

HB103 INTRODUCED



1 HB103
2 4BC4333-1
3 By Representative Paschal
4 RFD: Military and Veterans Affairs
5 First Read: 06-Feb-24
6 PFD: 05-Feb-24



SYNOPSIS:

Under existing law, the State Board of Veterans Affairs assists veterans in pursuing claims for military benefits and services to which they may be entitled from the United States arising from their military service.

This bill would revise definitions and rename professional employee positions.

This bill would provide for the appointment of an executive director to oversee the operation of state veterans homes.

This bill would repeal redundant code sections.

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 Department of Veterans Affairs; to amend Sections 31-5-1, 31-5-2, 31-5-3, 31-5-4, 31-5-5, 31-5-6, 31-5-7, 31-5-8, 31-5-9, 31-5-10, 31-5-11, 31-5-13, 31-5-14, 31-5A-1, 31-5A-2, 31-5A-3, 31-5A-4, 31-5A-5, 31-5A-6, 31-5A-7,



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31-5A-8, 31-5A-9, 31-5A-10, and 31-5A-11, Code of Alabama 1975; to repeal Section 31-5-12, Code of Alabama 1975; to revise definitions; to rename professional employee positions; to provide for the appointment of an executive director to oversee the operation of state veterans homes; and to make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Relating to the Department of Veterans Affairs; to amend Sections 31-5-1, 31-5-2, 31-5-3, 31-5-4, 31-5-5, 31-5-6, 31-5-7, 31-5-8, 31-5-9, 31-5-10, 31-5-11, 31-5-13, 31-5-14, 31-5A-1, 31-5A-2, 31-5A-3, 31-5A-4, 31-5A-5, 31-5A-6, 31-5A-7, 31-5A-8, 31-5A-9, 31-5A-10, and 31-5A-11, Code of Alabama 1975; to revise definitions; to rename professional employee positions; to provide for the appointment of an executive director to oversee the operation of state veterans homes; and to make nonsubstantive, technical revisions to update the existing code language to current style."

As used under this chapter, these terms ~~shall~~ have the following meanings:

~~(1)~~ (3) DEPARTMENT. The State Department of ~~Veterans'~~ Veterans Affairs.

~~(2)~~ (1) ~~THE STATE~~ BOARD. The State Board of ~~Veterans'~~ Veterans Affairs.

~~(3)~~ (2) ~~STATE~~ COMMISSIONER. The ~~State Service Commissioner~~ chief executive officer of the State Department of Veterans Affairs.



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(4) VETERAN. ~~Except as otherwise used in this chapter,~~
~~such term shall mean any~~Either of the following:

a. Any person individual, male or female, who served on
active duty, whether commissioned, enlisted, inducted,
appointed or mustered into the military or naval service of
the United States during any war in which the United States
has been engaged, and who shall have been discharged or
released from such services under conditions other than
dishonorable who served in the active military, naval, air, or
space forces of the United States and who was discharged or
released under conditions other than dishonorable.

b. Any individual who is entitled, under Title 10
U.S.C. Chapter 1223, to retired pay for nonregular service or,
but for age, would be entitled under that chapter to retired
pay for nonregular service."

"§31-5-2

~~There shall be a~~The State ~~Department~~Board of
~~Veterans'~~Veterans Affairs ~~with subordinate bureaus and~~
~~divisions, which shall operate under a~~is established to
oversee the State ~~Board~~Department of ~~Veterans'~~Veterans
Affairs~~7~~. The department shall ~~and consist~~be composed of a
~~State Service Commissioner~~commissioner and ~~such~~ other officers
and employees authorized to be appointed under this chapter~~7~~
~~and meeting~~who meet the qualifications prescribed by the ~~state~~
board."

"§31-5-3

(a) (1) The ~~State Board of Veterans' Affairs~~board shall
~~consist~~be composed of the Governor, as chair, and



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representatives, to serve for a term of four years from the date of their respective appointments, who shall be selected from the memberships of the Alabama Department of the American Legion, ~~the United Spanish American War Veterans~~, the Veterans of Foreign Wars, the Disabled American Veterans, ~~Veterans of WWI of the USA, Incorporated~~, the Vietnam Veterans of America, AMVETS, the Military Order of the Purple Heart, the American Ex-Prisoners of War, Incorporated, the Alabama Alliance of the Military Officers Association of America, ~~Ine.~~ Incorporated, and the Marine Corps League~~r.~~

(2) ~~the~~ The nomination of the representatives ~~to~~ shall be made by the executive committees or similar governing bodies of the respective organizations ~~on the following ratio of the membership as it existed on July 1 of the year in which the appointment is to be made by the Governor in a manner whereby~~ there. There shall be one representative from each of the organizations for the first 7,500 resident members~~,~~ or fraction thereof, and one additional representative from each organization for each additional 7,500 resident members~~,~~ or fraction thereof. The total memberships of the respective organizations shall be determined on July 1 of the year in which the representatives shall be designated from the state enrollment of each organization as duly verified for correctness by the adjutant or a similar officer of the organization. Notwithstanding the foregoing, the executive committees or similar governing bodies of the ~~above-named~~ organizations shall each nominate to the Governor three veterans who are members of the organizations~~r~~ for each place



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on the board to which the organizations are entitled to have a nominee. The nominations shall also include, in representative proportions, veterans of every war which are included in the membership of the organizations. ~~The board shall have authority to grant representation on the board, and on the same basis of membership as provided in this section, to any organization of veterans of the Second World War having a national charter authorized by an act of Congress and operating through local organizations in Alabama.~~

(3) The appointing authorities shall coordinate their appointments to assure that the membership of the board ~~shall~~ be is inclusive and ~~reflect~~ reflects the racial, gender, geographic, ~~urban/rural~~ urban, rural, and economic diversity of the state.

