

HB103 INTRODUCED



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



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SYNOPSIS:

Under existing law, the State Board of Veterans Affairs assists veterans in pursuing claims for military benefits and services to which they may be entitled from the United States arising from their military service.

This bill would revise definitions and rename professional employee positions.

This bill would provide for the appointment of an executive director to oversee the operation of state veterans homes.

This bill would repeal redundant code sections.

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style.

A BILL
TO BE ENTITLED
AN ACT

Relating to the Department of Veterans 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, 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,



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29 31-5A-8, 31-5A-9, 31-5A-10, and 31-5A-11, Code of Alabama
30 1975; to repeal Section 31-5-12, Code of Alabama 1975; to
31 revise definitions; to rename professional employee positions;
32 to provide for the appointment of an executive director to
33 oversee the operation of state veterans homes; and to make
34 nonsubstantive, technical revisions to update the existing
35 code language to current style.

36 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

37 Section 1. Relating to the Department of Veterans
38 Affairs; to amend Sections 31-5-1, 31-5-2, 31-5-3, 31-5-4,
39 31-5-5, 31-5-6, 31-5-7, 31-5-8, 31-5-9, 31-5-10, 31-5-11,
40 31-5-13, 31-5-14, 31-5A-1, 31-5A-2, 31-5A-3, 31-5A-4, 31-5A-5,
41 31-5A-6, 31-5A-7, 31-5A-8, 31-5A-9, 31-5A-10, and 31-5A-11,
42 Code of Alabama 1975; to revise definitions; to rename
43 professional employee positions; to provide for the
44 appointment of an executive director to oversee the operation
45 of state veterans homes; and to make nonsubstantive, technical
46 revisions to update the existing code language to current
47 style."§31-5-1

48 As used under this chapter, these terms ~~shall~~ have the
49 following meanings:

50 ~~(1)~~ (3) DEPARTMENT. The State Department of
51 ~~Veterans'~~ Veterans Affairs.

52 ~~(2)~~ (1) ~~THE STATE~~ BOARD. The State Board of
53 ~~Veterans'~~ Veterans Affairs.

54 ~~(3)~~ (2) ~~STATE~~ COMMISSIONER. The ~~State Service~~
55 ~~Commissioner~~ chief executive officer of the State Department of
56 Veterans Affairs.



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57 (4) VETERAN. ~~Except as otherwise used in this chapter,~~
58 ~~such term shall mean any~~Either of the following:

59 a. Any person individual, ~~male or female, who served on~~
60 ~~active duty, whether commissioned, enlisted, inducted,~~
61 ~~appointed or mustered into the military or naval service of~~
62 ~~the United States during any war in which the United States~~
63 ~~has been engaged, and who shall have been discharged or~~
64 ~~released from such services under conditions other than~~
65 ~~dishonorable~~ who served in the active military, naval, air, or
66 space forces of the United States and who was discharged or
67 released under conditions other than dishonorable.

68 b. Any individual who is entitled, under Title 10
69 U.S.C. Chapter 1223, to retired pay for nonregular service or,
70 but for age, would be entitled under that chapter to retired
71 pay for nonregular service."

72 "§31-5-2

73 ~~There shall be a~~The State ~~Department~~Board of
74 ~~Veterans'~~Veterans Affairs ~~with subordinate bureaus and~~
75 ~~divisions, which shall operate under a~~ is established to
76 oversee the State ~~Board~~Department of ~~Veterans'~~Veterans
77 Affairs~~,~~. The department shall ~~and consist~~ be composed of a
78 ~~State Service Commissioner~~commissioner and ~~such~~ other officers
79 and employees authorized to be appointed under this chapter~~,~~
80 ~~and meeting~~who meet the qualifications prescribed by the ~~state~~
81 board."

82 "§31-5-3

83 (a) (1) The ~~State Board of Veterans' Affairs~~board shall
84 ~~consist~~be composed of the Governor, as chair, and



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85 representatives, to serve for a term of four years from the
86 date of their respective appointments, who shall be selected
87 from the memberships of the Alabama Department of the American
88 Legion, ~~the United Spanish American War Veterans~~, the Veterans
89 of Foreign Wars, the Disabled American Veterans, ~~Veterans of~~
90 ~~WWI of the USA, Incorporated~~, the Vietnam Veterans of America,
91 AMVETS, the Military Order of the Purple Heart, the American
92 Ex-Prisoners of War, Incorporated, the Alabama Alliance of the
93 Military Officers Association of America, ~~Inc.~~ Incorporated,
94 and the Marine Corps League. r.

