HB103 ENROLLED



- 1 HB103
- 2 4BC4333-2
- 3 By Representative Paschal
- 4 RFD: Military and Veterans Affairs
- 5 First Read: 06-Feb-24
- 6 PFD: 05-Feb-24



1 Enrolled, An Act, 2 3 Relating to the Department of Veterans Affairs; to 4 amend Sections 31-5-1, 31-5-2, 31-5-3, 31-5-4, 31-5-5, 31-5-6, 5 31-5-7, 31-5-8, 31-5-9, 31-5-10, 31-5-11, 31-5-13, 31-5-14, 31-5A-1, 31-5A-2, 31-5A-3, 31-5A-4, 31-5A-5, 31-5A-6, 31-5A-7, 6 7 31-5A-8, 31-5A-9, 31-5A-10, and 31-5A-11, Code of Alabama 8 1975; to repeal Section 31-5-12, Code of Alabama 1975; to 9 revise definitions; to rename professional employee positions; to provide for the appointment of an executive director to 10 11 oversee the operation of state veterans homes; and to make nonsubstantive, technical revisions to update the existing 12 13 code language to current style. BE IT ENACTED BY THE LEGISLATURE OF ALABAMA: 14 15 Section 1. Relating to the Department of Veterans Affairs; to amend Sections 31-5-1, 31-5-2, 31-5-3, 31-5-4, 16 31-5-5, 31-5-6, 31-5-7, 31-5-8, 31-5-9, 31-5-10, 31-5-11, 17 18 31-5-13, 31-5-14, 31-5A-1, 31-5A-2, 31-5A-3, 31-5A-4, 31-5A-5, 19 31-5A-6, 31-5A-7, 31-5A-8, 31-5A-9, 31-5A-10, and 31-5A-11, Code of Alabama 1975; to revise definitions; to rename 20 21 professional employee positions; to provide for the 22 appointment of an executive director to oversee the operation

26 "§31-5-1

style.

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27 As used under this chapter, these terms shall have the 28 following meanings:

of state veterans homes; and to make nonsubstantive, technical

revisions to update the existing code language to current



29	$\frac{(1)}{(3)}$ DEPARTMENT. The State Department of
30	<u>Veterans'</u> <u>Veterans</u> Affairs.
31	$\frac{(2)}{(1)}$ THE STATE BOARD. The State Board of
32	<u>Veterans'</u> Veterans Affairs.
33	(3)(2) STATE COMMISSIONER. The State Service
34	Commissioner chief executive officer of the State Department of
35	<u>Veterans Affairs</u> .
36	(4) VETERAN. Except as otherwise used in this chapter,
37	such term shall mean any Either of the following:
38	a. Any personindividual, male or female, who served on
39	active duty, whether commissioned, enlisted, inducted,
40	appointed or mustered into the military or naval service of
41	the United States during any war in which the United States
42	has been engaged, and who shall have been discharged or
43	released from such services under conditions other than
44	dishonorable who served in the active military, naval, air, or
45	space forces of the United States and who was discharged or
46	released under conditions other than dishonorable.
47	b. Any individual who is entitled, under Title 10
48	U.S.C. Chapter 1223, to retired pay for nonregular service or,
49	but for age, would be entitled under that chapter to retired
50	<pre>pay for nonregular service."</pre>
51	" §31-5-2
52	There shall be a The State Department Board of
53	Veterans Veterans Affairs with subordinate bureaus and
54	divisions, which shall operate under a is established to
55	oversee the State Board Department of Veterans Veterans
56	Affairs $_{ au}.$ The department shall and consist be composed of a



57 <u>State Service Commissioner commissioner</u> and <u>such</u>other officers
58 and employees authorized to be appointed under this chapter₇
59 <u>and meetingwho meet</u> the qualifications prescribed by the <u>state</u>
60 board."

61 "\$31-5-3

- (a) (1) The State Board of Veterans' Affairs board shall eonsist be composed 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, Incorporated, and the Marine Corps League.
- (2) the The nomination of the representatives to shall be made by the executive committees or similar governing bodies of the respective organizations—on the following ratio of the membership as it existed on July 1 of the year in which the appointment is to be made by the Governor in a manner whereby there. There shall be one representative from each of the organizations for the first 7,500 resident members, or fraction thereof, and one additional representative from each organization for each additional 7,500 resident members, or fraction thereof. The total memberships of the respective organizations shall be determined on July 1 of the year in



85 which the representatives shall be designated from the state 86 enrollment of each organization as duly verified for correctness by the adjutant or a similar officer of the 87 88 organization. Notwithstanding the foregoing, the executive 89 committees or similar governing bodies of the above-named 90 organizations shall each nominate to the Governor three 91 veterans who are members of the organizations, for each place 92 on the board to which the organizations are entitled to have a 93 nominee. The nominations shall also include, in representative proportions, veterans of every war which are included in the 94 95 membership of the organizations. The board shall have authority to grant representation on the board, and on the 96 same basis of membership as provided in this section, to any 97 organization of veterans of the Second World War having a 98 99 national charter authorized by an act of Congress and operating through local organizations in Alabama. 100

(3) The appointing authorities shall coordinate their appointments to assure that the membership of the board—shall be is inclusive and—reflect reflects the racial, gender, geographic, urban/rural_urban, rural, and economic diversity of the state.