(b) The ~~state~~ board, in conference with the ~~State Service Commissioner~~ commissioner, shall ~~be responsible for the adoption of~~ adopt and amend policies, ~~rules, and regulations for its government and for the government of the Department of Veterans' Affairs~~ and rules as may be necessary to carry out this chapter.

(c) The ~~state~~ board, subject to Section 31-5-6, ~~shall have and exercise all rule-making powers of the department, and may make regulations not inconsistent therewith or with state law that it deems necessary for carrying out this chapter. The board also may alter, repeal, or amend the regulations or any of them. This rule-making power shall include the establishment and promulgation of rules and regulations, including amendments and repeals thereof, with~~



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141 ~~respect to~~ shall adopt rules governing the manner of
142 performance of all functions and duties of the department and
143 the various officers and employees ~~thereof~~, including the
144 selection and appointment of all ~~service~~ commissioners and
145 assistant commissioners, district managers, and veteran
146 service officers. ~~All rules and regulations shall be furnished~~
147 ~~to the Personnel Board, and in accordance therewith, a list of~~
148 ~~eligibles shall be established therefrom. Competition for~~
149 ~~places on the eligible lists shall be limited to persons~~
150 ~~meeting qualifications and requirements set up in the rules~~
151 ~~and regulations.~~ The rules ~~and regulations~~ shall have the
152 force and effect of law and prima facie evidence thereof may
153 be given in all courts and proceedings by the production of
154 what purports to be an official printed copy of the
155 regulations, alterations, repeal, or amendment.

156 (d) The ~~state~~ board may establish and operate through
157 the ~~Department of Veterans' Affairs~~ department a state
158 ~~veterans' cemetery~~ veterans cemeteries and ~~make application~~ may
159 apply to the government of the United States, or any
160 subdivision, agency, or instrumentality thereof, for funds for
161 the purpose of establishing, ~~the cemetery~~ operating, and
162 maintaining the cemeteries. The department may enter into
163 agreements with any subdivision of the state for assistance in
164 operating the ~~cemetery~~ cemeteries. The department shall own the
165 land on which the ~~cemetery is~~ cemeteries are located. The
166 department may accept federal grant funds, funding from state
167 subdivisions, donations from private sources, and federal plot
168 allowance payments. All of these funds shall be deposited into



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the ~~Veterans'~~ Veterans Assistance Fund and may be used only for the establishment, operation, and maintenance of ~~a veterans' cemetery~~ veterans cemeteries. The department may accept suitable cemetery land, in accordance with federal ~~veterans'~~ veterans cemetery grant guidelines, from the federal government, state government, state subdivisions, private sources, and any other source wishing to transfer land for use as a ~~veterans'~~ veterans cemetery. No funds ~~will be~~ used for these projects may be from the Education Trust Fund. The ~~State Service Commissioner~~ commissioner may execute deeds and other instruments of conveyance for the department. Any deed of cemetery property to the ~~Department of Veterans' Affairs~~ department prior to August 1, 2012, is ratified and confirmed.

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

~~(f)~~ (e) The ~~state~~ board shall hold meetings at times and ~~places to be prescribed~~ locations to be determined by rules of the ~~state~~ board or as ~~may be~~ designated by the chair.

~~(g)~~ (f) The presence of a majority of the members at any regular or special meeting of the board shall constitute a quorum for the transaction of all business.

~~(h)~~ (g) Members of the ~~state~~ board shall be entitled to



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a per diem, ~~not exceeding twenty-five dollars (\$25) per day,~~
to be fixed by the board, and ~~the amount of~~ their traveling
and other necessary expenses actually ~~paid out~~incurred while
~~in attendance at the~~attending meetings of the ~~state~~ board or
on the business of the ~~state~~ department."

"§31-5-4

(a) The ~~State Department of Veterans' Affairs~~
department shall assist ~~every veteran~~veterans of the United
States in presenting and pursuing any credible claim the
veteran may have against the United States arising out of his
or her military service and in establishing the veteran's
right to any privilege, preference, care, ~~or~~ compensation, or
pension as provided ~~for by the laws of the United~~
~~States~~federal law or the laws of ~~the State of Alabama~~this
state, when the veteran requests assistance. ~~Whenever the~~When
a veteran who is applying to a representative of the ~~State~~
~~Department of Veterans' Affairs shall have~~department has
executed a power of attorney to any ~~veterans'~~veterans
organization or the American Red Cross, which has entered into
an agreement with the ~~State Department of Veterans'~~
~~Affairs~~department, the representative shall ~~accept~~do all of
the following:

(1) Accept any credible claim or information pertaining
to any claim, right, preference, privilege, compensation,
pension, or application for care from the veteran.

(2) and adviseAdvise him or her as to the proper
preparation of the ~~same~~claim.

(3) and then arrangeArrange, upon request of the



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veteran, for the further handling, presenting, and prosecuting of the claim.

(b) Should any veteran making application to the ~~State Department of Veterans' Affairs~~department not have given a power of attorney to any organization to represent the veteran in handling his or her affairs, the department shall advise the veteran of the organizations recognized by the ~~Veterans' Administration~~United States Department of Veterans Affairs to represent him or her and allow the veteran to make his or her choice of the organization he or she desires to represent him or her."