95 (2) ~~the~~ The nomination of the representatives ~~to~~ shall be
96 made by the executive committees or similar governing bodies
97 of the respective organizations ~~on the following ratio of the~~
98 ~~membership as it existed on July 1 of the year in which the~~
99 ~~appointment is to be made by the Governor in a manner whereby~~
100 ~~there.~~ There shall be one representative from each of the
101 organizations for the first 7,500 resident members, r. or
102 fraction thereof, and one additional representative from each
103 organization for each additional 7,500 resident members, r. or
104 fraction thereof. The total memberships of the respective
105 organizations shall be determined on July 1 of the year in
106 which the representatives shall be designated from the state
107 enrollment of each organization as duly verified for
108 correctness by the adjutant or a similar officer of the
109 organization. Notwithstanding the foregoing, the executive
110 committees or similar governing bodies of the ~~above-named~~
111 organizations shall each nominate to the Governor three
112 veterans who are members of the organizations, r. for each place



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113 on the board to which the organizations are entitled to have a
114 nominee. The nominations shall also include, in representative
115 proportions, veterans of every war which are included in the
116 membership of the organizations. ~~The board shall have~~
117 ~~authority to grant representation on the board, and on the~~
118 ~~same basis of membership as provided in this section, to any~~
119 ~~organization of veterans of the Second World War having a~~
120 ~~national charter authorized by an act of Congress and~~
121 ~~operating through local organizations in Alabama.~~

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

127 (b) The ~~state~~ board, in conference with the ~~State~~
128 ~~Service Commissioner~~ commissioner, shall ~~be responsible for the~~
129 ~~adoption of~~ adopt and amend policies, ~~rules, and regulations~~
130 ~~for its government and for the government of the Department of~~
131 ~~Veterans' Affairs~~ and rules as may be necessary to carry out
132 this chapter.

133 (c) The ~~state~~ board, subject to Section 31-5-6, ~~shall~~
134 ~~have and exercise all rule-making powers of the department,~~
135 ~~and may make regulations not inconsistent therewith or with~~
136 ~~state law that it deems necessary for carrying out this~~
137 ~~chapter. The board also may alter, repeal, or amend the~~
138 ~~regulations or any of them. This rule-making power shall~~
139 ~~include the establishment and promulgation of rules and~~
140 ~~regulations, including amendments and repeals thereof, with~~



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141 ~~respect to~~ shall adopt rules governing the manner of
142 performance of all functions and duties of the department and
143 the various officers and employees ~~thereof~~, including the
144 selection and appointment of all ~~service~~ commissioners and
145 assistant commissioners, district managers, and veteran
146 service officers. ~~All rules and regulations shall be furnished~~
147 ~~to the Personnel Board, and in accordance therewith, a list of~~
148 ~~eligibles shall be established therefrom. Competition for~~
149 ~~places on the eligible lists shall be limited to persons~~
150 ~~meeting qualifications and requirements set up in the rules~~
151 ~~and regulations~~. The rules ~~and regulations~~ shall have the
152 force and effect of law and prima facie evidence thereof may
153 be given in all courts and proceedings by the production of
154 what purports to be an official printed copy of the
155 regulations, alterations, repeal, or amendment.

156 (d) The ~~state~~ board may establish and operate through
157 the ~~Department of Veterans' Affairs~~ department a state
158 ~~veterans' cemetery~~ veterans cemeteries and ~~make application~~ may
159 apply to the government of the United States, or any
160 subdivision, agency, or instrumentality thereof, for funds for
161 the purpose of establishing, ~~the cemetery~~ operating, and
162 maintaining the cemeteries. The department may enter into
163 agreements with any subdivision of the state for assistance in
164 operating the ~~cemetery~~ cemeteries. The department shall own the
165 land on which the ~~cemetery is~~ cemeteries are located. The
166 department may accept federal grant funds, funding from state
167 subdivisions, donations from private sources, and federal plot
168 allowance payments. All of these funds shall be deposited into



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169 the ~~Veterans'~~ Veterans Assistance Fund and may be used only
170 for the establishment, operation, and maintenance of a
171 ~~veterans' cemetery~~ veterans cemeteries. The department may
172 accept suitable cemetery land, in accordance with federal
173 ~~veterans'~~ veterans cemetery grant guidelines, from the federal
174 government, state government, state subdivisions, private
175 sources, and any other source wishing to transfer land for use
176 as a ~~veterans'~~ veterans cemetery. No funds ~~will be~~ used for
177 these projects may be from the Education Trust Fund. The ~~State~~
178 ~~Service Commissioner~~ commissioner may execute deeds and other
179 instruments of conveyance for the department. Any deed of
180 cemetery property to the ~~Department of Veterans'~~
181 ~~Affairs~~ department prior to August 1, 2012, is ratified and
182 confirmed.

183 ~~(e) The state board shall have the power, and it shall~~
184 ~~be its duty, to fix the salaries and minimum standards of~~
185 ~~service and personnel of all service commissioners, and~~
186 ~~subject to the state Merit System, where applicable, to fix~~
187 ~~salaries and minimum standards of service and personnel,~~
188 ~~according to the schedules and rules prescribed by the State~~
189 ~~Personnel Board, for other employees and personnel.~~

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

193 ~~(g)~~ (f) The presence of a majority of the members at any
194 regular or special meeting of the board shall constitute a
195 quorum for the transaction of all business.

