

1 SB123
2 209169-2
3 By Senator Butler
4 RFD: Veterans and Military Affairs
5 First Read: 02-FEB-21
6 PFD: 01/29/2021

1 SB123

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to the Alabama Department of Veterans'
12 Affairs; to amend Sections 31-5-4, 31-5-6, 31-5-9, and
13 31-5-14, Code of Alabama 1975, to allow the department to
14 provide assistance to military veterans whose service was not
15 during war time; to allow the State Service Commission to
16 incur and engage in certain marketing and promotional
17 expenditures and activities; to remove the county residency
18 requirement for county service officers; and to clarify the
19 support requirements for a county office.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Sections 31-5-4, 31-5-6, 31-5-9, and
22 31-5-14, Code of Alabama 1975, are amended to read as follows:

23 "§31-5-4.

24 "The State Department of Veterans' Affairs shall
25 assist every veteran ~~of any war~~ of the United States in
26 presenting and pursuing ~~such~~ any claim ~~as~~ the veteran may have
27 against the United States arising out of ~~war~~ his or her

1 military service and in establishing the veteran's right to
2 any privilege, preference, care, or compensation provided for
3 by the laws of the United States or of the State of Alabama,
4 when the veteran requests ~~such~~ assistance. Whenever the
5 veteran applying to a representative of the State Department
6 of Veterans' Affairs shall have executed a power of attorney
7 to any veterans' organization or the American Red Cross, which
8 has entered into an agreement with the State Department of
9 Veterans' Affairs, the representative shall accept any claim
10 or information pertaining to any claim, right, preference,
11 privilege, compensation, or application for care from the
12 veteran and advise ~~with~~ him or her as to the proper
13 preparation of the same and then arrange, upon request of the
14 veteran, ~~forward the same to the State Department of Veterans'~~
15 ~~Affairs in order that it might make contact with the~~
16 ~~organization to which the veteran has given a power of~~
17 ~~attorney~~ for the further handling, presenting, and prosecuting
18 of ~~such~~ the claim. Should any veteran making application to
19 the State Department of Veterans' Affairs not have given a
20 power of attorney to any organization to represent ~~him~~ the
21 ~~veteran~~ veteran in handling his or her affairs, the department
22 shall advise ~~him~~ the veteran of the organizations recognized
23 by the Veterans' Administration to represent him or her and
24 allow the veteran to make his or her choice of the
25 organization he or she desires to represent him or her.

26 "§31-5-6.

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

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

23 "(c) The State Department of Veterans' Affairs,
24 acting through the State Service Commissioner, shall be the
25 designated agency of the State of Alabama to represent the
26 state and its veterans before the United States Veterans'

1 Administration, or any other agency dealing with the interest
2 of the veteran.

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

8 "(e) The State Service Commissioner, with the
9 approval of the state board, shall appoint all district
10 service commissioners and county service commissioners as
11 provided in this chapter.

12 "(f) The State Service Commissioner shall appoint
13 all clerical and stenographic personnel in the state
14 department, and in all county offices as is authorized or may
15 hereafter be authorized under the State Merit System and
16 approved by the State Personnel Board.

17 "(g) The State Service Commissioner, with the
18 approval of the state board, may engage in activities designed
19 to educate, recognize, and promote the mission of the board to
20 veterans, the public, potential applicants, and other public
21 agencies and, in doing so, may incur marketing expenditures
22 for educational, informational, and promotional items to be
23 used to further its purposes as determined by the board.

24 "§31-5-9.

25 "It shall be the duty of the State Service
26 Commissioner, subject to the approval of the State Board of
27 Veterans' Affairs, to appoint a county service commissioner

1 for each of the several counties in the State of Alabama,
2 except as provided in this section, and all ~~such~~ appointees
3 shall be employees of the state department, subject to the
4 authority, and rules, ~~and regulations~~ of the state board. ~~Such~~
5 The county service commissioner shall be a resident of the
6 ~~county~~ state, and a qualified elector therein, and shall be a
7 veteran who served on active duty in the military or naval
8 forces of the United States for a period of 60 days or more
9 regardless of whether that service was during ~~in~~ any war in
10 which the United States shall have been engaged, and shall
11 have been honorably discharged therefrom, and all subsequent
12 appointees to ~~such~~ the office shall be selected in like manner
13 and possessed of like qualifications. It shall be the duty of
14 the State Service Commissioner and state board to economize as
15 far as possible in the administration of this law in the
16 several counties of the state. It shall be the duty of the
17 state commissioner, subject to the approval of the state
18 board, to study the requirements of each separate county, and
19 to decide from time to time whether or not there is a need for
20 a county service commissioner in any particular county. In
21 reaching a decision in such matter, the State Service
22 Commissioner and the state board shall take into consideration
23 the total population of the county, the number of men and
24 women inducted into the armed services from the county, the
25 number of veterans ~~of all wars~~ present in the county, and
26 special circumstances and facts involving the concentration of
27 industries or other problems which may have a tendency to

1 increase or decrease the number of veterans in certain
2 localities. It shall be within the power of the State Service
3 Commissioner, subject to the approval of the state board, to
4 establish districts in the state, such districts to contain
5 one or more counties, wherever the number of veterans in the
6 counties composing such districts do not justify the
7 establishment of a separate county service commissioner's
8 office in each county in the district, and a central district
9 service commissioner's office shall be established at the most
10 central point in ~~such~~ the district; provided, however, ~~such~~
11 the district offices must afford maximum services to veterans
12 residing in ~~such~~ the district. It shall be the duty of the
13 district service commissioner to visit each county in the
14 district on certain specified days to be designated by the
15 State Service Commissioner for the purpose of assisting all
16 veterans in ~~such~~ the counties. District service commissioners
17 appointed under this section shall be selected in the same
18 manner as county service commissioners, and shall be possessed
19 of like qualifications.

20 "§31-5-14.

21 "For the fiscal year beginning October 1, 2012, and
22 for fiscal years thereafter, salaries of officials and
23 employees of the department as provided for under this
24 chapter, and office, travel, and other expenses incidental to
25 the proper establishment, operation, and maintenance of the
26 department, or offices of district or county service
27 commissioners, or other offices established by the State

1 Service Commissioner as provided for under this chapter, may
2 be paid by the State of Alabama, from the State General Fund;
3 provided, however, that each county in the state in which a
4 district service commissioner's office or a county service
5 commissioner's office is established shall furnish suitable
6 office space in the county courthouse, or another suitable
7 location in the county for the use of the district service
8 commissioner or county service commissioner, and the county
9 shall pay all expenses associated with operating the office
10 including, but not limited to, any rental, telephone,
11 facsimile, business-class Internet, janitor janitorial
12 service, light, power, heat, heating and air conditioning,
13 employee parking, heating and air conditioning, employee
14 parking, or and other operational support or maintenance
15 expense for the office shall be paid by the county expenses."

16 Section 2. This act shall become effective on the
17 first day of the third month following its passage and
18 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Veterans and Military Affairs 02-FEB-21

Read for the second time and placed on the calen-
dar..... 03-FEB-21

Read for the third time and passed as amended 09-FEB-21

Yeas 30
Nays 0

Patrick Harris,
Secretary.