"§31-5-5

The ~~State Department of Veterans' Affairs, by the State Service Commissioner~~department, through the commissioner, with the approval of the ~~State Board of Veterans' Affairs~~board, may contract with any organization of veterans which ~~has~~regularly, for a period of five years next preceding the date of ~~such~~the contract, has maintained an established committee or agency rendering ~~similar~~ services to veterans, similar to ~~as~~ the services referred to in Section 31-5-4, to perform ~~such service~~the services for veterans and to process any claims or matters of veterans who apply to the ~~State Department of Veterans' Affairs~~department for assistance when the veterans have executed a power of attorney to the veterans' organization. The department, through the contract, shall compensate the ~~veterans~~ veterans' organizations on the basis of service rendered, which compensation shall be paid from sums appropriated to the ~~State Department of Veterans'~~



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~~Affairs~~department. No ~~such~~ contract shall be made unless the ~~State Board of Veterans' Affairs~~board determines ~~that~~, owing to the confidential relationships involved and the necessity of operating through agencies which the veterans involved will feel to be sympathetic towards their problems, ~~that~~ the services cannot satisfactorily be rendered ~~otherwise~~other than through the agency of ~~such~~the ~~veterans~~ veterans' organization and that the best interests of the veterans involved will be served if ~~such~~the contract is made."

"§31-5-6

(a) ~~It shall be the duty of the State Board of Veterans' Affairs to~~The board shall appoint a ~~State Service Commissioner~~commissioner ~~who shall~~to serve for a term of four years subject to removal by the ~~state~~ board for cause. The commissioner shall be appointed on the basis of education, ability, and experience in handling veterans' affairs, and without regard to political affiliations. The commissioner shall be a resident of ~~the State of Alabama~~this state and shall be a veteran who served on active duty for a period of 60 days or more in the ~~military or naval forces~~ Armed Forces of the United States ~~in any war in which the United States shall have been engaged~~, and shall have been honorably discharged ~~therefrom, and all subsequent appointees to the office shall be selected in like manner and possess like qualifications.~~

(b) ~~All administrative and executive duties and responsibilities of the department shall be performed by the State Service Commissioner, subject to the authority of the~~



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~~state board.~~ The ~~State Service Commissioner~~commissioner shall be the executive and administrative officer of the ~~State Department of Veterans' Affairs~~department, subject to the authority of the board, and ~~shall have the power to~~may issue administrative orders and directives to all officials and employees in the department.

(c) The ~~State Department of Veterans' Affairs~~department, acting through the ~~State Service Commissioner~~commissioner, shall be the designated agency of ~~the State of Alabama~~this state to represent the state and its veterans before the United States ~~Veterans' Administration~~Department of Veterans Affairs, or any other agency dealing with the ~~interest~~interests of the veteran.

(d) The ~~State Service Commissioner~~commissioner, with the approval of the ~~state board~~, ~~shall be empowered to~~may enter into reciprocal agreements with other states ~~under which veterans who are residents of other states may be rendered services in the State of Alabama~~to render services in this state to veterans who are nonresidents.

(e) The ~~State Service Commissioner~~commissioner, with the approval of the ~~state board~~, shall appoint all ~~district service commissioners and county service commissioners~~assistant commissioners, district managers, and veteran service officers as provided in this chapter, fix salaries, and establish minimum standards of service. This power shall be without regard to any limitation established by law, unless any law passed hereafter shall refer specifically to a particular officer or employee of the department.



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(f) The ~~State Service Commissioner~~commissioner shall appoint all ~~clerical and stenographic~~ personnel in the ~~state~~ department, ~~and in all county offices~~ as ~~is~~ authorized or may ~~hereafter~~ be authorized in the future under the ~~State~~state Merit System and approved by the State Personnel Board.

(g) The ~~State Service Commissioner~~commissioner, with the approval of the ~~state~~ board, may engage in activities designed to educate, recognize, and promote the mission of the board to veterans, the public, potential applicants, and other public agencies and, in doing so, may incur marketing expenditures for educational, informational, and promotional items to be used to further its purposes as determined by the board."

"§31-5-7

(a) The ~~State Service Commissioner~~commissioner shall submit an annual budget to the ~~State Board of Veterans' Affairs~~board for its approval ~~an annual budget~~ of all funds appropriated by the Legislature to the department for the specific purposes for which they are appropriated, and also a budget of any federal funds which may be allotted to the state by the federal government for the purposes of the department according to the regulations of the federal authorities. ~~He~~The commissioner shall publish annually a full report of the operations and administration of the department, together with recommendations and suggestions, and submit ~~such~~ the report to the ~~state~~ board.

(b) ~~It shall be the duty of the state commissioner~~The commissioner ~~to~~ shall do all of the following:



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(1) Prepare detailed plans for, and fully develop, a comprehensive statewide ~~veterans'~~veterans assistance program.

(2) Cooperate with all other heads of the state departments in coordinating the plans and programs of state agencies ~~which~~that may properly be utilized in the administration of various aspects of the problems of veterans, and dependents of veterans, such as the office of the State Adjutant General, the State Department of Education, the State Department of Human Resources, the State Department of Labor, ~~the State Planning Board, the State Board of Health,~~ and any other state agencies furnishing services to veterans.