196 ~~(h)~~ (g) Members of the ~~state~~ board shall be entitled to



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

202 "§31-5-4

203 (a) ~~The State Department of Veterans' Affairs~~
204 department shall assist ~~every veteran~~veterans of the United
205 States in presenting and pursuing any credible claim the
206 veteran may have against the United States arising out of his
207 or her military service and in establishing the veteran's
208 right to any privilege, preference, care, ~~or~~ compensation, or
209 pension as provided ~~for by the laws of the United~~
210 ~~States~~federal law or the laws of ~~the State of Alabama~~this
211 state, when the veteran requests assistance. ~~Whenever the~~When
212 a veteran who is applying to a representative of the ~~State~~
213 ~~Department of Veterans' Affairs shall have~~department has
214 executed a power of attorney to any ~~veterans'~~veterans
215 organization or the American Red Cross, which has entered into
216 an agreement with the ~~State Department of Veterans'~~
217 ~~Affairs~~department, the representative shall ~~accept~~do all of
218 the following:

219 (1) Accept any credible claim or information pertaining
220 to any claim, right, preference, privilege, compensation,
221 pension, or application for care from the veteran.

222 (2) and adviseAdvise him or her as to the proper
223 preparation of the ~~same~~claim.

224 (3) and then arrangeArrange, upon request of the



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225 veteran, for the further handling, presenting, and prosecuting
226 of the claim.

227 (b) Should any veteran making application to the ~~State~~
228 ~~Department of Veterans' Affairs~~department not have given a
229 power of attorney to any organization to represent the veteran
230 in handling his or her affairs, the department shall advise
231 the veteran of the organizations recognized by the ~~Veterans'~~
232 ~~Administration~~United States Department of Veterans Affairs to
233 represent him or her and allow the veteran to make his or her
234 choice of the organization he or she desires to represent him
235 or her."

236 "§31-5-5

237 The ~~State Department of Veterans' Affairs, by the State~~
238 ~~Service Commissioner~~department, through the commissioner, with
239 the approval of the ~~State Board of Veterans' Affairs~~board, may
240 contract with any organization of veterans which ~~has~~
241 regularly, for a period of five years next preceding the date
242 of ~~such~~the contract, has maintained an established committee
243 or agency rendering ~~similar~~ services to veterans, similar to
244 ~~as~~ the services referred to in Section 31-5-4, to perform ~~such~~
245 ~~service~~the services for veterans and to process any claims or
246 matters of veterans who apply to the ~~State Department of~~
247 ~~Veterans' Affairs~~department for assistance when the veterans
248 have executed a power of attorney to the veterans'
249 organization. The department, through the contract, shall
250 compensate the ~~veterans~~ veterans' organizations on the basis
251 of service rendered, which compensation shall be paid from
252 sums appropriated to the ~~State Department of Veterans'~~



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253 ~~Affairs~~department. No ~~such~~ contract shall be made unless the
254 ~~State Board of Veterans' Affairs~~board determines ~~that~~, owing
255 to the confidential relationships involved and the necessity
256 of operating through agencies which the veterans involved will
257 feel to be sympathetic towards their problems, that the
258 services cannot satisfactorily be rendered ~~otherwise~~other than
259 through the agency of ~~such~~the ~~veterans~~ veterans' organization
260 and that the best interests of the veterans involved will be
261 served if ~~such~~the contract is made."

262 "§31-5-6

263 (a) ~~It shall be the duty of the State Board of~~
264 ~~Veterans' Affairs to~~The board shall appoint a ~~State Service~~
265 ~~Commissioner~~commissioner ~~who shall~~to serve for a term of four
266 years subject to removal by the ~~state~~ board for cause. The
267 commissioner shall be appointed on the basis of education,
268 ability, and experience in handling veterans' affairs, and
269 without regard to political affiliations. The commissioner
270 shall be a resident of ~~the State of Alabama~~this state and
271 shall be a veteran who served on active duty for a period of
272 60 days or more in the ~~military or naval forces~~ Armed Forces
273 of the United States ~~in any war in which the United States~~
274 ~~shall have been engaged~~, and shall have been honorably
275 discharged ~~therefrom, and all subsequent appointees to the~~
276 ~~office shall be selected in like manner and possess like~~
277 ~~qualifications.~~

278 (b) ~~All administrative and executive duties and~~
279 ~~responsibilities of the department shall be performed by the~~
280 ~~State Service Commissioner, subject to the authority of the~~



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281 ~~state board.~~ The ~~State Service Commissioner~~commissioner shall
282 be the executive and administrative officer of the ~~State~~
283 ~~Department of Veterans' Affairs~~department, subject to the
284 authority of the board, and ~~shall have the power to~~may issue
285 administrative orders and directives to all officials and
286 employees in the department.

287 (c) The ~~State Department of Veterans'~~
288 ~~Affairs~~department, acting through the ~~State Service~~
289 ~~Commissioner~~commissioner, shall be the designated agency of
290 ~~the State of Alabama~~this state to represent the state and its
291 veterans before the United States ~~Veterans'~~
292 ~~Administration~~Department of Veterans Affairs, or any other
293 agency dealing with the ~~interest~~interests of the veteran.

294 (d) The ~~State Service Commissioner~~commissioner, with
295 the approval of the ~~state~~ board, ~~shall be empowered to~~may
296 enter into reciprocal agreements with other states ~~under which~~
297 ~~veterans who are residents of other states may be rendered~~
298 ~~services in the State of Alabama~~to render services in this
299 state to veterans who are nonresidents.

