

1 SB136  
2 196576-1  
3 By Senator Whatley  
4 RFD: Veterans and Military Affairs  
5 First Read: 19-MAR-19

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8 SYNOPSIS: This bill would provide to all new  
9 businesses, owned by a U.S. military veteran, a  
10 waiver of all regulatory fees required to organize  
11 and operate that business in the state for a period  
12 of three years from the date of the initial  
13 formation or start-up of that business.

14  
15 A BILL  
16 TO BE ENTITLED  
17 AN ACT

18  
19 Relating to veterans; to provide for a waiver for a  
20 period of three years of all regulatory fees associated with  
21 the formation, organization, and operation of any new  
22 veteran-owned business in the state.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. This act shall be known and may be cited  
25 as the Alabama Entrepreneurial Military Veteran Act.

26 Section 2. (a) For the purposes of this section, the  
27 following terms shall have the following meanings:

1           (1) VETERAN. A person who has served in the active  
2 duty military, naval, or air service, or who has served on  
3 continuous federalized active duty for at least 180 days or  
4 for the total period for which the person was ordered to  
5 active military duty, other than for purposes of active duty  
6 for training, and who was discharged or released therefrom  
7 under conditions other than dishonorable.

8           (2) VETERAN-OWNED BUSINESS. Any business entity,  
9 whether for profit or not-for-profit, in which a veteran, who  
10 is a resident of this state at the time of formation of the  
11 business entity, owns a controlling interest.

12           (b) The Secretary of State or the Attorney General  
13 shall waive all filing fees and all other fees associated with  
14 the formation, organization, and operation of any new domestic  
15 business entity that qualifies as a veteran-owned business.

16           (c) Any fee for an occupational license collected by  
17 any county or municipality shall be waived for the owner or  
18 organizer of any new veteran-owned business, whether for  
19 profit or not-for-profit, if the occupational license is  
20 required to operate the business. This subsection shall not be  
21 construed as providing a waiver of any fee for a professional  
22 license issued by this state.

23           (d) The fee waivers provided under subsections (b)  
24 and (c) shall be available to a new veteran-owned business if  
25 the business entity was established or has an initial start-up  
26 date on or after January 1, 2019. The fee waivers shall remain  
27 in effect for a maximum period of three years after the

1 initial establishment, formation, or start-up date of the  
2 veteran-owned business, as determined by the date on which the  
3 business is formed or registered in accordance with state law  
4 in the Office of the Secretary of State or Office of the  
5 Attorney General.

6 (e) The Secretary of State and the Attorney General  
7 shall adopt rules to establish eligibility and waiver of fee  
8 procedures under subsections (b) and (c), as well as to  
9 establish antifraud provisions to deter and penalize any  
10 business entity that is not majority owned or controlled by a  
11 veteran or veterans from falsely claiming veteran status in  
12 order to attempt to establish eligibility for the waiver or  
13 waivers.

14 (f) Any veteran applying for a waiver of fees for  
15 the formation, organization, or operation of a veteran-owned  
16 business shall provide to the state agency, department,  
17 county, municipality, or other regulatory authority  
18 documentation as shall be required by the regulatory  
19 authority, as well as a copy of one of the following documents  
20 as proof of his or her veteran status in order to establish  
21 eligibility for any fee waivers under this section:

22 (1) A valid United States Department of Defense  
23 Certificate of Discharge or Release from Active Duty (DD-214);

24 (2) A valid Veterans Health Identification Card  
25 (VHIC) issued by the United States Department of Veterans  
26 Affairs; or

1           (3) A valid state issued driver's identification  
2 card with veteran's designation.

3           (g) The Secretary of State and the Attorney General  
4 shall provide general notice of the adoption of the Alabama  
5 Entrepreneurial Military Veteran Act and its provisions, at a  
6 minimum, by providing information via the agency's website  
7 describing the provisions of this section in order to assist  
8 veterans with applying for fee waivers provided under this  
9 section.

10           (h) The Secretary of State and the Attorney General,  
11 as well as any county or municipality providing a fee waiver  
12 under subsections (b) and (c), shall submit an annual year-end  
13 report to the Chair of the House Ways and Means Committee and  
14 to the Chair of the Senate Fiscal Responsibility and Economic  
15 Development Committee, to include the number of waiver  
16 applications received, the number of waivers granted, and the  
17 aggregate dollar amount of all waivers granted to each  
18 eligible veteran-owned business.

19           Section 3. This act shall become effective January  
20 1, 2020, following its passage and approval by the Governor,  
21 or its otherwise becoming law.