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- (b) The state board, in conference with the State

 Service Commissioner commissioner, shall be responsible for the adoption of adopt and amend policies, rules, and regulations for its government and for the government of the Department of Veterans' Affairs and rules as may be necessary to carryout this chapter.
 - (c) The state board, subject to Section 31-5-6, shall



113	have and exercise all rule-making powers of the department,
114	and may make regulations not inconsistent therewith or with
115	state law that it deems necessary for carrying out this
116	chapter. The board also may alter, repeal, or amend the
117	regulations or any of them. This rule-making power shall
118	include the establishment and promulgation of rules and
119	regulations, including amendments and repeals thereof, with
120	respect to shall adopt rules governing the manner of
121	performance of all functions and duties of the department and
122	the various officers and employees thereof, including the
123	selection and appointment of all service commissioners and
124	assistant commissioners, district managers, and veteran
125	service officers. All rules and regulations shall be furnished
126	to the Personnel Board, and in accordance therewith, a list of
127	eligibles shall be established therefrom. Competition for
128	places on the eligible lists shall be limited to persons
129	meeting qualifications and requirements set up in the rules
130	and regulations. The rules and regulations shall have the
131	force and effect of law and prima facie evidence thereof may
132	be given in all courts and proceedings by the production of
133	what purports to be an official printed copy of the
134	regulations, alterations, repeal, or amendment.
135	(d) The state board may establish and operate through

(d) The state board may establish and operate through the Department of Veterans' Affairs department a state veterans' cemetery veterans cemeteries and make application may apply to the government of the United States, or any subdivision, agency, or instrumentality thereof, for funds for the purpose of establishing, the cemetery operating, and



141 maintaining the cemeteries. The department may enter into 142 agreements with any subdivision of the state for assistance in 143 operating the cemeterycemeteries. The department shall own the 144 land on which the cemetery is cemeteries are located. The 145 department may accept federal grant funds, funding from state 146 subdivisions, donations from private sources, and federal plot 147 allowance payments. All of these funds shall be deposited into 148 the Veterans! Veterans Assistance Fund and may be used only 149 for the establishment, operation, and maintenance of $\frac{1}{2}$ veterans' cemetery veterans cemeteries. The department may 150 151 accept suitable cemetery land, in accordance with federal veterans' veterans cemetery grant guidelines, from the federal 152 153 government, state government, state subdivisions, private 154 sources, and any other source wishing to transfer land for use 155 as a veterans veterans cemetery. No funds will be used for these projects may be from the Education Trust Fund. The State 156 157 Service Commissioner commissioner may execute deeds and other 158 instruments of conveyance for the department. Any deed of 159 cemetery property to the Department of Veterans' 160 Affairs department prior to August 1, 2012, is ratified and 161 confirmed. 162 (e) The state board shall have the power, and it shall 163 its duty, to fix the salaries and minimum standards of 164 service and personnel of all service commissioners, and 165 subject to the state Merit System, where applicable, to fix 166 salaries and minimum standards of service and personnel, according to the schedules and rules prescribed by the State 167 168 Personnel Board, for other employees and personnel.



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

 $\frac{(g)_{(f)}}{(f)}$ The presence of a majority of the members at any regular or special meeting of the board shall constitute a quorum for the transaction of all business.

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

181 "\$31-5-4

department shall assist every veterans of the United States in presenting and pursuing any credible claim the veteran may have against the United States arising out of his or her military service and in establishing the veteran's right to any privilege, preference, care, er compensation, or pension as provided for by the laws of the United States federal law or the laws of the State of Alabamathis state, when the veteran requests assistance. Whenever the When a veteran who is applying to a representative of the State Department of Veterans' Affairs shall have department has executed a power of attorney to any veterans' veterans organization or the American Red Cross, which has entered into an agreement with the State Department of Veterans' Affairs shall accept do all of



197	the	foll	owing	:

- 198 (1) Accept any credible claim or information pertaining 199 to any claim, right, preference, privilege, compensation, 200 pension, or application for care from the veteran.
- 201 (2) and adviseAdvise him or her as to the proper 202 preparation of the sameclaim.
- 203 (3) and then arrangeArrange, upon request of the
 204 veteran, for the further handling, presenting, and prosecuting
 205 of the claim.
 - (b) Should any veteran making application to the State

 Department of Veterans' Affairs department not have given a

 power of attorney to any organization to represent the veteran

 in handling his or her affairs, the department shall advise

 the veteran of the organizations recognized by the Veterans'

 Administration United States Department of Veterans Affairs to

 represent him or her and allow the veteran to make his or her

 choice of the organization he or she desires to represent him

 or her."

