

1 HB486
2 217693-1
3 By Representatives Reynolds, Treadaway, Drake, Howard and
4 Jones (S)
5 RFD: Military and Veterans Affairs
6 First Read: 10-MAR-22

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 clarify definitions, update board member eligibility, rename service manager as veteran service officer and rename district service commissioner as district manager, to provide for the appointment of an executive director to oversee the operation of state veterans homes, make nonsubstantive, technical revisions to update the existing code language to current style, and repeal Section 31-5-12, Code of Alabama 1975.

A BILL
TO BE ENTITLED
AN ACT

1 Relating to the Department of Veterans Affairs; to
2 amend Sections 31-5-1, 31-5-2, and 31-5-3, Section 31-5-4, as
3 last amended by Act 2021-239, 2021 Regular Session, Section
4 31-5-5, Section 31-5-6, as last amended by Act 2021-239, 2021
5 Regular Session, Sections 31-5-7 and 31-5-8, Section 31-5-9,
6 as last amended by Act 2021-239, 2021 Regular Session,
7 Sections 31-5-10, 31-5-11, and 31-5-13, Section 31-5-14, as
8 last amended by Act 2021-239, 2021 Regular Session, Sections
9 31-5A-1, 31-5A-2, 31-5A-3, 31-5A-4, 31-5A-5, 31-5A-6, 31-5A-7,
10 31-5A-8, 31-5A-9, 31-5A-10, and 31-5A-11, Code of Alabama
11 1975; to clarify definitions; to update board member
12 eligibility; to rename service manger as veteran service
13 officer and rename district service commissioner as district
14 manager; to provide for the appointment of an executive
15 director to oversee the operation of state veterans homes; to
16 make nonsubstantive, technical revisions to update the
17 existing code language to current style; and to repeal Section
18 31-5-12, Code of Alabama 1975.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Sections 31-5-1, 31-5-2, and 31-5-3,
21 Section 31-5-4, as last amended by Act 2021-239, 2021 Regular
22 Session, Section 31-5-5, Section 31-5-6, as last amended by
23 Act 2021-239, 2021 Regular Session, Sections 31-5-7 and
24 31-5-8, Section 31-5-9, as last amended by Act 2021-239, 2021
25 Regular Session, Sections 31-5-10, 31-5-11, and 31-5-13, and
26 Section 31-5-14, as last amended by Act 2021-239, 2021 Regular
27 Session, Code of Alabama 1975, are amended to read as follows:

1 "§31-5-1.

2 "As used under this chapter these terms shall have
3 the following meanings:

4 "~~(1)~~ (3) DEPARTMENT. The State Department of
5 ~~Veterans~~ Veterans Affairs.

6 "~~(2)~~ (1) ~~THE STATE~~ BOARD. The State Board of
7 ~~Veterans~~ Veterans Affairs.

8 "~~(3)~~ (2) STATE COMMISSIONER. The ~~State Service~~
9 ~~Commissioner~~ chief executive officer of the State Department
10 of Veterans Affairs.

11 "(4) VETERAN. ~~Except as otherwise used in this~~
12 ~~chapter, such term shall mean any~~ a. Any person, male or
13 ~~female, who served on active duty, whether commissioned,~~
14 ~~enlisted, inducted, appointed or mustered into the military or~~
15 ~~naval service of the United States during any war in which the~~
16 ~~United States has been engaged, and who shall have been~~
17 ~~discharged or released from such services under conditions~~
18 ~~other than dishonorable~~ who served in the active military,
19 naval, air, or space forces of the United States and who was
20 discharged or released under conditions other than
21 dishonorable.

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

26 "§31-5-2.

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

10 "§31-5-3.

11 "(a) (1) ~~The State Board of Veterans'~~ Affairs board
12 shall ~~consist~~ be composed of the Governor, as chair, and
13 representatives, to serve for a term of four years from the
14 date of their respective appointments, who shall be selected
15 from the memberships of the Alabama Department of the American
16 Legion, ~~the United Spanish American War Veterans,~~ the Veterans
17 of Foreign Wars, the Disabled American Veterans, ~~Veterans of~~
18 ~~WWI of the USA, Incorporated,~~ the Vietnam Veterans of America,
19 AMVETS, the Military Order of the Purple Heart, the American
20 Ex-Prisoners of War, Incorporated, the Alabama Alliance of the
21 Military Officers Association of America, Inc., and the Marine
22 Corps League,.

23 "(2)~~the~~ The nomination of the representatives ~~to~~
24 shall be made by the executive committees or similar governing
25 bodies of the respective organizations ~~on the following ratio~~
26 ~~of the membership as it existed on July 1 of the year in which~~
27 ~~the appointment is to be made by the Governor in a manner~~

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

23 "(3) The membership of the board shall be inclusive
24 and reflect the racial, gender, geographic, ~~urban/rural~~ urban,
25 rural, and economic diversity of the state.