(3) Provide a central contact between federal agencies dealing with the problems of veterans, ~~such as to include~~ the United States ~~Veterans' Administration~~Department of Veterans Affairs, the Selective Service System, the Social Security Administration, the Department of Defense, and other federal agencies ~~on the one hand,~~ and ~~the several~~ state agencies ~~which~~that may administer ~~the various aspects of the~~ veterans' services and benefits ~~on the other.~~

(4) Maintain central case records of all veterans seeking services or benefits to create a clearinghouse of information and facilitate the interchange of information and case histories among ~~the several~~ state administrative agencies and the federal agencies ~~to provide a clearinghouse of information.~~

~~(c) Other duties of the state commissioner shall be to:~~
~~(1) (5) Acquaint himself, his associates,~~Become acquainted, and acquaint department associates and ~~the~~



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employees, with the ~~laws~~, federal, state, and local, laws
enacted for the benefit of members of the armed forces,
veterans, and their families, ~~and dependents.~~

~~(2)~~ (6) Collect data and information ~~as to the~~ about
available facilities and services ~~available to them,~~ and
cooperate with information or service agencies throughout the
state, ~~to~~ inform members of the armed forces, veterans, their
families, ~~and dependents,~~ and ~~the~~ military and civil
authorities regarding the existence or availability of all of
the following:

- a. Educational training and retraining facilities.
- b. Health, medical, rehabilitation, and housing
services and facilities.
- c. Employment and reemployment services.
- d. Provisions of federal, state, and local laws
affording rights, privileges, and benefits to members of the
armed forces, veterans, and their families, ~~and dependents.~~
- e. Other matters of similar, relative, or appropriate
natures.

~~(3)~~ (7) Aid Assist all ~~residents~~ resident veterans ~~of the~~
~~State of Alabama who served in the military or naval forces or~~
~~other armed services of the United States during any war in~~
~~which the United States has been engaged, and members of the~~
~~armed services during the peace times who have been honorably~~
~~discharged from such service,~~ and their relatives,
beneficiaries, and dependents ~~, to receive~~ in receiving from
the United States and this state ~~any and~~ all compensation,
pensions, hospitalization, insurance, education, employment,



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loan guarantees, or any other aid or benefit to which they may be or may become entitled under existing laws of the United States or of this state, ~~or such as may be hereafter enacted,~~ ~~and he shall perform such~~ and perform other related duties ~~in connection therewith as may be assigned by the state~~ board.

~~(4)~~ (8) Cooperate and negotiate with the federal government, and all national, state, and local governmental, or private agencies ~~for securing~~ to secure additional services or benefits for veterans, their families, and their dependents who are residents of ~~the State of Alabama~~ this state.

~~(5) Develop and implement statewide plans for a repatriation program for proper reinterment, with appropriate honors, of the bodies of members of the armed services returned from temporary overseas cemeteries.~~

~~(6) Provide for and maintain an advisory, counselling, and assistance service for dependents of present members of the armed services in connection with dependency allotments and allowances.~~

~~(7) Disseminate information and instructions on a statewide basis pertaining to such acts as may be enacted from time to time by the Congress providing benefits for active members of the armed forces, their beneficiaries and dependents.~~

~~(8) Assist former prisoners of war and civilian internees to collect such indemnities and benefits as may be authorized by Congress from seized assets of enemy nations.~~

~~(9) Compile, publish, and distribute casualty lists resulting from the Korean and Southeast Asian actions and any~~



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subsequent hostilities and to aid survivors and dependents of such survivors and dependents of such casualties to recover all rightful benefits before or after termination of armed service."

"§31-5-8

The ~~State Service Commissioner shall~~commissioner, with the approval of the ~~State Board of Veterans' Affairs~~board, may appoint ~~one first assistant state service commissioner, who shall be an attorney, and such other number of~~ additional assistant ~~state service~~ commissioners ~~as the state board deems necessary, who shall~~to serve as employees in the department, subject to the rules ~~and regulations~~ of the ~~state~~ board.

~~They~~Assistant commissioners shall be appointed on the basis of education, ability, and experience in handling veterans' affairs, and without regard to political affiliations. ~~Such~~The appointees shall be residents of ~~the State of Alabama,~~ this state, ~~and~~ shall be veterans who served on active duty for a period of 60 days or more in the ~~military or naval forces~~ Armed Forces of the United States ~~in any war in which the United States shall have been engaged,~~ and shall have been honorably discharged ~~therefrom, and all subsequent appointees to such office shall be selected in like manner and shall be possessed of like qualifications."~~

"§31-5-9

(a) ~~It shall be the duty of the State Service Commissioner, subject to~~Except as provided in subsection (b), the commissioner, with the approval of the ~~State Board of Veterans' Affairs~~board, ~~to~~shall appoint a ~~county service~~



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~~commissioner~~veteran service officer for each ~~of the several~~
~~counties in the State of Alabama~~county in the state, ~~except as~~
~~provided in this section, and all appointees.~~ Each veteran
service officer shall be ~~employees~~ an employee of the ~~state~~
department, and subject to the ~~authority and~~ rules of the
~~state~~ board. The ~~county service commissioner~~veteran service
officer shall be a resident of ~~the~~this state, ~~and a~~ qualified
elector therein, and shall be a veteran who served on active
duty for a period of 60 days or more in the ~~military or naval~~
~~forces~~ Armed Forces of the United States ~~for a period of 60~~
~~days or more regardless of whether that service was during any~~
~~war in which the United States shall have been engaged,~~ and
shall have been honorably discharged ~~therefrom, and all~~
~~subsequent appointees to the office shall be selected in like~~
~~manner and possessed of like qualifications.~~ In making ~~such~~
appointments, consideration shall be given ~~as to~~ whether the
applicants are residents of the county. ~~It shall be the duty~~
~~of the State Service Commissioner~~ The commissioner and ~~state~~
board ~~to~~shall economize as far as possible in the
administration of this ~~law~~section ~~in the several counties of~~
~~the state.~~