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The State Department of Veterans' Affairs, by the State Service Commissioner department, through the commissioner, with the approval of the State Board of Veterans' Affairs board, may contract with any organization of veterans which has regularly, for a period of five years next preceding the date of such the contract, has maintained an established committee or agency rendering similar services to veterans, similar to as the services referred to in Section 31-5-4, to perform such service the services for veterans and to process any claims or



225 matters of veterans who apply to the State Department of 226 Veterans' Affairs department for assistance when the veterans 227 have executed a power of attorney to the veterans' 228 organization. The department, through the contract, shall 229 compensate the veterans veterans' organizations on the basis of service rendered, which compensation shall be paid from 230 231 sums appropriated to the State Department of Veterans' 232 Affairs department. No such contract shall be made unless the 233 State Board of Veterans' Affairs board determines that, owing to the confidential relationships involved and the necessity 234 235 of operating through agencies which the veterans involved will feel to be sympathetic towards their problems, that the 236 237 services cannot satisfactorily be rendered otherwise other than 238 through the agency of such the veterans veterans' organization 239 and that the best interests of the veterans involved will be served if suchthe contract is made." 240

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Veterans' Affairs to The board shall appoint a State Service Commissioner who shall to serve for a term of four years subject to removal by the state board for cause. The commissioner shall be appointed on the basis of education, ability, and experience in handling veterans' affairs, and without regard to political affiliations. The commissioner shall be a resident of the State of Alabamathis state and shall be a veteran who served on active duty for a period of 60 days or more in the military or naval forces Armed Forces of the United States in any war in which the United States





253 shall have been engaged, and shall have been honorably
254 discharged therefrom, and all subsequent appointees to the
255 office shall be selected in like manner and possess like
256 qualifications.

- responsibilities of the department shall be performed by the State Service Commissioner, subject to the authority of the state board. The State Service Commissioner commissioner shall be the executive and administrative officer of the State Department of Veterans' Affairs department, subject to the authority of the board, and shall have the power tomay issue administrative orders and directives to all officials and employees in the department.
- 266 (c) The State Department of Veterans'

 267 Affairsdepartment, acting through the State Service

 268 Commissioner commissioner, shall be the designated agency of

 269 the State of Alabamathis state to represent the state and its

 270 veterans before the United States Veterans'

 271 Administration Department of Veterans Affairs, or any other

 272 agency dealing with the interest interests of the veteran.
 - (d) The State Service Commissioner commissioner, with the approval of the state board, shall be empowered to may enter into reciprocal agreements with other states under which veterans who are residents of other states may be rendered services in the State of Alabamato render services in this state to veterans who are nonresidents.
- (e) The State Service Commissioner commissioner, with the approval of the state board, shall appoint all district



281 service commissioners and county service

commissioners_assistant commissioners, district managers, and
veteran service officers as provided in this chapter, fix
salaries, and establish minimum standards of service. This
power shall be without regard to any limitation established by
law, unless any law passed hereafter shall refer specifically
to a particular officer or employee of the department.

- (f) The <u>State Service Commissioner comissioner</u> shall appoint all <u>clerical and stenographic personnel</u> in the <u>state</u> department, and in all county offices as is authorized or may <u>hereafter</u> be authorized <u>in the future under the <u>Statestate</u> Merit System and approved by the State Personnel Board.</u>
- (g) The State Service Commissioner commissioner, with the approval of the state board, may engage in activities designed to educate, recognize, and promote the mission of the board to veterans, the public, potential applicants, and other public agencies and, in doing so, may incur marketing expenditures for educational, informational, and promotional items to be used to further its purposes as determined by the board."

301 "\$31-5-7

(a) The <u>State Service Commissioner commissioner</u> shall submit an annual budget to the <u>State Board of Veterans'</u>

Affairs board for its approval an annual budget of all funds appropriated by the Legislature to the department for the specific purposes for which they are appropriated, and also a budget of any federal funds which may be allotted to the state by the federal government for the purposes of the department



according to the regulations of the federal authorities. He The

commissioner shall publish annually a full report of the

operations and administration of the department, together with

recommendations and suggestions, and submit such the report to

the state board.

(b) It shall be the duty of the state commissioner The commissioner to shall do all of the following:

- (1) Prepare detailed plans for, and fully develop, a comprehensive statewide veterans assistance program.
- departments in coordinating the plans and programs of state agencies which that may properly be utilized in the administration of various aspects of the problems of veterans, and dependents of veterans, such as the office of the State Adjutant General, the State Department of Education, the State Department of Human Resources, the State Department of Labor, the State Planning Board, the State Board of Health, and any other state agencies furnishing services to veterans.
- (3) Provide a central contact between federal agencies dealing with the problems of veterans, such as to include the United States Veterans' Administration Department of Veterans Affairs, the Selective Service System, the Social Security Administration, the Department of Defense, and other federal agencies—on the one hand, and the several—state agencies which that may administer the various aspects of the veterans' services and benefits—on the other.
- (4) Maintain central case records of all veterans seeking services or benefits to create a clearinghouse of