26 "(b) The ~~state~~ board, in conference with the ~~State~~
27 ~~Service Commissioner~~ commissioner, shall ~~be responsible for~~

1 ~~the adoption of~~ adopt and amend policies, rules, and
2 ~~regulations for its government and for the government of the~~
3 ~~Department of Veterans' Affairs~~ and rules, not inconsistent
4 with law, as may be necessary to carry out this chapter.

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

1 "(d) The ~~state~~ board may establish and operate
2 through the ~~Department of Veterans' Affairs~~ department a state
3 ~~veterans' cemetery~~ veterans cemeteries and ~~make application~~
4 may apply to the government of the United States, or any
5 subdivision, agency, or instrumentality thereof, for funds for
6 the purpose of establishing, ~~the cemetery~~ operating, and
7 maintaining the cemeteries. The department may enter into
8 agreements with any subdivision of the state for assistance in
9 operating the ~~cemetery~~ cemeteries. The department shall own
10 the land on which the ~~cemetery is~~ cemeteries are located. The
11 department may accept federal grant funds, funding from state
12 subdivisions, donations from private sources, and federal plot
13 allowance payments. All of these funds shall be deposited into
14 the Veterans' Assistance Fund and may be used only for the
15 establishment, operation, and maintenance of a ~~veterans'~~
16 ~~cemetery~~ veterans cemeteries. The department may accept
17 suitable cemetery land, in accordance with federal ~~veterans'~~
18 veterans cemetery grant guidelines, from the federal
19 government, state government, state subdivisions, private
20 sources, and any other source wishing to transfer land for use
21 as a ~~veterans'~~ veterans cemetery. No funds will be used for
22 these projects from the Education Trust Fund. The ~~State~~
23 ~~Service Commissioner~~ commissioner may execute deeds and other
24 instruments of conveyance for the department. Any deed of
25 cemetery property to the ~~Department of Veterans' Affairs~~
26 department prior to August 1, 2012, is ratified and confirmed.

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

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

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

21 "§31-5-4.

22 ~~"(a) The State Department of Veterans' Affairs~~
23 department shall assist ~~every veteran~~ veterans of the United
24 States in presenting and pursuing any creditable claim the
25 veteran may have against the United States arising out of his
26 or her military service and in establishing the veteran's
27 right to any privilege, preference, care, ~~or compensation~~

1 ~~compensation, or pension as provided for by the laws of the~~
2 ~~United States or federal law or the laws of the State of~~
3 ~~Alabama~~ this state, when the veteran requests assistance.

4 ~~Whenever the~~ When a veteran who is applying to a
5 representative of the ~~State Department of Veterans' Affairs~~
6 ~~shall have~~ department has executed a power of attorney to any
7 veterans' organization or the American Red Cross, which has
8 entered into an agreement with the ~~State Department of~~
9 ~~Veterans' Affairs~~ department, the representative shall ~~accept~~
10 do all of the following:

11 " (1) Accept any creditable claim or information
12 pertaining to any claim, right, preference, privilege,
13 compensation, pension, or application for care from the
14 veteran ~~and advise~~.

15 " (2) Advise him or her as to the proper preparation
16 of the ~~same claim and then arrange~~.

17 " (3) Arrange, upon request of the veteran, for the
18 further handling, presenting, and prosecuting of the claim.

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

1 "§31-5-5.

2 ~~"The State Department of Veterans' Affairs, by~~
3 department, through the State Service Commissioner
4 commissioner, with the approval of the ~~State Board of~~
5 ~~Veterans' Affairs board~~, may contract with any organization of
6 veterans which ~~has regularly~~, for a period of five years next
7 preceding the date of ~~such the~~ contract, has maintained an
8 established committee or agency rendering ~~similar~~ services to
9 veterans, similar to ~~as~~ the services ~~referred to~~ described in
10 Section 31-5-4, to perform ~~such service~~ the services for
11 veterans and to process any claims or matters of veterans who
12 apply to the ~~State Department of Veterans' Affairs~~ department
13 for assistance when the veterans have executed a power of
14 attorney to the veterans' organization. The department,
15 through the contract, shall compensate the veterans'
16 organizations on the basis of service rendered, which
17 compensation shall be paid from sums appropriated to the ~~State~~
18 ~~Department of Veterans' Affairs~~ department. No ~~such~~ contract
19 shall be made unless the ~~State Board of Veterans' Affairs~~
20 board determines ~~that~~, owing to the confidential relationships
21 involved and the necessity of operating through agencies which
22 the veterans involved will feel to be sympathetic towards
23 their problems, that the services cannot satisfactorily be
24 rendered otherwise than through the agency of ~~such the~~
25 veterans' organization and that the best interests of the
26 veterans involved will be served if ~~such the~~ contract is made.