300 (e) The ~~State Service Commissioner~~commissioner, with
301 the approval of the ~~state~~ board, shall appoint all ~~district~~
302 ~~service commissioners and county service~~
303 ~~commissioners~~assistant commissioners, district managers, and
304 veteran service officers as provided in this chapter, fix
305 salaries, and establish minimum standards of service. This
306 power shall be without regard to any limitation established by
307 law, unless any law passed hereafter shall refer specifically
308 to a particular officer or employee of the department.



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309 (f) The ~~State Service Commissioner~~commissioner shall
310 appoint all ~~clerical and stenographic~~ personnel in the ~~state~~
311 department, ~~and in all county offices~~ as ~~is~~ authorized or may
312 ~~hereafter~~ be authorized in the future under the ~~State~~state
313 Merit System and approved by the State Personnel Board.

314 (g) The ~~State Service Commissioner~~commissioner, with
315 the approval of the ~~state~~ board, may engage in activities
316 designed to educate, recognize, and promote the mission of the
317 board to veterans, the public, potential applicants, and other
318 public agencies and, in doing so, may incur marketing
319 expenditures for educational, informational, and promotional
320 items to be used to further its purposes as determined by the
321 board."

322 "§31-5-7

323 (a) The ~~State Service Commissioner~~commissioner shall
324 submit an annual budget to the ~~State Board of Veterans'~~
325 ~~Affairs~~board for its approval ~~an annual budget~~ of all funds
326 appropriated by the Legislature to the department for the
327 specific purposes for which they are appropriated, and also a
328 budget of any federal funds which may be allotted to the state
329 by the federal government for the purposes of the department
330 according to the regulations of the federal authorities. ~~He~~The
331 commissioner shall publish annually a full report of the
332 operations and administration of the department, together with
333 recommendations and suggestions, and submit ~~such~~ the report to
334 the ~~state~~ board.

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



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337 (1) Prepare detailed plans for, and fully develop, a
338 comprehensive statewide ~~veterans'~~veterans assistance program.

339 (2) Cooperate with all other heads of the state
340 departments in coordinating the plans and programs of state
341 agencies ~~which~~that may properly be utilized in the
342 administration of various aspects of the problems of veterans,
343 and dependents of veterans, such as the office of the State
344 Adjutant General, the State Department of Education, the State
345 Department of Human Resources, the State Department of Labor,
346 ~~the State Planning Board, the State Board of Health,~~ and any
347 other state agencies furnishing services to veterans.

348 (3) Provide a central contact between federal agencies
349 dealing with the problems of veterans, ~~such as~~to include the
350 United States ~~Veterans' Administration~~Department of Veterans
351 Affairs, the Selective Service System, the Social Security
352 Administration, the Department of Defense, and other federal
353 agencies ~~on the one hand,~~ and ~~the several~~ state agencies
354 ~~which~~that may administer ~~the various aspects of the~~ veterans'
355 services and benefits ~~on the other~~.

356 (4) Maintain central case records of all veterans
357 seeking services or benefits to create a clearinghouse of
358 information and facilitate the interchange of information and
359 case histories among ~~the several~~ state administrative agencies
360 and the federal agencies ~~to provide a clearinghouse of~~
361 ~~information~~.

362 ~~(c) Other duties of the state commissioner shall be to:~~
363 ~~(1) (5) Acquaint himself, his associates,~~Become
364 acquainted, and acquaint department associates and ~~the~~



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365 employees, with the laws, federal, state, and local, laws
366 enacted for the benefit of members of the armed forces,
367 veterans, and their families, and dependents.

368 ~~(2)~~ (6) Collect data and information ~~as to the~~ about
369 available facilities and services ~~available to them,~~ and
370 cooperate with information or service agencies throughout the
371 state, to inform members of the armed forces, veterans, their
372 families, and dependents, and ~~the~~ military and civil
373 authorities regarding the existence or availability of all of
374 the following:

375 a. Educational training and retraining facilities.

376 b. Health, medical, rehabilitation, and housing
377 services and facilities.

378 c. Employment and reemployment services.

379 d. Provisions of federal, state, and local laws
380 affording rights, privileges, and benefits to members of the
381 armed forces, veterans, and their families, and dependents.

382 e. Other matters of similar, relative, or appropriate
383 natures.

384 ~~(3)~~ (7) AidAssist all ~~residents~~ resident veterans ~~of the~~
385 ~~State of Alabama who served in the military or naval forces or~~
386 ~~other armed services of the United States during any war in~~
387 ~~which the United States has been engaged, and members of the~~
388 ~~armed services during the peace times who have been honorably~~
389 ~~discharged from such service,~~ and their relatives,
390 beneficiaries, and dependents, ~~to receive~~ in receiving from
391 the United States and this state ~~any and~~ all compensation,
392 pensions, hospitalization, insurance, education, employment,



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393 loan guarantees, or any other aid or benefit to which they may
394 be or may become entitled under existing laws of the United
395 States or of this state, ~~or such as may be hereafter enacted,~~
396 ~~and he shall perform such~~ and perform other related duties ~~in~~
397 ~~connection therewith as may be~~ assigned by the ~~state~~ board.