337	information and facilitate the interchange of information and
338	case histories among the several state administrative agencies
339	and the federal agencies to provide a clearinghouse of
340	information.
341	(c) Other duties of the state commissioner shall be to:
342	(1) (5) Acquaint himself, his associates, Become
343	acquainted, and acquaint department associates and the
344	employees, with the $\frac{1}{2}$ with the $\frac{1}{2}$ federal, state, and $\frac{1}{2}$ $\frac{1}{2}$
345	enacted for the benefit of members of the armed forces,
346	veterans, <u>and</u> their families, and dependents.
347	(2)(6) Collect data and information as to the about
348	<u>available</u> facilities and services available to them, and
349	cooperate with information or service agencies throughout the
350	$state_{ au}$ to inform members of the armed forces, veterans, their
351	families, and dependents, and $\frac{1}{2}$ military and civil
352	authorities regarding the existence or availability of all of
353	the following:
354	a. Educational training and retraining facilities.
355	b. Health, medical, rehabilitation, and housing
356	services and facilities.
357	c. Employment and reemployment services.
358	d. Provisions of federal, state, and local laws
359	affording rights, privileges, and benefits to members of the
360	armed forces, veterans, <u>and</u> their families, and dependents.
361	e. Other matters of similar, relative, or appropriate
362	natures.
363	(3)(7) AidAssist all residentsresident veterans of the

State of Alabama who served in the military or naval forces or



other armed services of the United States during any war in which the United States has been engaged, and members of the armed services during the peace times who have been honorably discharged from such service, and their relatives, beneficiaries, and dependents , to receive in receiving from the United States and this state any and all compensation, pensions, hospitalization, insurance, education, employment, loan guarantees, or any other aid or benefit to which they may be or may become entitled under existing laws of the United States or of this state, or such as may be hereafter enacted, and he shall perform such and perform other related duties in connection therewith as may be assigned by the state board.

(4) Cooperate and negotiate with the federal government, and all national, state, and local governmental, or private agencies for securing to secure additional services or benefits for veterans, their families, and their dependents who are residents of the State of Alabamathis state.

- (5) Develop and implement statewide plans for a repatriation program for proper reinterment, with appropriate honors, of the bodies of members of the armed services returned from temporary overseas cemeteries.
- (6) Provide for and maintain an advisory, counselling, and assistance service for dependents of present members of the armed services in connection with dependency allotments and allowances.
- (7) Disseminate information and instructions on a statewide basis pertaining to such acts as may be enacted from time to time by the Congress providing benefits for active



members of the armed forces, their beneficiaries and dependents.

- (8) Assist former prisoners of war and civilian internees to collect such indemnities and benefits as may be authorized by Congress from seized assets of enemy nations.
- (9) Compile, publish, and distribute casualty lists resulting from the Korean and Southeast Asian actions and any subsequent hostilities and to aid survivors and dependents of such survivors and dependents of such casualties to recover all rightful benefits before or after termination of armed service."

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The State Service Commissioner shall commissioner, with the approval of the State Board of Veterans' Affairs board, may appoint one first assistant state service commissioner, who shall be an attorney, and such other number of additional assistant state service commissioners as the state board deems necessary, who shall to serve as employees in the department, subject to the rules and regulations of the state board. They Assistant commissioners shall be appointed on the basis of education, ability, and experience in handling veterans' affairs, and without regard to political affiliations. Such The appointees shall be residents of the State of Alabama, this state, and shall be veterans who served on active duty for a period of 60 days or more in the military or naval forces Armed Forces of the United States in any war in which the United States shall have been engaged, and shall have been honorably discharged therefrom, and all subsequent appointees



421	to such	office	shall	be	selected	in	like	manner	and	shall	-be
422	possesse	ed of la	ike qua	ali:	fications.	**					

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(a) It shall be the duty of the State Service Commissioner, subject to Except as provided in subsection (b), the commissioner, with the approval of the State Board of Veterans' Affairs board, to shall appoint a county service commissionerveteran service officer for each of the several counties in the State of Alabama county in the state, except as provided in this section, and all appointees. Each veteran service officer shall be employees an employee of the state $department_{T}$ and subject to the authority and rules of the state board. The county service commissioner veteran service officer shall be a resident of thethis state, and a qualified elector therein, and shall be a veteran who served on active duty for a period of 60 days or more in the military or naval forces Armed Forces of the United States for a period of 60 days or more regardless of whether that service was during any war in which the United States shall have been engaged, and shall have been honorably discharged therefrom, and all subsequent appointees to the office shall be selected in like manner and possessed of like qualifications. In making such appointments, consideration shall be given as to whether the applicants are residents of the county. It shall be the duty of the State Service Commissioner The commissioner and state board toshall economize as far as possible in the administration of this lawsection in the several counties of the state.