(b) (1) ~~It shall be the duty of the state~~ The
commissioner, ~~subject to~~with the approval of the ~~state~~ board,
~~to study the requirements of each separate county, and to~~
~~decide from time to time~~ shall determine whether ~~or not~~ there
is a need for a ~~county service commissioner~~veteran service
officer in any particular county. In ~~reaching a decision in~~
~~such matter~~ making this determination, the ~~State Service~~



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~~Commissioner~~commissioner and the ~~state~~ board shall ~~take into~~
~~consideration~~consider the total population of the county, the
number of men and women inducted into the armed services from
the county, the number of veterans present in the county, and
special circumstances and facts involving the concentration of
industries or other problems ~~which~~that may ~~have a tendency to~~
increase or decrease the number of veterans in certain
localities. ~~It shall be within the power of the State Service~~
~~Commissioner, subject to the approval of the state board, to~~
~~establish districts in the state, such districts to contain~~
~~one or more counties, wherever the number of veterans in the~~
~~counties composing such districts do not justify the~~
~~establishment of a separate county service commissioner's~~
~~office in each county in the district, and a central district~~
~~service commissioner's office shall be established at the most~~
~~central point in the district; provided, however, the district~~
~~offices must afford maximum services to veterans residing in~~
~~the district. It shall be the duty of the district service~~
~~commissioner to visit each county in the district on certain~~
~~specified days to be designated by the State Service~~
~~Commissioner for the purpose of assisting all veterans in the~~
~~counties. District service commissioners appointed under this~~
~~section shall be selected in the same manner as county service~~
~~commissioners, and shall be possessed of like qualifications.~~

(2) Where the circumstances do not justify establishing
a separate office in each county, the commissioner, with the
approval of the board, shall establish service areas in the
state containing one or more counties and shall establish a



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service office for each service area in a location most advantageous to the veterans within each area.

(c) The commissioner, with the approval of the board, shall establish districts within the state, containing one or more counties or service areas, and shall appoint district managers to manage or assist veteran service officers. District managers appointed under this section shall be selected in the same manner and possess the same qualifications as veteran service officers."

"§31-5-10

(a) The ~~county service commissioner and district service commissioner~~veteran service officer and district manager shall perform ~~such~~the duties ~~as may be~~ prescribed by policies, rules, ~~and regulations~~ and instructions ~~promulgated~~adopted by the ~~State Board of Veterans' Affairs~~board and shall be administratively responsible to the ~~State Service Commissioner~~commissioner.

(b) ~~It shall be the duty of the county service commissioner and district service commissioner to~~The veteran service officer and district manager shall do all of the following:

(1) Cooperate with and assist ~~the volunteer county veterans' service committees in his district or county in the development of a veterans' assistance program for his district or county~~local veteran service organizations in developing assistance programs for veterans.

(2) Furnish information and data to the ~~office of the State Service Commissioner~~commissioner relative to ~~the~~ various



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aspects of the ~~problems~~issues of veterans and dependents of veterans ~~in his jurisdiction~~.

(3) Provide ~~in his office~~ an information and referral service to veterans seeking aid and assistance in connection with matters pertaining to employment and reemployment, educational and vocational training, health, medical, rehabilitation, and housing services and facilities, emergency financial assistance, and other matters ~~of similar or relative~~ and as appropriate ~~natures~~.

(4) Cooperate with all national, state, and local governmental and private agencies offering services or any benefits to veterans, and their families, and dependents.

(5) ~~Aid all residents of the district or county who served in the military or naval forces or other armed services during any war in which the United States has been engaged, and members of the armed services during peacetime who have been discharged under conditions other than dishonorable from the services, their relatives, beneficiaries, and dependents to receive from the United States any and all compensation, hospitalization, insurance, and other aid or benefits to which they may be entitled under existing laws of the United States, or such as may hereafter be enacted, and he shall perform such other duties in connection therewith as may be assigned by the state board.~~ Assist all resident veterans and their relatives, beneficiaries, and dependents in receiving from the United States and this state all compensation, pension, hospitalization, insurance, education, employment, loan guarantees, or other aid or benefit to which they may be



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entitled under existing federal law or laws of this state, or which may be created, and perform all other related duties assigned by the board.

(6) ~~To seek~~Seek out and advise ~~the~~ veterans ~~of the~~ ~~district or county~~ of their rights and benefits under federal and state ~~and federal~~ laws, ~~and to~~ encourage ~~their taking~~ ~~advantage~~ the use of ~~the~~ educational ~~opportunity~~opportunities, including trade, and vocational training, and ~~to~~ offer counsel ~~and advise to~~ widows, orphans, and beneficiaries ~~to the end~~ ~~that veterans and citizens of the county shall~~ in order to secure the ~~maximum return from the~~ fullest extent of available benefits.

