

1 HB581
2 139175-2
3 By Representatives Davis, Bridges and Shiver
4 RFD: Military and Veterans Affairs
5 First Read: 20-MAR-12

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ENROLLED, An Act,

To amend Section 31-5-3 of the Code of Alabama 1975, relating to veterans' cemeteries, to provide that the department may own the cemeteries and that the State Service Commissioner may execute deeds and other instruments for the department; and to retroactively ratify prior deeds in conformance with this act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§31-5-3.

"(a) The State Board of Veterans' Affairs shall consist of the Governor, as chair, and 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, Inc., and the Marine Corps League, the nomination of the representatives to be made by the executive committees or similar governing bodies of the

1 respective organizations on the following ratio of the
2 membership as it existed on July 1 of the year in which the
3 appointment is to be made by the Governor in a manner whereby
4 there shall be one representative from each of the
5 organizations for the first 7,500 resident members or fraction
6 thereof, and one additional representative from each
7 organization for each additional 7,500 resident members or
8 fraction thereof. The total memberships of the respective
9 organizations shall be determined on July 1 of the year in
10 which the representatives shall be designated from the state
11 enrollment of each organization as duly verified for
12 correctness by the adjutant or a similar officer of the
13 organization. Notwithstanding the foregoing, the executive
14 committees or similar governing bodies of the above-named
15 organizations shall each nominate to the Governor three
16 veterans who are members of the organizations, for each place
17 on the board to which the organizations are entitled to have a
18 nominee. The nominations shall also include, in representative
19 proportions, veterans of every war which are included in the
20 membership of the organizations. The board shall have
21 authority to grant representation on the board, and on the
22 same basis of membership as provided in this section, to any
23 organization of veterans of the Second World War having a
24 national charter authorized by an act of Congress and
25 operating through local organizations in Alabama. The

1 membership of the board shall be inclusive and reflect the
2 racial, gender, geographic, urban/rural, and economic
3 diversity of the state.

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

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

1 evidence thereof may be given in all courts and proceedings by
2 the production of what purports to be an official printed copy
3 of the regulations, alterations, repeal, or amendment.

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

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

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

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

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

20 Section 2. Any deed of cemetery property to the
21 Department of Veterans' Affairs prior to the effective date of
22 this act is ratified and confirmed.

23 Section 3. This act shall become effective on the
24 first day of the third month following its passage and
25 approval by the Governor, or its otherwise becoming law.