(b) (1) It shall be the duty of the state the
commissioner, subject towith the approval of the state board,
to study the requirements of each separate county, and to
decide from time to timeshall determine whether or not there
is a need for a county service commissioner veteran service
officer in any particular county. In reaching a decision in
such mattermaking this determination, the State Service
Commissioner and the state board shall take into
consideration consider the total population of the county, the
number of men and women inducted into the armed services from
the county, the number of veterans present in the county, and
special circumstances and facts involving the concentration of
industries or other problems which that may have a tendency to
increase or decrease the number of veterans in certain
localities.—It shall be within the power of the State Service
Commissioner, subject to the approval of the state board, to
establish districts in the state, such districts to contain
one or more counties, wherever the number of veterans in the
counties composing such districts do not justify the
establishment of a separate county service commissioner's
office in each county in the district, and a central district
service commissioner's office shall be established at the most
central point in the district; provided, however, the district
offices must afford maximum services to veterans residing in
the district. It shall be the duty of the district service
commissioner to visit each county in the district on certain
specified days to be designated by the State Service
Commissioner for the purpose of assisting all veterans in the



477	counties. District service commissioners appointed under this
478	section shall be selected in the same manner as county service
479	commissioners, and shall be possessed of like qualifications.
480	(2) Where the circumstances do not justify establishing
481	a separate office in each county, the commissioner, with the
482	approval of the board, shall establish service areas in the
483	state containing one or more counties and shall establish a
484	service office for each service area in a location most
485	advantageous to the veterans within each area.
486	(c) The commissioner, with the approval of the board,
487	shall establish districts within the state, containing one or
488	more counties or service areas, and shall appoint district
489	managers to manage or assist veteran service officers.
490	District managers appointed under this section shall be
491	selected in the same manner and possess the same
492	qualifications as veteran service officers."
493	" §31-5-10
494	(a) The county service commissioner and district
495	service commissionerveteran service officer and district
496	<pre>manager shall perform suchthe duties as may be prescribed by</pre>
497	policies, rules, and regulations and instructions

manager shall perform such the duties as may be prescribed by
policies, rules, and regulations and instructions

promulgated adopted by the State Board of Veterans'

Affairs board and shall be administratively responsible to the
State Service Commissioner commissioner.

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(b) It shall be the duty of the county service commissioner and district service commissioner to The veteran service officer and district manager shall do all of the following:



(1) Cooperate with and assist the volunteer county

veterans' service committees in his district or county in the

development of a veterans' assistance program for his district

or countylocal veteran service organizations in developing

assistance programs for veterans.

- (2) Furnish information and data to the office of the State Service Commissioner commissioner relative to the various aspects of the problems issues of veterans and dependents of veterans in his jurisdiction.
- (3) Provide in his office an information and referral service to veterans seeking aid and assistance in connection with matters pertaining to employment and reemployment, educational and vocational training, health, medical, rehabilitation, and housing services and facilities, emergency financial assistance, and other matters of similar or relative and as appropriate natures.
- (4) Cooperate with all national, state, and local governmental and private agencies offering services or any benefits to veterans, and their families, and dependents.
- (5) Aid all residents of the district or county who served in the military or naval forces or other armed services during any war in which the United States has been engaged, and members of the armed services during peacetime who have been discharged under conditions other than dishonorable from the services, their relatives, beneficiaries, and dependents to receive from the United States any and all compensation, hospitalization, insurance, and other aid or benefits to which they may be entitled under existing laws of the United States,



or such as may hereafter be enacted, and he shall perform such
other duties in connection therewith as may be assigned by the
state board. Assist all resident veterans and their relatives,
beneficiaries, and dependents in receiving from the United
States and this state all compensation, pension,
hospitalization, insurance, education, employment, loan
guarantees, or other aid or benefit to which they may be
entitled under existing federal law or laws of this state, or
which may be created, and perform all other related duties
assigned by the board.

- district or county of their rights and benefits under federal and state and federal laws, and to encourage their taking advantage the use of the educational opportunity opportunities, including trade, and vocational training, and to offer counsel and advise to widows, orphans, and beneficiaries to the end that veterans and citizens of the county shall in order to secure the maximum return from the fullest extent of available benefits.
- (c) Each county service commissioner shall devote his entire time to such duties."
- **"**§31-5-11

The State Service Commissioner, the assistant service commissioner and each of the district service commissioners and county service commissioners shall, before entering into the duties of his office, subscribe and execute an oath of office. The State Service Commissioner and the assistant state service commissioner shall each execute and furnish a bond in