27 "§31-5-6.

1 ~~"(a) It shall be the duty of the State Board of~~
2 ~~Veterans' Affairs to~~ The board shall appoint a ~~State Service~~
3 ~~Commissioner~~ commissioner ~~who shall to~~ serve for a term of
4 four years subject to removal by the ~~state~~ board for cause.
5 The commissioner shall be appointed on the basis of education,
6 ability, and experience in handling veterans' affairs, and
7 without regard to political affiliations. The commissioner
8 shall be a resident of ~~the State of Alabama~~ this state and
9 shall be a veteran who served on active duty for a period of
10 60 days or more in the military ~~or,~~ naval, air, or space
11 forces of the United States ~~in any war in which the United~~
12 ~~States shall have been engaged,~~ and shall have been honorably
13 discharged therefrom, ~~and all subsequent appointees to the~~
14 ~~office shall be selected in like manner and possess like~~
15 ~~qualifications.~~

16 ~~"(b) All administrative and executive duties and~~
17 ~~responsibilities of the department shall be performed by the~~
18 ~~State Service Commissioner, subject to the authority of the~~
19 ~~state board. The State Service Commissioner~~ commissioner shall
20 be the executive and administrative officer of the ~~State~~
21 ~~Department of Veterans' Affairs~~ department, subject to the
22 authority of the board, and ~~shall have the power to~~ may issue
23 administrative orders and directives to all officials and
24 employees in the department.

25 ~~"(c) The State Department of Veterans' Affairs~~
26 ~~department,~~ acting through the ~~State Service Commissioner~~
27 commissioner, shall be the designated agency of ~~the State of~~

1 ~~Alabama~~ this state to represent the state and its veterans
2 before the United States ~~Veterans' Administration~~ Department
3 of Veterans Affairs, or any other agency dealing with the
4 ~~interest~~ interests of the veteran.

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

11 "(e) The ~~State Service Commissioner~~ commissioner,
12 with the approval of the ~~state~~ board, shall appoint all
13 ~~district service commissioners and county service~~
14 ~~commissioners~~ assistant commissioners, district managers,
15 veteran service officers, and other officers as provided in
16 this chapter. The commissioner, with the approval of the
17 board, shall appoint, fix salaries, and establish minimum
18 standards of service of all assistant commissioners, district
19 service managers, veteran service officers, and other
20 officers. This power shall be without regard to any limitation
21 established by law, unless any law passed hereafter shall
22 refer specifically to the particular officer or employee of
23 the department.

24 "(f) The ~~State Service Commissioner~~ commissioner
25 shall appoint all ~~clerical and stenographic~~ personnel in the
26 ~~state department, and in all county offices~~ as is authorized

1 or may ~~hereafter~~ be authorized in the future under the ~~State~~
2 state Merit System and approved by the State Personnel Board.

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

11 "§31-5-7.

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

24 "(b) ~~It shall be the duty of the state~~ The
25 commissioner ~~to~~ shall:

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

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

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

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

1 "~~(c) Other duties of the state commissioner shall be~~
2 to:

3 "(5) ~~(1) Acquaint himself, his associates, Become~~
4 acquainted, and acquaint department associates and the
5 employees, with the ~~laws,~~ federal, state, and local, laws
6 enacted for the benefit of members of the armed forces,
7 veterans, their families, and dependents.

8 "(6) ~~(2) Collect data and information as to the~~
9 about available facilities and services ~~available to them,~~ and
10 cooperate with information or service agencies throughout the
11 state, to inform members of the armed forces, veterans, their
12 families, and their dependents, and ~~the~~ military and civil
13 authorities regarding the existence or availability of:

14 "a. Educational training and retraining facilities.

15 "b. Health, medical, rehabilitation, and housing
16 services and facilities.

17 "c. Employment and reemployment services.

18 "d. Provisions of federal, state, and local laws
19 affording rights, privileges, and benefits to members of the
20 armed forces, veterans, their families, and dependents.

21 "e. Other matters of similar, relative, or
22 appropriate natures.

23 "(7) ~~(3) Aid Assist all residents resident veterans~~
24 ~~of the State of Alabama who served in the military or naval~~
25 ~~forces or other armed services of the United States during any~~
26 ~~war in which the United States has been engaged, and members~~
27 ~~of the armed services during the peace times who have been~~

1 ~~honorably discharged from such service,~~ their relatives,
2 beneficiaries, and dependents, to receive from the United
3 States and this state ~~any and~~ all compensation, pensions,
4 hospitalization, insurance, education, employment, loan
5 guarantees, or any other aid or benefit to which they may be
6 or may become entitled under existing laws of the United
7 States or of this state, ~~or such as may be hereafter enacted,~~
8 and ~~he shall perform such~~ other related duties ~~in connection~~
9 ~~therewith~~ as may be assigned by the ~~state~~ board.