~~(c) Each county service commissioner shall devote his entire time to such duties."~~

"§31-5-11

~~The State Service Commissioner, the assistant service commissioner and each of the district service commissioners and county service commissioners shall, before entering into the duties of his office, subscribe and execute an oath of office. The State Service Commissioner and the assistant state service commissioner shall each execute and furnish a bond in the penal sum of \$10,000, with sufficient surety to be approved by the State Board of Veterans' Affairs, conditioned upon the faithful performance of their official duties. Each district service commissioner and county service commissioner shall execute and furnish a bond in the penal sum of \$5,000 with sufficient surety to be approved by the State Service Commissioner, conditioned upon the faithful performance of~~



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~~their official duties. The premium of all such bonds for~~
~~officials in the department shall be paid by the State of~~
~~Alabama.~~ (a) The commissioner shall have a seal of office and,
along with each assistant commissioner, district manager, and
veteran service officer, shall subscribe and execute an oath
before entering into the duties of his or her office.

(b) The commissioner shall designate employees to
become notaries public who may administer oaths to any
individual swearing to the correctness of any statement made
in connection with any application for compensation,
hospitalization, insurance, pension, or any other service,
aid, or benefit to which the individual, or any other
individual on whose behalf any statement is made, may be or
may become entitled under existing federal law or laws of this
state."

"§31-5-13

The ~~Department of Veterans' Affairs~~department and ~~State~~
~~Service Commissioner~~the commissioner shall maintain offices in
the capital city of the state. ~~In each city of the state~~
~~wherein the United States Veterans' Administration maintains a~~
~~regional or branch office, the State Service Commissioner~~The
commissioner, under authority of the ~~State Board of Veterans'~~
~~Affairs~~board, in addition to ~~the office of any district~~
~~service commissioner or county service commissioner~~any service
office, may, if he deems deemed it necessary, may set up and
maintain a service office staffed by an assistant ~~service~~
commissioner, veteran service officer, or district manager,
with ~~ample~~sufficient clerical ~~assistants~~assistance."



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617 "§31-5-14
618 (a) ~~For the fiscal year beginning October 1, 2012, and~~
619 ~~for fiscal years thereafter, salaries~~Salaries of officials and
620 employees of the department, as provided ~~for under~~ in this
621 chapter, and office, travel, and other expenses incidental to
622 the proper establishment, operation, and maintenance of the
623 department, ~~or offices of district or county service~~
624 ~~commissioners,~~ or other offices established by the ~~State~~
625 ~~Service Commissioner~~commissioner, as provided ~~for under~~ in
626 this chapter, may be paid by the State of Alabama, ~~from the~~
627 State General Fund~~.~~.

628 (b) Notwithstanding subdivision (a), ~~provided, however,~~
629 ~~that~~ each county ~~in the state~~ in which a ~~district service~~
630 ~~commissioner's office or a county service~~
631 ~~commissioner's~~veteran service officer's or district manager's
632 office is established shall furnish suitable office space in
633 the county courthouse, or another suitable location in the
634 county ~~for the use of the district service commissioner or~~
635 ~~county service commissioner~~ for his or her use, and the county
636 shall pay all expenses associated with ~~operating~~the operation
637 of the office, including, but not limited to, any rental,
638 telephone, facsimile, business-class Internet, janitorial
639 service, power, heating and air conditioning, employee
640 parking, and other operational support or maintenance
641 expenses. Personnel costs of department officials and
642 employees are not considered expenses for which payment is
643 required of the county."

644 Section 2. Relating to the Department of Veterans



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Affairs; to amend Sections 31-5-1, 31-5-2, 31-5-3, 31-5-4, 31-5-5, 31-5-6, 31-5-7, 31-5-8, 31-5-9, 31-5-10, 31-5-11, 31-5-13, 31-5-14, 31-5A-1, 31-5A-2, 31-5A-3, 31-5A-4, 31-5A-5, 31-5A-6, 31-5A-7, 31-5A-8, 31-5A-9, 31-5A-10, and 31-5A-11, Code of Alabama 1975; to revise definitions; to rename professional employee positions; to provide for the appointment of an executive director to oversee the operation of state veterans homes; and to make nonsubstantive, technical revisions to update the existing code language to current style."§31-5A-1

The Legislature ~~hereby~~ finds ~~and determines~~ that there ~~currently~~ exists a significant need for health, nursing, medical, rehabilitative, and related housing structures for ~~those~~ residents of this state who have served their state and nation in its armed forces. The Legislature further finds ~~and determines~~ that in order to meet this need, it is necessary ~~for there to be established~~ to establish a state veterans' ~~home or~~ veterans homes to be operated by the ~~State Department of Veterans' Affairs~~ department, and to vest in ~~such~~ the department ~~those powers and~~ the authority ~~that may be necessary to enable it to accomplish the establishment and operation of~~ a to establish and operate state ~~veterans' home or~~ veterans homes. This chapter shall be liberally construed in conformity with ~~the purposes expressed~~ this purpose."

"§31-5A-2

As used in this chapter, the terms "board," "commissioner," "department," and "veteran" shall have the same meaning ~~ascribed to such term as defined~~ in Section



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673 31-5-1."