398 ~~(4)~~ (8) Cooperate and negotiate with the federal
399 government, ~~and~~ and all national, state, and local governmental,
400 or private agencies ~~for securing~~ to secure additional services
401 or benefits for veterans, their families, and their dependents
402 who are residents of ~~the State of Alabama~~ this state.

403 ~~(5) Develop and implement statewide plans for a~~
404 ~~repatriation program for proper reinterment, with appropriate~~
405 ~~honors, of the bodies of members of the armed services~~
406 ~~returned from temporary overseas cemeteries.~~

407 ~~(6) Provide for and maintain an advisory, counselling,~~
408 ~~and assistance service for dependents of present members of~~
409 ~~the armed services in connection with dependency allotments~~
410 ~~and allowances.~~

411 ~~(7) Disseminate information and instructions on a~~
412 ~~statewide basis pertaining to such acts as may be enacted from~~
413 ~~time to time by the Congress providing benefits for active~~
414 ~~members of the armed forces, their beneficiaries and~~
415 ~~dependents.~~

416 ~~(8) Assist former prisoners of war and civilian~~
417 ~~internees to collect such indemnities and benefits as may be~~
418 ~~authorized by Congress from seized assets of enemy nations.~~

419 ~~(9) Compile, publish, and distribute casualty lists~~
420 ~~resulting from the Korean and Southeast Asian actions and any~~



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421 ~~subsequent hostilities and to aid survivors and dependents of~~
422 ~~such survivors and dependents of such casualties to recover~~
423 ~~all rightful benefits before or after termination of armed~~
424 ~~service."~~

425 "§31-5-8

426 The ~~State Service Commissioner shall~~commissioner, with
427 the approval of the ~~State Board of Veterans' Affairs~~board, may
428 appoint ~~one first assistant state service commissioner, who~~
429 ~~shall be an attorney, and such other number of~~ additional
430 assistant ~~state service~~ commissioners ~~as the state board deems~~
431 ~~necessary, who shall~~to serve as employees in the department,
432 subject to the rules ~~and regulations~~ of the ~~state~~ board.

433 ~~They~~Assistant commissioners shall be appointed on the basis of
434 education, ability, and experience in handling veterans'
435 affairs, and without regard to political affiliations. ~~Such~~The
436 appointees shall be residents of ~~the State of Alabama,~~ this
437 state, ~~and~~ shall be veterans who served on active duty for a
438 period of 60 days or more in the ~~military or naval forces~~
439 Armed Forces of the United States ~~in any war in which the~~
440 ~~United States shall have been engaged,~~ and shall have been
441 honorably discharged ~~therefrom, and all subsequent appointees~~
442 ~~to such office shall be selected in like manner and shall be~~
443 ~~possessed of like qualifications."~~

444 "§31-5-9

445 (a) ~~It shall be the duty of the State Service~~
446 ~~Commissioner, subject to~~Except as provided in subsection (b),
447 the commissioner, with the approval of the ~~State Board of~~
448 ~~Veterans' Affairs~~board, ~~to~~shall appoint a ~~county service~~



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449 ~~commissioner~~veteran service officer for each ~~of the several~~
450 ~~counties in the State of Alabama~~county in the state, ~~except as~~
451 ~~provided in this section, and all appointees.~~ Each veteran
452 service officer shall be ~~employees~~ an employee of the ~~state~~
453 department, ~~and~~ and subject to the ~~authority and~~ rules of the
454 ~~state~~ board. The ~~county service commissioner~~veteran service
455 officer shall be a resident of ~~the~~this state, ~~and~~ a qualified
456 elector therein, and shall be a veteran who served on active
457 duty for a period of 60 days or more in the ~~military or naval~~
458 ~~forces~~ Armed Forces of the United States ~~for a period of 60~~
459 ~~days or more regardless of whether that service was during any~~
460 ~~war in which the United States shall have been engaged,~~ and
461 shall have been honorably discharged ~~therefrom, and all~~
462 ~~subsequent appointees to the office shall be selected in like~~
463 ~~manner and possessed of like qualifications.~~ In making ~~such~~
464 appointments, consideration shall be given ~~as~~ to whether the
465 applicants are residents of the county. ~~It shall be the duty~~
466 ~~of the State Service Commissioner~~ The commissioner and ~~state~~
467 board ~~to~~shall economize as far as possible in the
468 administration of this ~~law~~section ~~in the several counties of~~
469 ~~the state.~~

470 (b) (1) ~~It shall be the duty of the state~~ The
471 commissioner, ~~subject to~~ with the approval of the ~~state~~ board,
472 ~~to study the requirements of each separate county, and to~~
473 ~~decide from time to time~~ shall determine whether ~~or not~~ there
474 is a need for a ~~county service commissioner~~ veteran service
475 officer in any particular county. In ~~reaching a decision in~~
476 ~~such matter~~ making this determination, the ~~State Service~~