10 " (8) ~~(4)~~ Cooperate and negotiate with the federal
11 government, all national, state, and local governmental, ~~or~~
12 private agencies ~~for securing~~ to secure additional services or
13 benefits for veterans, their families, and dependents who are
14 residents of ~~the State of Alabama~~ this state.

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

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

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

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

4 "~~(9) Compile, publish, and distribute casualty lists~~
5 ~~resulting from the Korean and Southeast Asian actions and any~~
6 ~~subsequent hostilities and to aid survivors and dependents of~~
7 ~~such survivors and dependents of such casualties to recover~~
8 ~~all rightful benefits before or after termination of armed~~
9 ~~service.~~

10 "§31-5-8.

11 "~~The State Service Commissioner shall commissioner,~~
12 ~~with the approval of the State Board of Veterans' Affairs~~
13 ~~board, may appoint one first assistant state service~~
14 ~~commissioner, who shall be an attorney, and such other number~~
15 ~~of additional assistant state service commissioners as the~~
16 ~~state board deems necessary, who shall to serve as employees~~
17 ~~in the department, subject to the rules and regulations of the~~
18 ~~state board. They shall be appointed on the basis of~~
19 ~~education, ability, and experience in handling veterans'~~
20 ~~affairs, and without regard to political affiliations. Such~~
21 ~~The appointees shall be residents of ~~the State of Alabama~~ this~~
22 ~~state, and shall be veterans who served on active duty for a~~
23 ~~period of 60 days or more in the military or, naval, air, or~~
24 ~~space forces of the United States ~~in any war in which the~~~~
25 ~~United States shall have been engaged, and shall have been~~
26 ~~honorably discharged therefrom, and all subsequent appointees~~

1 ~~to such office shall be selected in like manner and shall be~~
2 ~~possessed of like qualifications.~~

3 "§31-5-9.

4 "(a) ~~It shall be the duty of the State Service~~
5 ~~Commissioner, subject to~~ Except as provided in subsection (b),
6 the commissioner, with the approval of the State Board of
7 Veterans' Affairs board, to shall appoint a ~~county service~~
8 ~~commissioner~~ veteran service officer for each of the several
9 ~~counties~~ county in the State of Alabama, ~~except as provided in~~
10 ~~this section~~ state, and all appointees shall be employees of
11 the ~~state~~ department, subject to the ~~authority and~~ rules of
12 the ~~state~~ board. The ~~county service commissioner~~ veteran
13 service officer shall be a resident of ~~the~~ this state, and a
14 qualified elector therein, and shall be a veteran who served
15 on active duty in the military ~~or naval,~~ naval, air, or space
16 forces of the United States for a period of 60 days ~~or more~~
17 ~~regardless of whether that service was during any war in which~~
18 ~~the United States shall have been engaged,~~ and shall have been
19 honorably discharged therefrom, ~~and all subsequent appointees~~
20 ~~to the office shall be selected in like manner and possessed~~
21 ~~of like qualifications.~~ In making such appointments,
22 consideration shall be given ~~as~~ to whether the applicants are
23 residents of the county. ~~It shall be the duty of the State~~
24 ~~Service Commissioner~~ The commissioner and ~~state~~ board ~~to shall~~
25 economize as far as possible in the administration of this ~~law~~
26 section. ~~in the several counties of the state. It shall be the~~
27 ~~duty of the state~~

1 "(b) (1) The commissioner, subject to with the
2 approval of the state board, ~~to study the requirements of each~~
3 ~~separate county, and to decide from time to time shall~~
4 determine whether ~~or not~~ there is a need for a ~~county service~~
5 ~~commissioner~~ veteran service officer in any particular county.
6 In ~~reaching a decision in such matter, making this~~
7 determination, the ~~State Service Commissioner~~ commissioner and
8 the ~~state~~ board shall ~~take into consideration~~ consider the
9 total population of the county, the number of men and women
10 inducted into the armed services from the county, the number
11 of veterans present in the county, and special circumstances
12 and facts involving the concentration of industries or other
13 problems which may ~~have a tendency to~~ increase or decrease the
14 number of veterans in certain localities. ~~It shall be within~~
15 ~~the power of the State Service Commissioner, subject to the~~
16 ~~approval of the state board, to establish districts in the~~
17 ~~state, such districts to contain one or more counties,~~
18 ~~wherever the number of veterans in the counties composing such~~
19 ~~districts do not justify the establishment of a separate~~
20 ~~county service commissioner's office in each county in the~~
21 ~~district, and a central district service commissioner's office~~
22 ~~shall be established at the most central point in the~~
23 ~~district; provided, however, the district offices must afford~~
24 ~~maximum services to veterans residing in the district. It~~
25 ~~shall be the duty of the district service commissioner to~~
26 ~~visit each county in the district on certain specified days to~~
27 ~~be designated by the State Service Commissioner for the~~

1 ~~purpose of assisting all veterans in the counties. District~~
2 ~~service commissioners appointed under this section shall be~~
3 ~~selected in the same manner as county service commissioners,~~
4 ~~and shall be possessed of like qualifications.~~

5 "(2) Where the circumstances do not justify
6 establishing a separate office in each county, the
7 commissioner, with the approval of the board, shall establish
8 service areas in the state containing one or more counties and
9 shall establish a service office for each service area in a
10 location most advantageous to the veterans within each area.