674 "§31-5A-3

675 The ~~State Department of Veterans' Affairs~~department is
676 ~~designated as the agency of this state to receive federal aid~~
677 ~~under Title 38, U.S.C., Sections 641 and 642, as amended. The~~
678 ~~department is~~the sole agency authorized ~~and directed~~ to
679 receive federal aid from the United States Department of
680 Veterans ~~Administration~~Affairs or any other agency of the
681 United States government authorized to pay federal aid to
682 states for ~~soldiers'~~state homes under ~~Title 38, U.S.C.,~~
683 ~~Sections 641 and 642~~ §§ 1741 and 1742, as amended, and from
684 any other federal law or act of Congress providing for the
685 payment of funds to states for the care of or support of
686 disabled ~~soldiers and sailors~~veterans in ~~the~~ state homes. The
687 department ~~is authorized to~~may receive from any source gifts,
688 contributions, bequests, and individual reimbursements, the
689 receipt of which does not exclude any other source of revenue.
690 All funds received by the department shall be deposited in the
691 State Treasury in the Alabama ~~Veterans'~~Veterans Home Trust
692 Fund as established in Section 31-5A-7, and ~~such the~~ funds
693 shall be expended ~~per authorization of~~ as authorized by the
694 ~~State Board of Veterans' Affairs~~board."

695 "§31-5A-4

696 The department shall contract with a non-governmental
697 entity to operate ~~a state veterans'~~veterans ~~home or~~ homes for
698 the care and support of elderly or disabled veterans in ~~the~~
699 ~~State of Alabama~~this state. Contracts for the procurement of
700 services required to manage, administer, and operate a state



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~~veterans'~~veterans home shall be awarded on a competitive basis through the solicitation of proposals. The contract may be awarded to the vendor whose proposal is most advantageous to the state, taking into consideration cost factors, program suitability factors, management plan, excellence of program design, key personnel, corporate or company resources, financial condition of the vendor, corporate experience and past performance, and any other requirements deemed necessary by the ~~State Board of Veterans' Affairs~~board and expressed in its solicitation for proposals. Any contract awarded under this section shall be for a period not to exceed five years. The ~~State Board of Veterans' Affairs~~board is not required to select the vendor offering the lowest cost proposal but shall select the vendor who, in the board's discretion, offers the proposal most advantageous to ~~the State of Alabama~~this state. The award of contracts provided for herein described in this section are exempt from the requirements of Chapter 16 and Chapter 4 of Title 41."

"§31-5A-5

~~It shall be the duty of the State Service Commissioner to appoint a department representative for any Alabama state veterans' home, subject to approval of the State Board of Veterans' Affairs.~~The commissioner, subject to the approval of the board, shall appoint an executive director for oversight and coordination of all state veterans homes and shall also appoint an on-site director for each state veterans home. The ~~department representative position herein provided for~~executive director and director positions created pursuant



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to this section shall be exempt status ~~(non-merit)~~, and shall be subject to guidelines ~~as~~ established ~~herein~~ by the board. Each ~~department representative will~~ director shall be appointed on the basis of education, ability, and experience in the administration of medical facilities ~~and/or~~ or nursing homes, without regard to political affiliations. Each ~~department representative~~ director shall perform his or her duties in accordance with the rules, guidelines, and general policies ~~as may be~~ established by the ~~State Board of Veterans' Affairs~~ board and as provided in this chapter. ~~Each department representative shall serve at the pleasure of the State Board of Veterans' Affairs, and shall receive such compensation as shall be determined by the board with the approval of the Governor of the state. Each department representative shall publish annually a full report of the operations and administration of the state veterans' home that is under his administration, together with recommendations and suggestions for improvements in facilities and services, and submit such report to the State Board of Veterans' Affairs."~~

"§31-5A-6

The ~~State Board of Veterans' Affairs~~ board, in conference with the ~~State Service Commissioner of Veterans' Affairs~~ commissioner, shall ~~have the authority exclusively~~ do all of the following:

~~(a) (1) To provide~~ Provide for the operation of ~~a state veterans' home or~~ veterans homes for the care of and support of elderly and disabled veterans in ~~the State of Alabama~~ this state as prescribed in this chapter ~~+~~ .



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~~(b) (2) To make necessary rules and regulations~~ Adopt
rules for the creation and operation of any state ~~veterans'~~
~~homes~~ veterans home.

~~(c) (3) To apply~~ Apply for and accept gifts, grants, and
other contributions from the federal government or from any
other governmental unit.

~~(d) (4) To use the~~ Use funds received from the federal
government or from any other governmental unit for the
purposes authorized and directed by the federal government or
~~such~~ other governmental unit in making the funds available.

~~(e) (5) To accept and use~~ Accept gifts, grants,
donations, and contributions of real estate, both vacant and
improved, facilities, services, or other property from
individuals, firms, corporations, organizations, and
associations, and from county and municipal corporations and
their subdivisions, plus any other sources of revenue for any
state ~~veterans'~~ veterans homes. All expenditures from the trust
fund shall be made upon warrants issued by the state
Comptroller drawn on account held by the State Treasury based
upon claims, approved by the ~~State Board of Veterans'~~
~~Affairs~~ board, as provided in this section."

"§31-5A-7

~~(a) There is hereby created~~ A trust fund in the State
Treasury ~~a trust fund is created~~ for the benefit of the
~~Alabama Department of Veterans'~~ State Department of Veterans
Affairs, to be known as the Alabama ~~Veterans'~~ Veterans Home
Trust Fund.

(b) The trust fund shall consist of all funds ~~and~~



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monies received by the ~~State Board of Veterans' Affairs and/or~~
~~the Alabama Department of Veterans' Affairs~~ board or the
department from the United States, any federal agency or
institution, gifts, contributions, bequests, any individual
reimbursements, and any other source, for the care or support
of veterans, discharged other than under dishonorable
conditions, who have been admitted and cared for at ~~an Alabama~~
~~Department of Veterans' Affairs state veterans' home~~ a state
veterans home.