561 the penal sum of \$10,000, with sufficient surety to be 562 approved by the State Board of Veterans' Affairs, conditioned 563 upon the faithful performance of their official duties. Each district service commissioner and county service commissioner 564 565 shall execute and furnish a bond in the penal sum of \$5,000 566 with sufficient surety to be approved by the State Service 567 Commissioner, conditioned upon the faithful performance of 568 their official duties. The premium of all such bonds for 569 officials in the department shall be paid by the State of Alabama. (a) The commissioner shall have a seal of office and, 570 571 along with each assistant commissioner, district manager, and veteran service officer, shall subscribe and execute an oath 572 573 before entering into the duties of his or her office. 574 (b) The commissioner shall designate employees to 575 become notaries public who may administer oaths to any 576 individual swearing to the correctness of any statement made 577 in connection with any application for compensation, 578 hospitalization, insurance, pension, or any other service, 579 aid, or benefit to which the individual, or any other 580 individual on whose behalf any statement is made, may be or 581 may become entitled under existing federal law or laws of this 582 state." 583 "\$31-5-13 584 The Department of Veterans' Affairs department and State 585 Service Commissioner the commissioner shall maintain offices in 586 the capital city of the state. In each city of the state wherein the United States Veterans' Administration maintains a 587 588 regional or branch office, the State Service Commissioner The



589 commissioner, under authority of the State Board of Veterans' 590 Affairs board, in addition to the office of any district 591 service commissioner or county service commissioner any service 592 office, may, if he deemsdeemed it necessary, may set up and 593 maintain a service office staffed by an assistant service commissioner, veteran service officer, or district manager, 594 595 with ample-sufficient clerical assistants assistance." 596 "\$31-5-14 597 (a) For the fiscal year beginning October 1, 2012, and for fiscal years thereafter, salaries Salaries of officials and 598 599 employees of the department, as provided for under in this chapter, and office, travel, and other expenses incidental to 600 the proper establishment, operation, and maintenance of the 601 602 department, or offices of district or county service 603 commissioners, or other offices established by the State 604 Service Commissioner commissioner, as provided for under in 605 this chapter, may be paid by the State of Alabama, from the 606 State General Fund.

607 (b) Notwithstanding subdivision (a), provided, however, 608 that each county in the state in which a district service 609 commissioner's office or a county service 610 commissioner's veteran service officer's or district manager's 611 office is established shall furnish suitable office space in 612 the county courthouse, or another suitable location in the 613 county for the use of the district service commissioner or 614 county service commissioner for his or her use, and the county shall pay all expenses associated with operatingthe operation 615 616 of the office, including, but not limited to, any rental,



617 telephone, facsimile, business-class Internet, janitorial 618 service, power, heating and air conditioning, employee 619 parking, and other operational support or maintenance 620 expenses. Personnel costs of department officials and 621 employees are not considered expenses for which payment is 622 required of the county." 623 Section 2. Relating to the Department of Veterans 624 Affairs; to amend Sections 31-5-1, 31-5-2, 31-5-3, 31-5-4, 31-5-5, 31-5-6, 31-5-7, 31-5-8, 31-5-9, 31-5-10, 31-5-11, 625 31-5-13, 31-5-14, 31-5A-1, 31-5A-2, 31-5A-3, 31-5A-4, 31-5A-5, 626 627 31-5A-6, 31-5A-7, 31-5A-8, 31-5A-9, 31-5A-10, and 31-5A-11, Code of Alabama 1975; to revise definitions; to rename 628 629 professional employee positions; to provide for the 630 appointment of an executive director to oversee the operation 631 of state veterans homes; and to make nonsubstantive, technical 632 revisions to update the existing code language to current 633 style. "\$31-5A-1 634 635 The Legislature hereby finds and determines that there 636 currently exists a significant need for health, nursing, 637 medical, rehabilitative, and related housing structures for 638 those residents of this state who have served their state and 639 nation in its armed forces. The Legislature further finds and 640 determines that in order to meet this need, it is necessary 641 for there to be established to establish a state veterans' 642 home orveterans homes to be operated by the State Department of Veterans' Affairs department, and to vest in such the 643 644 department those powers and the authority that may be necessary



645 to enable it to accomplish the establishment and operation of 646 ato establish and operate state veterans' home orveterans homes. This chapter shall be liberally construed in conformity 647 648 with the purposes expressed this purpose." 649 "\$31-5A-2 650 As used in this chapter, the termterms "board," 651 "commissioner," "department," and "veteran" shall have the 652 same meaning ascribed to such term as defined in Section 653 31-5-1." "\$31-5A-3 654 655 The State Department of Veterans' Affairs department is designated as the agency of this state to receive federal aid 656 under Title 38, U.S.C., Sections 641 and 642, as amended. The 657 department is the sole agency authorized and directed to 658 659 receive federal aid from the United States Department of Veterans Administration Affairs or any other agency of the 660 661 United States government authorized to pay federal aid to 662 states for soldiers'state homes under Title 38, U.S.C., 663 Sections 641 and 642 §§ 1741 and 1742, as amended, and from 664 any other federal law or act of Congress providing for the 665 payment of funds to states for the care of or support of 666 disabled soldiers and sailors veterans in the state homes. The 667 department is authorized tomay receive from any source gifts, 668 contributions, bequests, and individual reimbursements, the 669 receipt of which does not exclude any other source of revenue. 670 All funds received by the department shall be deposited in the State Treasury in the Alabama Veterans' Veterans Home Trust 671

Fund as established in Section 31-5A-7, and such the funds





shall be expended per authorization of as authorized by the

State Board of Veterans' Affairs board."