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

18 "§31-5-10.

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

26 ~~"(b) It shall be the duty of the county service~~
27 ~~commissioner and district service commissioner to The veteran~~

1 service officer and district manager shall do all of the
2 following:

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

8 "(2) Furnish information and data to the ~~office of~~
9 ~~the State Service Commissioner~~ commissioner relative to the
10 various aspects of the ~~problems~~ issues of veterans and
11 dependents of veterans ~~in his jurisdiction.~~

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

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

22 "(5) ~~Aid all residents of the district or county who~~
23 ~~served in the military or naval forces or other armed services~~
24 ~~during any war in which the United States has been engaged,~~
25 ~~and members of the armed services during peacetime who have~~
26 ~~been discharged under conditions other than dishonorable from~~
27 ~~the services, their relatives, beneficiaries, and dependents~~

1 ~~to receive from the United States any and all compensation,~~
2 ~~hospitalization, insurance, and other aid or benefits to which~~
3 ~~they may be entitled under existing laws of the United States,~~
4 ~~or such as may hereafter be enacted, and he shall perform such~~
5 ~~other duties in connection therewith as may be assigned by the~~
6 ~~state board.~~ Assist all resident veterans, their relatives,
7 beneficiaries, and dependents to receive from the United
8 States and this state all compensation, pension,
9 hospitalization, insurance, education, employment, loan
10 guarantees, or other aid or benefit to which they may be
11 entitled under the existing federal law or the laws of this
12 state, or which may be created, and shall perform all other
13 related duties assigned by the board.

14 "~~6) To seek~~ Seek out and advise ~~the~~ veterans ~~of the~~
15 ~~district or county~~ of their rights and benefits under state
16 and federal laws, and ~~to encourage their taking advantage of~~
17 the use of the educational opportunity, trade, and vocational
18 training, and to counsel and advise widows and widowers,
19 orphans, and beneficiaries to the end that veterans and
20 ~~citizens~~ residents of the county shall secure the maximum
21 return from the available benefits.

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

24 "§31-5-11.

25 "~~The State Service Commissioner, the assistant~~
26 ~~service commissioner and each of the district service~~
27 ~~commissioners and county service commissioners shall, before~~

1 ~~entering into the duties of his office, subscribe and execute~~
2 ~~an oath of office. The State Service Commissioner and the~~
3 ~~assistant state service commissioner shall each execute and~~
4 ~~furnish a bond in the penal sum of \$10,000, with sufficient~~
5 ~~surety to be approved by the State Board of Veterans' Affairs,~~
6 ~~conditioned upon the faithful performance of their official~~
7 ~~duties. Each district service commissioner and county service~~
8 ~~commissioner shall execute and furnish a bond in the penal sum~~
9 ~~of \$5,000 with sufficient surety to be approved by the State~~
10 ~~Service Commissioner, conditioned upon the faithful~~
11 ~~performance of their official duties. The premium of all such~~
12 ~~bonds for officials in the department shall be paid by the~~
13 ~~State of Alabama. The commissioner shall have a seal of office~~
14 ~~and, along with each assistant commissioner, district manager,~~
15 ~~and veteran service officer, shall subscribe and execute an~~
16 ~~oath of office before entering into the duties of his or her~~
17 ~~office. The commissioner shall designate employees to become~~
18 ~~notaries public who may administer oaths to any person~~
19 ~~swearing to the correctness of any statement made in~~
20 ~~connection with any application for compensation,~~
21 ~~hospitalization, insurance, pension, or any other service,~~
22 ~~aid, or benefit to which the person, or any other person on~~
23 ~~whose behalf any statement is made, may be or may become~~
24 ~~entitled under existing federal law or laws of this state. The~~
25 ~~officers may certify the correctness of any document which may~~
26 ~~be submitted in connection with any application to the~~
27 ~~commissioner for benefits or services.~~

1 "§31-5-13.

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

14 "§31-5-14.

15 ~~"(a) For the fiscal year beginning October 1, 2012,~~
16 ~~and for fiscal years thereafter, salaries~~ Salaries of
17 officials and employees of the department, as provided for
18 ~~under~~ in this chapter, and office, travel, and other expenses
19 incidental to the proper establishment, operation, and
20 maintenance of the department, ~~or offices of district county~~
21 ~~service commissioners~~, or other offices established by the
22 ~~State Service Commissioner~~ commissioner as provided ~~for under~~
23 in this chapter, may be paid by the State of Alabama, from the
24 State General Fund~~7~~.

