

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

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8 SYNOPSIS: Under existing law, the Department of  
9 Veterans' Affairs is authorized to operate  
10 veterans' cemeteries. The cemeteries are owned by  
11 the State of Alabama as an entity.

12 This bill would provide that veterans'  
13 cemeteries would be owned by the Department of  
14 Veterans' Affairs, would specify that the State  
15 Service Commissioner could execute deeds and other  
16 instruments for the department, and would validate  
17 prior deeds of cemetery property to the department.

18  
19 A BILL

20 TO BE ENTITLED

21 AN ACT

22  
23 To amend Section 31-5-3 of the Code of Alabama 1975,  
24 relating to veterans' cemeteries, to provide that the  
25 department may own the cemeteries and that the State Service  
26 Commissioner may execute deeds and other instruments for the

1 department; and to retroactively ratify prior deeds in  
2 conformance with this act.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

6 "§31-5-3.

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

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

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

25 "(c) The state board, subject to Section 31-5-6,  
26 shall have and exercise all rule-making powers of the  
27 department, and may make regulations not inconsistent

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

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

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

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 fix  
18 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. Any deed of cemetery property to the  
8 Department of Veterans' Affairs prior to the effective date of  
9 this act is ratified and confirmed.

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