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The department shall contract with a non-governmental entity to operate a state veterans veterans home or homes for the care and support of elderly or disabled veterans in the State of Alabamathis state. Contracts for the procurement of services required to manage, administer, and operate a state veterans '-veterans home shall be awarded on a competitive basis through the solicitation of proposals. The contract may be awarded to the vendor whose proposal is most advantageous to the state, taking into consideration cost factors, program suitability factors, management plan, excellence of program design, key personnel, corporate or company resources, financial condition of the vendor, corporate experience and past performance, and any other requirements deemed necessary by the State Board of Veterans' Affairs board and expressed in its solicitation for proposals. Any contract awarded under this section shall be for a period not to exceed five years. The State Board of Veterans' Affairs board is not required to select the vendor offering the lowest cost proposal but shall select the vendor who, in the board's discretion, offers the proposal most advantageous to the State of Alabamathis state. The award of contracts provided for hereindescribed in this section are exempt from the requirements of Chapter 16 and Chapter 4 of Title 41."

699 "\$31-5A-5

700 It shall be the duty of the State Service Commissioner



701 to appoint a department representative for any Alabama state 702 veterans' home, subject to approval of the State Board of Veterans' Affairs. The commissioner, subject to the approval 703 704 of the board, shall appoint an executive director for 705 oversight and coordination of all state veterans homes and 706 shall also appoint an on-site director for each state veterans 707 home. The department representative position herein provided 708 for executive director and director positions created pursuant to this section shall be exempt status (non-merit), and shall 709 710 be subject to guidelines as established herein by the board. 711 Each department representative will director shall be appointed 712 on the basis of education, ability, and experience in the 713 administration of medical facilities and/oror nursing homes, without regard to political affiliations. Each department 714 715 representative director shall perform his or her duties in accordance with the rules, guidelines, and general policies as 716 717 may be established by the State Board of Veterans' 718 Affairs board and as provided in this chapter. Each department 719 representative shall serve at the pleasure of the State Board of Veterans' Affairs, and shall receive such compensation as 720 721 shall be determined by the board with the approval of the 722 Governor of the state. Each department representative shall 723 publish annually a full report of the operations and 724 administration of the state veterans' home that is under his 725 administration, together with recommendations and suggestions for improvements in facilities and services, and submit such 726 report to the State Board of Veterans' Affairs." 727 728 "\$31-5A-6



729	The State Board of Veterans' Affairs board, in
730	conference with the State Service Commissioner of Veterans!
731	Affairscommissioner, shall have the authority exclusivelydo
732	all of the following:
733	$\frac{(a)}{(1)}$ To provide Provide for the operation of a state
734	veterans' home or veterans homes for the care of and support of
735	elderly and disabled veterans in the State of Alabamathis
736	$\underline{\text{state}}$ as prescribed in this chapter $\div\underline{.}$
737	(b) (2) To make necessary rules and regulations Adopt
738	rules for the creation and operation of any state veterans'
739	homesveterans home;
740	(c) (3) To apply Apply for and accept gifts, grants, and
741	other contributions from the federal government or from any
742	other governmental unit \div
743	(d) (4) To use the Use funds received from the federal
744	government or from any other governmental unit for the
745	purposes authorized and directed by the federal government or
746	$rac{ ext{such-}}{ ext{other}}$ other governmental unit in making the funds available $rac{ ext{ ext{ ext{\cdot}}}{ ext{ ext{\cdot}}}$
747	(e) (5) To accept and use Accept gifts, grants,
748	donations, and contributions of real estate, both vacant and
749	improved, facilities, services, or other property from
750	individuals, firms, corporations, organizations, and
751	associations $\underline{\ \ }$ and from county and municipal corporations and
752	their subdivisions, plus any other sources of revenue for any
753	state <pre>veterans veterans homes. All expenditures from the trust</pre>
754	fund shall be made upon warrants issued by the state
755	Comptroller drawn on account held by the State Treasury based
756	upon alaims approved by the State Poard of Weterans!



- 757 Affairs board, as provided in this section."
- 758 "\$31-5A-7
- 759 (a) There is hereby created—A trust fund in the State
- 760 Treasury a trust fund is created for the benefit of the
- 761 Alabama Department of Veterans' State Department of Veterans
- 762 Affairs, to be known as the Alabama Veterans Home
- 763 Trust Fund.
- 764 (b) The trust fund shall consist of all funds and
- 765 monies received by the State Board of Veterans' Affairs and/or
- 766 the Alabama Department of Veterans' Affairs board or the
- 767 <u>department</u> from the United States, any federal agency or
- 768 institution, gifts, contributions, bequests, any individual
- 769 reimbursements, and any other source, for the care or support
- of veterans, discharged other than under dishonorable
- 771 conditions, who have been admitted and cared for at an Alabama
- 772 Department of Veterans' Affairs state veterans' homea state
- 773 veterans home.
- 774 (c) Nothing contained herein in this section prohibits
- 775 the establishment and utilization of special agency accounts
- 776 by the Department of Veterans' Affairs department and its
- 777 constituent institutions, as may be approved by the State
- 778 Board of Veterans' Affairs board, for receipt and disbursement
- of the personal funds of state veterans 'veterans home
- 780 residents and members and/or or for receipt and disbursement
- 781 of charitable contributions and donations for use by and for
- 782 the benefit of residents and members.
- 783 (d) The trust fund herein created pursuant to this
- 784 section shall be used by the Alabama Department of Veterans'