25 ~~"(b) Notwithstanding subdivision (a), provided,~~
26 ~~however, that~~ each county in the state in which a district
27 ~~service commissioner's office or a county service~~

1 ~~commissioner's~~ veteran service officer's or district manager's
2 office is established shall furnish suitable office space in
3 the county courthouse, or another suitable location in the
4 county for the use of the ~~district service commissioner or~~
5 ~~county service commissioner~~ veteran service officer or
6 district manager, and the county shall pay all expenses
7 associated with operating the office including, but not
8 limited to, any rental, telephone, facsimile, business-class
9 Internet, janitorial service, power, heating and air
10 conditioning, employee parking, and other operational support
11 or maintenance expenses. Personnel costs of department
12 officials and employees are not considered expenses required
13 of the county."

14 Section 2. Sections 31-5A-1, 31-5A-2, 31-5A-3,
15 31-5A-4, 31-5A-5, 31-5A-6, 31-5A-7, 31-5A-8, 31-5A-9,
16 31-5A-10, and 31-5A-11, Code of Alabama 1975, are amended to
17 read as follows:

18 "§31-5A-1.

19 "The Legislature ~~hereby~~ finds ~~and determines~~ that
20 there ~~currently~~ exists a significant need for health, nursing,
21 medical, rehabilitative, and related housing structures for
22 ~~those~~ residents of this state who have served their state and
23 nation in its armed forces. The Legislature further finds ~~and~~
24 ~~determines that,~~ in order to meet this need, that it is
25 necessary ~~for there to be established a~~ to establish state
26 ~~veterans' home or~~ veterans homes to be operated by the ~~State~~
27 ~~Department of Veterans' Affairs~~ department, and to vest in

1 such the department ~~those powers and the~~ authority that may be
2 necessary to enable it to accomplish the establishment and
3 operation of a to establish and operate state ~~veterans' home~~
4 or veterans homes. This chapter shall be liberally construed
5 in conformity with ~~the purposes expressed~~ this purpose.

6 "§31-5A-2.

7 "As used in this chapter, ~~the term~~ terms "board,"
8 "commissioner," "department," and "veteran" shall have the
9 same meaning ~~ascribed to such term~~ as defined in Section
10 31-5-1.

11 "§31-5A-3.

12 "~~The State Department of Veterans' Affairs~~
13 department is designated as the agency of this state to
14 receive federal aid under Title 38, U.S.C., Sections 641 and
15 642, as amended. The department is the sole agency authorized
16 and ~~directed~~ to receive federal aid from the United States
17 Veterans Administration or any other agency of the United
18 States government authorized to pay federal aid to states for
19 ~~soldiers'~~ state homes under Title 38, U.S.C., ~~Sections 641~~ §§
20 1741 and ~~642~~ 1742, as amended, and from any other federal law
21 or act of Congress providing for the payment of funds to
22 states for the care of or support of disabled ~~soldiers and~~
23 ~~sailors~~ veterans in the state homes. The department is
24 ~~authorized to~~ may receive from any source gifts,
25 contributions, bequests, and individual reimbursements, the
26 receipt of which does not exclude any other source of revenue.
27 All funds received by the department shall be deposited in the

1 State Treasury in the Alabama ~~Veterans'~~ Veterans Home Trust
2 Fund as established in Section 31-5A-7, and ~~such the~~ funds
3 shall be expended ~~per authorization of~~ as authorized by the
4 ~~State Board of Veterans' Affairs~~ board.

5 "§31-5A-4.

6 "The department shall contract with a
7 non-governmental entity to operate a state ~~veterans'~~ veterans
8 ~~home or~~ homes for the care and support of elderly or disabled
9 veterans in ~~the State of Alabama~~ this state. Contracts for the
10 procurement of services required to manage, administer, and
11 operate a state ~~veterans'~~ veterans home shall be awarded on a
12 competitive basis through the solicitation of proposals. The
13 contract may be awarded to the vendor whose proposal is most
14 advantageous to the state, taking into consideration cost
15 factors, program suitability factors, management plan,
16 excellence of program design, key personnel, corporate or
17 company resources, financial condition of the vendor,
18 corporate experience and past performance, and any other
19 requirements deemed necessary by the ~~State Board of Veterans'~~
20 ~~Affairs~~ board and expressed in its solicitation for proposals.
21 Any contract awarded under this section shall be for a period
22 not to exceed five years. The ~~State Board of Veterans' Affairs~~
23 board is not required to select the vendor offering the lowest
24 cost proposal but shall select the vendor who, in the board's
25 discretion, offers the proposal most advantageous to ~~the State~~
26 ~~of Alabama~~ this state. ~~Sections 41-16-20, et seq., are~~ Chapter

1 16 of Title 41 is not applicable to the award of contracts
2 provided for herein described in this section.

