, or any subdivision, agency, or instrumentality
9 thereof, for funds for the purpose of establishing the
10 cemetery. The department may enter into agreements with any
11 subdivision of the state for assistance in operating the
12 cemetery. The state shall own the land on which the cemetery
13 is located. The department may accept federal grant funds,
14 funding from state subdivisions, donations from private
15 sources, and federal plot allowance payments. All of these
16 funds shall be deposited into the Veterans' Assistance Fund
17 and may be used only for the establishment, operation, and
18 maintenance of a veterans' cemetery. The department may accept
19 suitable cemetery land, in accordance with federal veterans'
20 cemetery grant guidelines, from the federal government, state
21 government, state subdivisions, private sources, and any other
22 source wishing to transfer land for use as a veterans'
23 cemetery. No funds will be used for these projects from the
24 Education Trust Fund.

1 "(e) The state board shall have the power, and it
2 shall be its duty, to fix the salaries and minimum standards
3 of service and personnel of all service commissioners, and
4 subject to the state Merit System, where applicable, to fix
5 salaries and minimum standards of service and personnel,
6 according to the schedules and rules prescribed by the State
7 Personnel Board, for other employees and personnel.

8 "(f) The state board shall hold meetings at times
9 and places to be prescribed by rules of the state board or as
10 may be designated by the chair.

11 "(g) The presence of a majority of the members at
12 any regular or special meeting shall constitute a quorum for
13 the transaction of all business.

14 "(h) Members of the state board shall be entitled to
15 a per diem, not exceeding twenty-five dollars (\$25) per day,
16 to be fixed by the board, and the amount of their traveling
17 and other necessary expenses actually paid out while in
18 attendance at the meetings of the state board or on the
19 business of the state department."

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

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB143

Senate 05-MAY-11

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris
Secretary

House of Representatives
Passed: 01-JUN-11

By: Senator Glover