

1 SB544  
2 141044-2  
3 By Senator Holley  
4 RFD: Veterans and Military Affairs  
5 First Read: 19-APR-12

2  
3  
4  
5  
6  
7  
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

23  
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.