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477 ~~Commissioner~~commissioner and the ~~state~~-board shall ~~take into~~
478 ~~consideration~~consider the total population of the county, the
479 number of men and women inducted into the armed services from
480 the county, the number of veterans present in the county, and
481 special circumstances and facts involving the concentration of
482 industries or other problems ~~which~~that may ~~have a tendency to~~
483 increase or decrease the number of veterans in certain
484 localities. ~~It shall be within the power of the State Service~~
485 ~~Commissioner, subject to the approval of the state board, to~~
486 ~~establish districts in the state, such districts to contain~~
487 ~~one or more counties, wherever the number of veterans in the~~
488 ~~counties composing such districts do not justify the~~
489 ~~establishment of a separate county service commissioner's~~
490 ~~office in each county in the district, and a central district~~
491 ~~service commissioner's office shall be established at the most~~
492 ~~central point in the district; provided, however, the district~~
493 ~~offices must afford maximum services to veterans residing in~~
494 ~~the district. It shall be the duty of the district service~~
495 ~~commissioner to visit each county in the district on certain~~
496 ~~specified days to be designated by the State Service~~
497 ~~Commissioner for the purpose of assisting all veterans in the~~
498 ~~counties. District service commissioners appointed under this~~
499 ~~section shall be selected in the same manner as county service~~
500 ~~commissioners, and shall be possessed of like qualifications.~~

501 (2) Where the circumstances do not justify establishing
502 a separate office in each county, the commissioner, with the
503 approval of the board, shall establish service areas in the
504 state containing one or more counties and shall establish a



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505 service office for each service area in a location most
506 advantageous to the veterans within each area.

507 (c) The commissioner, with the approval of the board,
508 shall establish districts within the state, containing one or
509 more counties or service areas, and shall appoint district
510 managers to manage or assist veteran service officers.
511 District managers appointed under this section shall be
512 selected in the same manner and possess the same
513 qualifications as veteran service officers."

514 "§31-5-10

515 (a) The ~~county service commissioner and district~~
516 ~~service commissioner~~veteran service officer and district
517 manager shall perform ~~such~~the duties ~~as may be~~ prescribed by
518 policies, rules, ~~and regulations~~ and instructions
519 ~~promulgated~~adopted by the ~~State Board of Veterans'~~
520 ~~Affairs~~board and shall be administratively responsible to the
521 ~~State Service Commissioner~~commissioner.

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

526 (1) Cooperate with and assist ~~the volunteer county~~
527 ~~veterans' service committees in his district or county in the~~
528 ~~development of a veterans' assistance program for his district~~
529 ~~or county~~local veteran service organizations in developing
530 assistance programs for veterans.

531 (2) Furnish information and data to the ~~office of the~~
532 ~~State Service Commissioner~~commissioner relative to ~~the~~ various



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533 aspects of the ~~problems~~issues of veterans and dependents of
534 veterans ~~in his jurisdiction~~.

535 (3) Provide ~~in his office~~ an information and referral
536 service to veterans seeking aid and assistance in connection
537 with matters pertaining to employment and reemployment,
538 educational and vocational training, health, medical,
539 rehabilitation, and housing services and facilities, emergency
540 financial assistance, and other matters ~~of similar or relative~~
541 ~~and~~as appropriate ~~natures~~.

542 (4) Cooperate with all national, state, and local
543 governmental and private agencies offering services or any
544 benefits to veterans, ~~and~~ and their families, ~~and~~ dependents.

545 (5) ~~Aid all residents of the district or county who~~
546 ~~served in the military or naval forces or other armed services~~
547 ~~during any war in which the United States has been engaged,~~
548 ~~and members of the armed services during peacetime who have~~
549 ~~been discharged under conditions other than dishonorable from~~
550 ~~the services, their relatives, beneficiaries, and dependents~~
551 ~~to receive from the United States any and all compensation,~~
552 ~~hospitalization, insurance, and other aid or benefits to which~~
553 ~~they may be entitled under existing laws of the United States,~~
554 ~~or such as may hereafter be enacted, and he shall perform such~~
555 ~~other duties in connection therewith as may be assigned by the~~
556 ~~state board.~~ Assist all resident veterans and their relatives,
557 beneficiaries, and dependents in receiving from the United
558 States and this state all compensation, pension,
559 hospitalization, insurance, education, employment, loan
560 guarantees, or other aid or benefit to which they may be



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561 entitled under existing federal law or laws of this state, or
562 which may be created, and perform all other related duties
563 assigned by the board.

564 (6) ~~To seek~~Seek out and advise ~~the~~ veterans ~~of the~~
565 ~~district or county~~ of their rights and benefits under federal
566 and state ~~and federal~~ laws, ~~and to~~ encourage ~~their taking~~
567 ~~advantage~~ the use of ~~the~~ educational ~~opportunity~~opportunities,
568 including trade, and vocational training, and ~~to offer~~ counsel
569 ~~and advise to~~ widows, orphans, and beneficiaries ~~to the end~~
570 ~~that veterans and citizens of the county shall~~ in order to
571 secure the ~~maximum return from the~~ fullest extent of available
572 benefits.

