

1 SB270
2 209155-1
3 By Senators Butler, Orr, Gudger, Roberts, Jones, Shelnutt,
4 Livingston, Barfoot, Scofield, Figures, Chesteen, Holley,
5 Allen, Marsh, Sessions, Melson, Albritton, Givhan, Stutts,
6 Chambliss, Price, Beasley, McClendon, Waggoner, Elliott,
7 Smitherman, Coleman-Madison, Reed, Singleton and Whatley
8 RFD: Veterans and Military Affairs
9 First Read: 24-FEB-21

SYNOPSIS: Under existing law, the State Board of Veterans' Affairs consists of the Governor along with representatives of veterans organizations in the state.

This bill would add a Gold Star Family member to the board.

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style.

A BILL
TO BE ENTITLED
AN ACT

Relating to the State Board of Veterans' Affairs; to amend Section 31-5-3 of the Code of Alabama 1975, to add a Gold Star Family member to the State Board of Veterans' Affairs; and to make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

3 "§31-5-3.

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

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

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

22 "(c) The state board, subject to Section 31-5-6,
23 shall have and exercise all rule-making powers of the
24 department, and may make ~~regulations~~ rules not inconsistent
25 therewith or with state law that it deems necessary for
26 carrying out this chapter. The board also may alter, repeal,
27 or amend the ~~regulations~~ rules or any of them. This

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

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

1 funds shall be deposited into the Veterans' Assistance Fund
2 and may be used only for the establishment, operation, and
3 maintenance of a veterans' cemetery. The department may accept
4 suitable cemetery land, in accordance with federal veterans'
5 cemetery grant guidelines, from the federal government, state
6 government, state subdivisions, private sources, and any other
7 source wishing to transfer land for use as a veterans'
8 cemetery. No funds will be used for these projects from the
9 Education Trust Fund. The State Service Commissioner may
10 execute deeds and other instruments of conveyance for the
11 department. Any deed of cemetery property to the Department of
12 Veterans' Affairs prior to August 1, 2012, is ratified and
13 confirmed.

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

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

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

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

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