785 Affairs department to pay for the care of veterans, discharged 786 other than under dishonorable conditions, in the a state 787 veterans '-veterans home and to pay the general operating 788 expenses of the a state veterans veterans home, including the 789 payment of salaries and wages of officials and employees. 790 Further provided, that funds Funds in said the trust fund may be 791 used to remodel, repair, construct, build additions, 792 modernize, or add improvements of domiciliary or hospital buildings necessary for the care of veterans, plus 793 794 architectural plans, specifications, or other pertinent costs 795 pertinent thereto as approved by appropriate state agencies. All funds deposited, plus income earned on the investment or 796 797 reinvestment, shall be credited to the trust fund created 798 hereinpursuant to this section. Any money remaining in the 799 fund at the end of each fiscal year shall remain on deposit in the State Treasury to the credit of the Alabama 800 801 Veterans Home Trust Fund. No funds shall be withdrawn 802 or expended for any purpose whatsoever unless the same 803 shall the funds have been allotted and budgeted in accordance 804 with the provisions of Article 4 of Chapter 4 of Title 41, and 805 only in the amounts and for the purposes provided by the 806 Legislature in the General Appropriation Act." 807 "\$31-5A-8 808 (a) Admissions to and discharges from any Alabama state 809 veterans '-veterans home shall be in accordance with the 810 policies and procedures as established by the State Board of Veterans' Affairs board at the time an application for 811 812 admission or for discharge is presented submitted; provided,



813 however, that the State Board of Veterans' Affairs.

- (b) The board may admit and discharge veterans to any Alabama veterans'—state veterans home who qualify for care and treatment under Title 38, U.S.C., Section 101 (19) and Section 641 §§ 1710 and 1741, and may adopt—appropriate rules consistent with accepted medical considerations to carry out this function."
- 820 "\$31-5A-9

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- (a) The State Board of Veterans' Affairs board shall report annually to the Governor annually respecting the activities of the State Department of Veterans' Affairs in connection with department regarding the operation of the state veterans' veterans homes.—This
 - (b) The annual report shall contain an accounting for of all moneysmonies received and expended, statistics on veterans who resided in the homes during the year, recommendations to the Governor and the Legislature, and such other matters as the board shall deem deemed pertinent by the board.
- 831 (c) The State Service Commissioner, with 832 the approval of the State Board of Veterans' Affairs board, 833 shall compile an annual budget request, as necessary, 834 respecting listing needs for state funding for anticipated 835 costs of such veterans homes., which The budget request shall 836 be submitted to the Department of Finance in conjunction with 837 the State Department of Veterans' Affairs department's annual budget requests." 838
- 839 "\$31-5A-10
- Each resident of any state veterans veterans home shall



pay directly to the contracted service operator of the home the cost of maintaining his or her residence at the home. The cost shall be as prescribed determined by the State Board of Veterans' Affairs board in conference with the State Service Commissioner commissioner. The cost of the care shall be paid by the 10th day of each month."

847 "\$31-5A-11

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- (a) Any home in addition to the one located in Alexander City, Alabama, or any proposed new service or proposed change of service or any requirement then deemed applicable shall be subject to the certificate of need process, the Department of Public Health Division of Licensure and Certification and any and all review and approval processes, criteria, statutory, and administrative rules and regulations then applicable to any proposed privately-owned and/or operated nursing home facility or health care provider seeking to operate in Alabama. All state veterans veterans nursing homes, domiciliaries, hospitals, or any other health related activities shall be subject to all—the rules and regulations governing and controlling the operation of a privately-owned facility or provider of health services in the State of Alabamathis state, including the certificate of need process and the Department of Public Health Division of Licensure and Certification requirements.
- (b) Notwithstanding subsection (a), the veterans homes currently located in Alexander City, Bay Minette, and Huntsville, Alabama, are not subject to the certificate of need process."



869	Section 3. Section 31-5-12, Code of Alabama 1975,
870	relating to the sealing of documents, is repealed.
871	Section 4. This act shall become effective on October
872	1, 2024.



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880		Speaker of the House of Representatives	
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886]	President and Presiding Officer of the Senate	
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890	т 1	nereby certify that the within Act originated	in and
891		d by the House 02-Apr-24, as amended.	III alla
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893		John Treadwell	
894		Clerk	
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