

1 HB711
2 141044-2
3 By Representative Lee
4 RFD: Military and Veterans Affairs
5 First Read: 19-APR-12

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8 SYNOPSIS: Under existing law, the State Board of
9 Veterans' Affairs is appointed by the Governor from
10 nominations from certain designated veterans
11 organizations. The number of members on the board
12 is based on the number of members of the various
13 organizations.

14 This bill would provide for the American
15 Gold Star Mothers, Inc., the Gold Star Wives of
16 America, Inc., and the Noncommissioned Officers
17 Association, Inc., to make nominations for
18 membership on the State Board of Veterans' Affairs.

19
20 A BILL
21 TO BE ENTITLED
22 AN ACT

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24 To amend Section 31-5-3, Code of Alabama 1975, as
25 amended by Act 2011-625 of the 2011 Regular Session (Acts
26 2011, p. 1476), relating to the State Board of Veterans'

1 Affairs; to further provide for nominations for membership on
2 the board.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 31-5-3, Code of Alabama 1975, as
5 amended by Act 2011-625 of the 2011 Regular Session (Acts
6 2011, p. 1476), is amended to read as follows:

7 "§31-5-3.

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

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

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

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

22 "(d) The state board may establish and operate
23 through the Department of Veterans' Affairs a state veterans'
24 cemetery and make application to the government of the United
25 States, or any subdivision, agency, or instrumentality
26 thereof, for funds for the purpose of establishing the
27 cemetery. The department may enter into agreements with any

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

15 "(e) The state board shall have the power, and it
16 shall be its duty, to fix the salaries and minimum standards
17 of service and personnel of all service commissioners, and
18 subject to the state Merit System, where applicable, to fix
19 salaries and minimum standards of service and personnel,
20 according to the schedules and rules prescribed by the State
21 Personnel Board, for other employees and personnel.

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

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

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

7 Section 2. This act shall become effective
8 immediately following its passage and approval by the
9 Governor, or its otherwise becoming law.