

1 SB143  
2 126308-3  
3 By Senator Glover  
4 RFD: Veterans and Military Affairs  
5 First Read: 03-MAR-11

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 To amend Section 31-5-3, Code of Alabama 1975,  
12 relating to the State Board of Veterans' Affairs; to further  
13 provide for nominations for membership on the board by the  
14 Alabama Alliance of the Military Officers Association of  
15 America, Inc.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

19 "§31-5-3.

20 "(a) The State Board of Veterans' Affairs shall  
21 consist of the Governor, as chair, and representatives, to  
22 serve for a term of four years from the date of their  
23 respective appointments, who shall be selected from the  
24 memberships of the Alabama Department of the American Legion,  
25 the United Spanish American War Veterans, the Veterans of  
26 Foreign Wars, the Disabled American Veterans, Veterans of WWI  
27 of the USA, Incorporated, the Vietnam Veterans of America,

1 AMVETS, the Military Order of the Purple Heart, ~~and the~~  
2 American Ex-Prisoners of War, Incorporated, the Alabama  
3 Alliance of the Military Officers Association of America,  
4 Inc., and the Marine Corps League, the nomination of the  
5 representatives to be made by the executive committees or  
6 similar governing bodies of the respective organizations on  
7 the following ratio of the membership as it existed on July 1  
8 of the year in which the appointment is to be made by the  
9 Governor in a manner whereby there shall be one representative  
10 from each of the organizations for the first 7,500 resident  
11 members or fraction thereof, and one additional representative  
12 from each organization for each additional 7,500 resident  
13 members or fraction thereof. The total memberships of the  
14 respective organizations shall be determined on July 1 of the  
15 year in which the representatives shall be designated from the  
16 state enrollment of each organization as duly verified for  
17 correctness by the adjutant or a similar officer of the  
18 organization. Notwithstanding the foregoing, the executive  
19 committees or similar governing bodies of the above-named  
20 organizations shall each nominate to the Governor three  
21 veterans who are members of the organizations, for each place  
22 on the board to which the organizations are entitled to have a  
23 nominee. The nominations shall also include, in representative  
24 proportions, veterans of every war which are included in the  
25 membership of the organizations. The board shall have  
26 authority to grant representation on the board, and on the  
27 same basis of membership as provided in this section, to any

1 organization of veterans of the Second World War having a  
2 national charter authorized by an act of Congress and  
3 operating through local organizations in Alabama. The  
4 membership of the board shall be inclusive and reflect the  
5 racial, gender, geographic, urban/rural, and economic  
6 diversity of the state.

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

11 "(c) The state board, subject to Section 31-5-6,  
12 shall have and exercise all rule-making powers of the  
13 department, and may make regulations not inconsistent  
14 therewith or with state law that it deems necessary for  
15 carrying out this chapter. The board also may alter, repeal,  
16 or amend the regulations or any of them. This rule-making  
17 power shall include the establishment and promulgation of  
18 rules and regulations, including amendments and repeals  
19 thereof, with respect to the manner of performance of all  
20 functions and duties of the department and the various  
21 officers and employees thereof, including the selection and  
22 appointment of all service commissioners. All rules and  
23 regulations shall be furnished to the Personnel Board, and in  
24 accordance therewith, a list of eligibles shall be established  
25 therefrom. Competition for places on the eligible lists shall  
26 be limited to persons meeting qualifications and requirements  
27 set up in the rules and regulations. The rules and regulations

1 shall have the force and effect of law and prima facie  
2 evidence thereof may be given in all courts and proceedings by  
3 the production of what purports to be an official printed copy  
4 of the regulations, alterations, repeal, or amendment.

5 "(d) The state board may establish and operate  
6 through the Department of Veterans' Affairs a state veterans'  
7 cemetery and make application to the government of the United  
8 States, or any subdivision, agency, or instrumentality  
9 thereof, for funds for the purpose of establishing the  
10 cemetery. The department may enter into agreements with any  
11 subdivision of the state for assistance in operating the  
12 cemetery. The state shall own the land on which the cemetery  
13 is located. The department may accept federal grant funds,  
14 funding from state subdivisions, donations from private  
15 sources, and federal plot allowance payments. All of these  
16 funds shall be deposited into the Veterans' Assistance Fund  
17 and may be used only for the establishment, operation, and  
18 maintenance of a veterans' cemetery. The department may accept  
19 suitable cemetery land, in accordance with federal veterans'  
20 cemetery grant guidelines, from the federal government, state  
21 government, state subdivisions, private sources, and any other  
22 source wishing to transfer land for use as a veterans'  
23 cemetery. No funds will be used for these projects from the  
24 Education Trust Fund.

25 "(e) The state board shall have the power, and it  
26 shall be its duty, to fix the salaries and minimum standards  
27 of service and personnel of all service commissioners, and

1 subject to the state Merit System, where applicable, to fix  
2 salaries and minimum standards of service and personnel,  
3 according to the schedules and rules prescribed by the State  
4 Personnel Board, for other employees and personnel.

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

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

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

17 Section 2. This act shall become effective  
18 immediately following its passage and approval by the  
19 Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate  
committee on Veterans and Military Affairs ..... 03-MAR-11

Read for the second time and placed on the calen-  
dar 1 amendment..... 14-APR-11

Read for the third time and passed as amended .... 05-MAY-11

Yeas 29  
Nays 0

Patrick Harris  
Secretary