(c) Nothing contained ~~herein~~ in this section prohibits
the establishment and utilization of special agency accounts
by the ~~Department of Veterans' Affairs~~ department and its
constituent institutions, as may be approved by the ~~State~~
~~Board of Veterans' Affairs~~ board, for receipt and disbursement
of the personal funds of state ~~veterans'~~ veterans home
residents and members ~~and/or~~ or for receipt and disbursement
of charitable contributions and donations for use by and for
the benefit of residents and members.

(d) The trust fund ~~herein~~ created pursuant to this
section shall be used by the ~~Alabama Department of Veterans'~~
~~Affairs~~ department to pay for the care of veterans, discharged
other than under dishonorable conditions, in ~~the~~ a state
~~veterans'~~ veterans home and to pay the general operating
expenses of ~~the~~ a state ~~veterans'~~ veterans home, including the
payment of salaries and wages of officials and employees.
~~Further provided, that funds~~ Funds in ~~said~~ the trust fund may be
used to remodel, repair, construct, build additions,
modernize, or add improvements of domiciliary or hospital



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buildings necessary for the care of veterans, plus architectural plans, specifications, or other pertinent costs ~~pertinent thereto~~ as approved by appropriate state agencies. All funds deposited, plus income earned on ~~the~~ investment or reinvestment, shall be credited to the trust fund created ~~herein~~ pursuant to this section. Any money remaining in the fund at the end of each fiscal year shall remain on deposit in the State Treasury to the credit of the Alabama ~~Veterans'~~ Veterans Home Trust Fund. No funds shall be withdrawn or expended for any purpose ~~whatsoever~~ unless ~~the same~~ ~~shall~~ the funds have been allotted and budgeted in accordance with the provisions of Article 4 of Chapter 4 of Title 41, and only in the amounts and for the purposes provided by the Legislature in the General Appropriation Act."

"§31-5A-8

(a) Admissions to and discharges from any ~~Alabama~~ state ~~veterans'~~ veterans home shall be in accordance with the policies and procedures ~~as~~ established by the ~~State Board of Veterans' Affairs~~ board at the time an application for admission or for discharge is ~~presented~~ submitted; ~~provided,~~ ~~however, that the State Board of Veterans' Affairs.~~

(b) The board may admit and discharge veterans to any ~~Alabama veterans'~~ state veterans home who qualify for care and treatment under ~~Title 38, U.S.C., Section 101 (19) and Section 641~~ §§ 1710 and 1741, and may adopt ~~appropriate~~ rules consistent with accepted medical considerations to carry out this function."

"§31-5A-9



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841 (a) The ~~State Board of Veterans' Affairs~~board shall
842 report annually to the Governor ~~annually respecting~~ the
843 activities of the ~~State Department of Veterans' Affairs in~~
844 ~~connection with~~department regarding the operation of the state
845 ~~veterans'~~veterans homes. ~~This~~

846 (b) The annual report shall contain an accounting ~~for~~of
847 all ~~moneys~~monies received and expended, statistics on veterans
848 who resided in the homes during the year, recommendations to
849 the Governor and the Legislature, and ~~such~~ other matters ~~as~~
850 ~~the board shall deem~~ deemed pertinent by the board.

851 (c) The ~~State Service Commissioner~~commissioner, with
852 the approval of the ~~State Board of Veterans' Affairs~~board,
853 shall compile an annual budget request, as necessary,
854 ~~respecting listing~~ needs for state funding for anticipated
855 costs of ~~such~~ veterans homes. ~~, which~~ The budget request shall
856 be submitted to the Department of Finance in conjunction with
857 the ~~State Department of Veterans' Affairs~~ department's annual
858 budget requests."

859 "§31-5A-10

860 Each resident of any state ~~veterans'~~veterans home shall
861 pay directly to the contracted service operator of the home
862 the cost of maintaining his or her residence at the home. The
863 cost shall be ~~as prescribed~~ determined by the ~~State Board of~~
864 ~~Veterans' Affairs~~board in conference with the ~~State Service~~
865 ~~Commissioner~~commissioner. The cost of the care shall be paid
866 by the 10th day of each month."

867 "§31-5A-11

868 (a) ~~Any home in addition to the one located in~~



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~~Alexander City, Alabama, or any proposed new service or proposed change of service or any requirement then deemed applicable shall be subject to the certificate of need process, the Department of Public Health Division of Licensure and Certification and any and all review and approval processes, criteria, statutory, and administrative rules and regulations then applicable to any proposed privately-owned and/or operated nursing home facility or health care provider seeking to operate in Alabama.~~ All state ~~veterans'~~veterans nursing homes, domiciliaries, hospitals, or any other health related activities shall be subject to ~~all~~ the rules ~~and regulations~~ governing ~~and controlling~~ the operation of a privately-owned facility or provider of health services in ~~the State of Alabama~~this state, including the certificate of need process and the Department of Public Health Division of Licensure and Certification requirements.

(b) Notwithstanding subsection (a), the veterans homes currently located in Alexander City, Bay Minette, and Huntsville, Alabama, are not subject to the certificate of need process."

Section 3. Section 31-5-12, Code of Alabama 1975, relating to the sealing of documents, is repealed.

Section 4. This act shall become effective on October 1, 2024.