

1 SB356
2 117424-1
3 By Senator Mitchell
4 RFD: Veterans and Military Affairs
5 First Read: 02-FEB-10

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8 SYNOPSIS: Under existing law, the State Board of
9 Veterans' Affairs is appointed by the Governor from
10 nominations from certain designated veterans
11 organizations. The number of members on the board
12 is based on the number of members of the various
13 organizations.

14 This bill would provide for the Alabama
15 Alliance of the Military Officers Association of
16 America, Inc., to make nominations for membership
17 on the State Board of Veterans' Affairs.

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT

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23 To amend Section 31-5-3, Code of Alabama 1975, as
24 last amended by Act 2009-788, 2009 Regular Session (Acts 2009,
25 p. 2477), relating to the State Board of Veterans' Affairs; to
26 further provide for nominations for membership on the board by

1 the Alabama Alliance of the Military Officers Association of
2 America, Inc.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

6 "§31-5-3.

7 "(a) The State Board of Veterans' Affairs shall
8 consist of the Governor, as chair, and representatives, to
9 serve for a term of four years from the date of their
10 respective appointments, who shall be selected from the
11 memberships of the Alabama Department of the American Legion,
12 the United Spanish American War Veterans, the Veterans of
13 Foreign Wars, the Disabled American Veterans, Veterans of WWI
14 of the USA, Incorporated, the Vietnam Veterans of America,
15 AMVETS, the Military Order of the Purple Heart, and the
16 American Ex-Prisoners of War, Incorporated, and the Alabama
17 Alliance of the Military Officers Association of America,
18 Inc., the nomination of the representatives to be made by the
19 executive committees or similar governing bodies of the
20 respective organizations on the following ratio of the
21 membership as it existed on July 1 of the year in which the
22 appointment is to be made by the Governor in a manner whereby
23 there shall be one representative from each of the
24 organizations for the first 7,500 resident members or fraction
25 thereof, and one additional representative from each
26 organization for each additional 7,500 resident members or
27 fraction thereof. The total memberships of the respective

1 organizations shall be determined on July 1 of the year in
2 which the representatives shall be designated from the state
3 enrollment of each organization as duly verified for
4 correctness by the adjutant or a similar officer of the
5 organization. Notwithstanding the foregoing, the executive
6 committees or similar governing bodies of the above-named
7 organizations shall each nominate to the Governor three
8 veterans who are members of the organizations, for each place
9 on the board to which the organizations are entitled to have a
10 nominee. The nominations shall also include, in representative
11 proportions, veterans of every war which are included in the
12 membership of the organizations. The board shall have
13 authority to grant representation on the board, and on the
14 same basis of membership as provided in this section, to any
15 organization of veterans of the Second World War having a
16 national charter authorized by an act of Congress and
17 operating through local organizations in Alabama. The
18 membership of the board shall be inclusive and reflect the
19 racial, gender, geographic, urban/rural, and economic
20 diversity of the state.

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

25 "(c) The state board, subject to Section 31-5-6,
26 shall have and exercise all rule-making powers of the
27 department, and may make regulations not inconsistent

1 therewith or with state law that it deems necessary for
2 carrying out this chapter. The board also may alter, repeal,
3 or amend the regulations or any of them. This rule-making
4 power shall include the establishment and promulgation of
5 rules and regulations, including amendments and repeals
6 thereof, with respect to the manner of performance of all
7 functions and duties of the department and the various
8 officers and employees thereof, including the selection and
9 appointment of all service commissioners. All rules and
10 regulations shall be furnished to the Personnel Board, and in
11 accordance therewith, a list of eligibles shall be established
12 therefrom. Competition for places on the eligible lists shall
13 be limited to persons meeting qualifications and requirements
14 set up in the rules and regulations. The rules and regulations
15 shall have the force and effect of law and prima facie
16 evidence thereof may be given in all courts and proceedings by
17 the production of what purports to be an official printed copy
18 of the regulations, alterations, repeal, or amendment.

19 "(d) The state board may establish and operate
20 through the Department of Veterans' Affairs a state veterans'
21 cemetery and make application to the government of the United
22 States, or any subdivision, agency, or instrumentality
23 thereof, for funds for the purpose of establishing the
24 cemetery. The department may enter into agreements with any
25 subdivision of the state for assistance in operating the
26 cemetery. The state shall own the land on which the cemetery
27 is located. The department may accept federal grant funds,

1 funding from state subdivisions, donations from private
2 sources, and federal plot allowance payments. All of these
3 funds shall be deposited into the Veterans' Assistance Fund
4 and may be used only for the establishment, operation, and
5 maintenance of a veterans' cemetery. The department may accept
6 suitable cemetery land, in accordance with federal veterans'
7 cemetery grant guidelines, from the federal government, state
8 government, state subdivisions, private sources, and any other
9 source wishing to transfer land for use as a veterans'
10 cemetery. No funds will be used for these projects from the
11 Education Trust Fund.

12 "(e) The state board shall have the power, and it
13 shall be its duty, to fix the salaries and minimum standards
14 of service and personnel of all service commissioners, and
15 subject to the state Merit System, where applicable, to fix
16 salaries and minimum standards of service and personnel,
17 according to the schedules and rules prescribed by the State
18 Personnel Board, for other employees and personnel.

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

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

25 "(h) Members of the state board shall be entitled to
26 a per diem, not exceeding twenty-five dollars (\$25) per day,
27 to be fixed by the board, and the amount of their traveling

1 and other necessary expenses actually paid out while in
2 attendance at the meetings of the state board or on the
3 business of the state department."

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