573 ~~(c) Each county service commissioner shall devote his~~
574 ~~entire time to such duties."~~

575 "§31-5-11

576 ~~The State Service Commissioner, the assistant service~~
577 ~~commissioner and each of the district service commissioners~~
578 ~~and county service commissioners shall, before entering into~~
579 ~~the duties of his office, subscribe and execute an oath of~~
580 ~~office. The State Service Commissioner and the assistant state~~
581 ~~service commissioner shall each execute and furnish a bond in~~
582 ~~the penal sum of \$10,000, with sufficient surety to be~~
583 ~~approved by the State Board of Veterans' Affairs, conditioned~~
584 ~~upon the faithful performance of their official duties. Each~~
585 ~~district service commissioner and county service commissioner~~
586 ~~shall execute and furnish a bond in the penal sum of \$5,000~~
587 ~~with sufficient surety to be approved by the State Service~~
588 ~~Commissioner, conditioned upon the faithful performance of~~



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589 ~~their official duties. The premium of all such bonds for~~
590 ~~officials in the department shall be paid by the State of~~
591 ~~Alabama.~~ (a) The commissioner shall have a seal of office and,
592 along with each assistant commissioner, district manager, and
593 veteran service officer, shall subscribe and execute an oath
594 before entering into the duties of his or her office.

595 (b) The commissioner shall designate employees to
596 become notaries public who may administer oaths to any
597 individual swearing to the correctness of any statement made
598 in connection with any application for compensation,
599 hospitalization, insurance, pension, or any other service,
600 aid, or benefit to which the individual, or any other
601 individual on whose behalf any statement is made, may be or
602 may become entitled under existing federal law or laws of this
603 state."

604 "§31-5-13

605 The ~~Department of Veterans' Affairs~~department and ~~State~~
606 ~~Service Commissioner~~the commissioner shall maintain offices in
607 the capital city of the state. ~~In each city of the state~~
608 ~~wherein the United States Veterans' Administration maintains a~~
609 ~~regional or branch office, the State Service Commissioner~~The
610 commissioner, under authority of the ~~State Board of Veterans'~~
611 ~~Affairs~~board, in addition to ~~the office of any district~~
612 ~~service commissioner or county service commissioner~~any service
613 office, may, if he deems deemed it necessary, may set up and
614 maintain a service office staffed by an assistant ~~service~~
615 commissioner, veteran service officer, or district manager,
616 with ~~ample sufficient~~ clerical assistance."



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617 "§31-5-14

618 (a) ~~For the fiscal year beginning October 1, 2012, and~~
619 ~~for fiscal years thereafter, salaries~~Salaries of officials and
620 employees of the department, as provided ~~for under~~ in this
621 chapter, and office, travel, and other expenses incidental to
622 the proper establishment, operation, and maintenance of the
623 department, ~~or offices of district or county service~~
624 ~~commissioners,~~ or other offices established by the ~~State~~
625 ~~Service Commissioner~~commissioner, as provided ~~for under~~ in
626 this chapter, may be paid by the State of Alabama, ~~from the~~
627 State General Fund~~.~~.

628 (b) Notwithstanding subdivision (a), ~~provided, however,~~
629 ~~that~~ each county ~~in the state~~ in which a ~~district service~~
630 ~~commissioner's office or a county service~~
631 ~~commissioner's~~veteran service officer's or district manager's
632 office is established shall furnish suitable office space in
633 the county courthouse, or another suitable location in the
634 county ~~for the use of the district service commissioner or~~
635 ~~county service commissioner~~ for his or her use, and the county
636 shall pay all expenses associated with ~~operating~~the operation
637 of the office, including, but not limited to, any rental,
638 telephone, facsimile, business-class Internet, janitorial
639 service, power, heating and air conditioning, employee
640 parking, and other operational support or maintenance
641 expenses. Personnel costs of department officials and
642 employees are not considered expenses for which payment is
643 required of the county."

644 Section 2. Relating to the Department of Veterans



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645 Affairs; to amend Sections 31-5-1, 31-5-2, 31-5-3, 31-5-4,
646 31-5-5, 31-5-6, 31-5-7, 31-5-8, 31-5-9, 31-5-10, 31-5-11,
647 31-5-13, 31-5-14, 31-5A-1, 31-5A-2, 31-5A-3, 31-5A-4, 31-5A-5,
648 31-5A-6, 31-5A-7, 31-5A-8, 31-5A-9, 31-5A-10, and 31-5A-11,
649 Code of Alabama 1975; to revise definitions; to rename
650 professional employee positions; to provide for the
651 appointment of an executive director to oversee the operation
652 of state veterans homes; and to make nonsubstantive, technical
653 revisions to update the existing code language to current
654 style."§31-5A-1

655 The Legislature ~~hereby finds and determines~~ that there
656 ~~currently~~ exists a significant need for health, nursing,
657 medical, rehabilitative, and related housing structures for
658 ~~those~~ residents of this state who have served their state and
659 nation in its armed forces. The Legislature further finds ~~and~~
660 ~~determines~~ that in order to meet this need, it is necessary
661 ~~for there to be established~~ to establish a state veterans'
662 ~~home or veterans~~ homes to be operated by the ~~State Department~~
663 ~~of Veterans' Affairs~~ department, and to vest in ~~such~~ the
664 department ~~those powers and the~~ authority ~~that may be necessary~~
665 ~~to enable it to accomplish the establishment and operation of~~
666 to establish and operate state veterans' ~~home or veterans~~
667 homes. This chapter shall be liberally construed in conformity
668 with ~~the purposes expressed~~ this purpose."

