

1 SB123
2 209169-3
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 ENROLLED, An Act,

5 Relating to the Alabama Department of Veterans'
6 Affairs; to amend Sections 31-5-4, 31-5-6, 31-5-9, and
7 31-5-14, Code of Alabama 1975, to allow the department to
8 provide assistance to military veterans whose service was not
9 during war time; to allow the State Service Commission to
10 incur and engage in certain marketing and promotional
11 expenditures and activities; to remove the county residency
12 requirement for county service officers; and to clarify the
13 support requirements for a county office.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Sections 31-5-4, 31-5-6, 31-5-9, and
16 31-5-14, Code of Alabama 1975, are amended to read as follows:

17 "§31-5-4.

18 "The State Department of Veterans' Affairs shall
19 assist every veteran ~~of any war~~ of the United States in
20 presenting and pursuing ~~such~~ any claim ~~as~~ the veteran may have
21 against the United States arising out of ~~war~~ his or her
22 military service and in establishing the veteran's right to
23 any privilege, preference, care, or compensation provided for
24 by the laws of the United States or of the State of Alabama,
25 when the veteran requests ~~such~~ assistance. Whenever the

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

22 "§31-5-6.

23 "(a) It shall be the duty of the State Board of
24 Veterans' Affairs to appoint a State Service Commissioner who
25 shall serve for a term of four years subject to removal by the

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

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

20 "(c) The State Department of Veterans' Affairs,
21 acting through the State Service Commissioner, shall be the
22 designated agency of the State of Alabama to represent the
23 state and its veterans before the United States Veterans'
24 Administration, or any other agency dealing with the interest
25 of the veteran.

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

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

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

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

22 "§31-5-9.

23 "It shall be the duty of the State Service
24 Commissioner, subject to the approval of the State Board of
25 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. In making such
14 appointments, consideration shall be given as to whether the
15 applicants are residents of the county. It shall be the duty
16 of the State Service Commissioner and state board to economize
17 as far as possible in the administration of this law in the
18 several counties of the state. It shall be the duty of the
19 state commissioner, subject to the approval of the state
20 board, to study the requirements of each separate county, and
21 to decide from time to time whether or not there is a need for
22 a county service commissioner in any particular county. In
23 reaching a decision in such matter, the State Service
24 Commissioner and the state board shall take into consideration
25 the total population of the county, the number of men and

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

24 "§31-5-14.

1 "For the fiscal year beginning October 1, 2012, and
2 for fiscal years thereafter, salaries of officials and
3 employees of the department as provided for under this
4 chapter, and office, travel, and other expenses incidental to
5 the proper establishment, operation, and maintenance of the
6 department, or offices of district or county service
7 commissioners, or other offices established by the State
8 Service Commissioner as provided for under this chapter, may
9 be paid by the State of Alabama, from the State General Fund;
10 provided, however, that each county in the state in which a
11 district service commissioner's office or a county service
12 commissioner's office is established shall furnish suitable
13 office space in the county courthouse, or another suitable
14 location in the county for the use of the district service
15 commissioner or county service commissioner, and the county
16 shall pay all expenses associated with operating the office
17 including, but not limited to, any rental, telephone,
18 facsimile, business-class Internet, ~~janitor janitorial~~
19 ~~service, light, power, heat, heating and air conditioning,~~
20 ~~employee parking,~~ heating and air conditioning, employee
21 ~~parking, or and other operational support or maintenance~~
22 ~~expense for the office shall be paid by the county expenses.~~"

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

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President and Presiding Officer of
the Senate

Speaker of the House of Representa-
tives

SB123
Senate 09-FEB-21
I hereby certify that the within Act originated in
and passed the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Amended and passed 01-APR-21

Senate concurred in House amendment 06-APR-21

By: Senator Butler