3 "§31-5A-5.

4 ~~"It shall be the duty of the State Service~~
5 ~~Commissioner to appoint a department representative for any~~
6 ~~Alabama state veterans' home, subject to approval of the State~~
7 ~~Board of Veterans' Affairs~~ The commissioner, subject to the
8 approval of the board, shall appoint an executive director for
9 oversight and coordination of all state veterans homes and
10 shall also appoint an on-site director for each state veterans
11 home. ~~The department representative position herein provided~~
12 ~~for executive director and director positions created pursuant~~
13 ~~to this section shall be exempt status (non-merit), and shall~~
14 ~~be subject to guidelines as established herein by the board.~~
15 ~~Each department representative will~~ director shall be
16 appointed on the basis of education, ability, and experience
17 in the administration of medical facilities ~~and/or~~ or nursing
18 homes, without regard to political affiliations. Each
19 ~~department representative~~ director shall perform his or her
20 duties in accordance with the rules, guidelines, and general
21 policies ~~as may be established by the State Board of Veterans'~~
22 ~~Affairs~~ board and as provided in this chapter. ~~Each department~~
23 ~~representative shall serve at the pleasure of the State Board~~
24 ~~of Veterans' Affairs, and shall receive such compensation as~~
25 ~~shall be determined by the board with the approval of the~~
26 ~~Governor of the state. Each department representative shall~~
27 ~~publish annually a full report of the operations and~~

1 ~~administration of the state veterans' home that is under his~~
2 ~~administration, together with recommendations and suggestions~~
3 ~~for improvements in facilities and services, and submit such~~
4 ~~report to the State Board of Veterans' Affairs.~~

5 "§31-5A-6.

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

10 "(a) ~~To provide~~ Provide for the operation of a state
11 ~~veterans' home or~~ veterans homes for the care of and support
12 of elderly and disabled veterans in ~~the State of Alabama~~ this
13 state, as prescribed in this chapter~~7.~~

14 "(b) ~~To make necessary rules and regulations~~ Adopt
15 rules for the creation and operation of any state ~~veterans'~~
16 veterans homes~~7.~~

17 "(c) ~~To apply~~ Apply for and accept gifts, grants,
18 and other contributions from the federal government or from
19 any other governmental unit~~7.~~

20 "(d) ~~To use the~~ Use funds received from the federal
21 government or from any other governmental unit for the
22 purposes authorized and directed by the federal government or
23 ~~such~~ other governmental unit in making the funds available~~7.~~

24 "(e) ~~To accept and use~~ Accept gifts, grants,
25 donations, and contributions of real estate, both vacant and
26 improved, facilities, services, or other property from
27 individuals, firms, corporations, organizations, and

1 associations, and from county and municipal corporations and
2 their subdivisions, plus any other sources of revenue for ~~any~~
3 use by state veterans' veterans homes. All expenditures from
4 the trust fund shall be made upon warrants issued by the state
5 Comptroller drawn on account held by the State Treasury based
6 upon claims, approved by the ~~State Board of Veterans' Affairs~~
7 board, as provided in this section.

8 "§31-5A-7.

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

13 "(b) The trust fund shall consist of all funds ~~and~~
14 ~~monies~~ received by the ~~State Board of Veterans' Affairs and or~~
15 ~~board or the Alabama Department of Veterans' Affairs~~
16 department from the United States, any federal agency or
17 institution, gifts, contributions, bequests, any individual
18 reimbursements, and any other source, for the care or support
19 of veterans, discharged other than under dishonorable
20 conditions, who have been admitted and cared for at ~~an Alabama~~
21 ~~Department of Veterans' Affairs~~ a state veterans' veterans
22 home.

23 "(c) Nothing ~~contained herein~~ in this section
24 prohibits the establishment and utilization of special agency
25 accounts by the ~~Department of Veterans' Affairs~~ department and
26 its constituent institutions, as may be approved by the ~~State~~
27 ~~Board of Veterans' Affairs~~ board, for receipt and disbursement

1 of the personal funds of state ~~veterans~~⁺ veterans home
2 residents and members ~~and/or~~ or for receipt and disbursement
3 of charitable contributions and donations for use by and for
4 the benefit of residents and members.

