

1 HB92  
2 126130-1  
3 By Representatives Gaston, Clouse, McCutcheon, Bridges and  
4 Mask  
5 RFD: Military and Veterans Affairs  
6 First Read: 01-MAR-11

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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

22  
23 To amend Section 31-5-3, Code of Alabama 1975,  
24 relating to the State Board of Veterans' Affairs; to further  
25 provide for nominations for membership on the board by the  
26 Alabama Alliance of the Military Officers Association of  
27 America, Inc.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

4 "§31-5-3.

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

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

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

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

1 or amend the regulations or any of them. This rule-making  
2 power shall include the establishment and promulgation of  
3 rules and regulations, including amendments and repeals  
4 thereof, with respect to the manner of performance of all  
5 functions and duties of the department and the various  
6 officers and employees thereof, including the selection and  
7 appointment of all service commissioners. All rules and  
8 regulations shall be furnished to the Personnel Board, and in  
9 accordance therewith, a list of eligibles shall be established  
10 therefrom. Competition for places on the eligible lists shall  
11 be limited to persons meeting qualifications and requirements  
12 set up in the rules and regulations. The rules and regulations  
13 shall have the force and effect of law and prima facie  
14 evidence thereof may be given in all courts and proceedings by  
15 the production of what purports to be an official printed copy  
16 of the regulations, 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 state shall own the land on which the cemetery  
25 is located. The department may accept federal grant funds,  
26 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.

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

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

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

23 "(h) Members of the state board shall be entitled to  
24 a per diem, not exceeding twenty-five dollars (\$25) per day,  
25 to be fixed by the board, and the amount of their traveling  
26 and other necessary expenses actually paid out while in

1 attendance at the meetings of the state board or on the  
2 business of the state department."

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