5 "(d) The trust fund ~~herein~~ created pursuant to this
6 section shall be used by the ~~Alabama Department of Veterans~~⁺
7 ~~Affairs~~ department to pay for the care of veterans, discharged
8 other than under dishonorable conditions, in ~~the~~ a state
9 ~~veterans~~⁺ veterans home and to pay the general operating
10 expenses of ~~the~~ a state ~~veterans~~⁺ veterans home, including the
11 payment of salaries and wages of officials and employees.
12 ~~Further provided, that funds~~ Funds in ~~said~~ the trust fund may
13 be used to remodel, repair, construct, build additions,
14 modernize, or add improvements of domiciliary or hospital
15 buildings necessary for the care of veterans, plus
16 architectural plans, specifications, or other pertinent costs
17 ~~pertinent thereto~~ as approved by appropriate state agencies.
18 All funds deposited, plus income earned on ~~the~~ investment or
19 reinvestment, plus shall be credited to the trust fund created
20 ~~herein~~ pursuant to this section. Any money remaining in the
21 fund at the end of each fiscal year shall remain on deposit in
22 the State Treasury to the credit of the Alabama ~~Veterans~~⁺
23 Veterans Home Trust Fund. No funds shall be withdrawn or
24 expended for any purpose ~~whatsoever~~ unless ~~the same shall~~ the
25 funds have been allotted and budgeted in accordance with the
26 provisions of Article 4 of Chapter 4 of Title 41, and only in

1 the amounts and for the purposes provided by the Legislature
2 in the General Appropriation Act.

3 "§31-5A-8.

4 "Admissions to and discharges from any ~~Alabama state~~
5 ~~veterans'~~ veterans home shall be in accordance with the
6 policies and procedures ~~as~~ established by the ~~State Board of~~
7 ~~Veterans' Affairs~~ board at the time an application for
8 admission or for discharge is ~~presented~~ submitted; provided,
9 however, that the ~~State Board of Veterans' Affairs~~ board may
10 admit and discharge veterans to any ~~Alabama veterans'~~ state
11 veterans home who qualify for care and treatment under ~~Title~~
12 ~~38, U.S.C., Section 101 (19)~~ §§ 1710 and ~~Section 641~~ 1741, and
13 may adopt appropriate rules consistent with accepted medical
14 considerations to carry out this function.

15 "§31-5A-9.

16 "The ~~State Board of Veterans' Affairs~~ board shall
17 annually report to the Governor ~~annually respecting the~~
18 activities of the ~~state Department of Veterans' affairs in~~
19 ~~connection with~~ department regarding the operation of the
20 state ~~veterans'~~ veterans homes. This report shall contain an
21 accounting ~~for~~ of all ~~moneys~~ monies received and expended,
22 statistics on veterans who resided in the homes during the
23 year, recommendations to the Governor and the Legislature, and
24 ~~such~~ other matters ~~as~~ deemed pertinent by the board ~~shall deem~~
25 ~~pertinent~~. The ~~State Service Commissioner~~ commissioner, with
26 the approval of the ~~State Board of Veterans' Affairs~~ board,
27 shall compile an annual budget request, as necessary,

1 ~~respecting~~ listing needs for state funding for anticipated
2 costs of ~~such~~ veterans homes, which ~~request~~ shall be submitted
3 to the Department of Finance in conjunction with the ~~State~~
4 ~~Department of Veterans' Affairs~~ department's annual budget
5 requests.

6 "§31-5A-10.

7 "Each resident of any state ~~veterans'~~ veterans home
8 shall pay directly to the contracted service operator of the
9 home the cost of maintaining his or her residence at the home.
10 The cost shall be ~~as prescribed~~ determined by the ~~State Board~~
11 ~~of Veterans' Affairs~~ board in conference with the ~~State~~
12 ~~Service Commissioner~~ commissioner. The cost of the care shall
13 be paid by the 10th day of each month.

14 "§31-5A-11.

15 "(a) ~~Any home in addition to the one located in~~
16 ~~Alexander City, Alabama, or any proposed new service or~~
17 ~~proposed change of service or any requirement then deemed~~
18 ~~applicable shall be subject to the certificate of need~~
19 ~~process, the Department of Public Health Division of Licensure~~
20 ~~and Certification and any and all review and approval~~
21 ~~processes, criteria, statutory, and administrative rules and~~
22 ~~regulations then applicable to any proposed privately-owned~~
23 ~~and/or operated nursing home facility or health care provider~~
24 ~~seeking to operate in Alabama.~~ All state ~~veterans'~~ veterans
25 nursing homes, domiciliaries, hospitals, or any other health
26 related activities shall be subject to ~~all~~ the rules ~~and~~
27 ~~regulations~~ governing ~~and controlling~~ the operation of a

1 privately-owned facility or provider of health services in ~~the~~
2 ~~State of Alabama~~ this state, including the certificate of need
3 process and the Department of Public Health Division of
4 Licensure and Certification.

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

9 Section 3. Section 31-5-12, Code of Alabama 1975, is
10 repealed.

11 Section 4. This act shall become effective on the
12 first day of the third month following its passage and
13 approval by the Governor, or its otherwise becoming law.