669 "§31-5A-2

670 As used in this chapter, the terms "board,"
671 "commissioner," "department," and "veteran" shall have the
672 same meaning ~~ascribed to such term as defined~~ in Section



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673 31-5-1."

674 "§31-5A-3

675 The ~~State Department of Veterans' Affairs~~department is
676 ~~designated as the agency of this state to receive federal aid~~
677 ~~under Title 38, U.S.C., Sections 641 and 642, as amended. The~~
678 ~~department is~~the sole agency authorized ~~and directed~~ to
679 receive federal aid from the United States Department of
680 Veterans ~~Administration~~Affairs or any other agency of the
681 United States government authorized to pay federal aid to
682 states for ~~soldiers'~~state homes under ~~Title 38, U.S.C.,~~
683 ~~Sections 641 and 642~~ §§ 1741 and 1742, as amended, and from
684 any other federal law or act of Congress providing for the
685 payment of funds to states for the care of or support of
686 disabled ~~soldiers and sailors~~veterans in ~~the~~ state homes. The
687 department ~~is authorized to~~may receive from any source gifts,
688 contributions, bequests, and individual reimbursements, the
689 receipt of which does not exclude any other source of revenue.
690 All funds received by the department shall be deposited in the
691 State Treasury in the Alabama ~~Veterans'~~Veterans Home Trust
692 Fund as established in Section 31-5A-7, and ~~such the~~ funds
693 shall be expended ~~per authorization of~~ as authorized by the
694 ~~State Board of Veterans' Affairs~~board."

695 "§31-5A-4

696 The department shall contract with a non-governmental
697 entity to operate ~~a state veterans'~~veterans ~~home or~~ homes for
698 the care and support of elderly or disabled veterans in ~~the~~
699 ~~State of Alabama~~this state. Contracts for the procurement of
700 services required to manage, administer, and operate a state



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701 ~~veterans'~~veterans home shall be awarded on a competitive
702 basis through the solicitation of proposals. The contract may
703 be awarded to the vendor whose proposal is most advantageous
704 to the state, taking into consideration cost factors, program
705 suitability factors, management plan, excellence of program
706 design, key personnel, corporate or company resources,
707 financial condition of the vendor, corporate experience and
708 past performance, and any other requirements deemed necessary
709 by the ~~State Board of Veterans' Affairs~~board and expressed in
710 its solicitation for proposals. Any contract awarded under
711 this section shall be for a period not to exceed five years.
712 The ~~State Board of Veterans' Affairs~~board is not required to
713 select the vendor offering the lowest cost proposal but shall
714 select the vendor who, in the board's discretion, offers the
715 proposal most advantageous to ~~the State of Alabama~~this state.
716 The award of contracts provided for herein described in this
717 section are exempt from the requirements of Chapter 16 and
718 Chapter 4 of Title 41."

719 "§31-5A-5

720 ~~It shall be the duty of the State Service Commissioner~~
721 ~~to appoint a department representative for any Alabama state~~
722 ~~veterans' home, subject to approval of the State Board of~~
723 ~~Veterans' Affairs.~~The commissioner, subject to the approval
724 of the board, shall appoint an executive director for
725 oversight and coordination of all state veterans homes and
726 shall also appoint an on-site director for each state veterans
727 home. The ~~department representative position herein provided~~
728 ~~for~~executive director and director positions created pursuant



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729 to this section shall be exempt status ~~(non-merit)~~, and shall
730 be subject to guidelines ~~as~~ established herein by the board.
731 Each ~~department representative will~~ director shall be appointed
732 on the basis of education, ability, and experience in the
733 administration of medical facilities ~~and/or~~ or nursing homes,
734 without regard to political affiliations. Each ~~department~~
735 ~~representative~~ director shall perform his or her duties in
736 accordance with the rules, guidelines, and general policies ~~as~~
737 ~~may be~~ established by the ~~State Board of Veterans'~~
738 ~~Affairs~~ board and as provided in this chapter. ~~Each department~~
739 ~~representative shall serve at the pleasure of the State Board~~
740 ~~of Veterans' Affairs, and shall receive such compensation as~~
741 ~~shall be determined by the board with the approval of the~~
742 ~~Governor of the state. Each department representative shall~~
743 ~~publish annually a full report of the operations and~~
744 ~~administration of the state veterans' home that is under his~~
745 ~~administration, together with recommendations and suggestions~~
746 ~~for improvements in facilities and services, and submit such~~
747 ~~report to the State Board of Veterans' Affairs."~~

748 "§31-5A-6

749 The ~~State Board of Veterans' Affairs~~ board, in
750 conference with the ~~State Service Commissioner of Veterans'~~
751 ~~Affairs~~ commissioner, shall ~~have the authority exclusively~~ do
752 all of the following:

753 ~~(a) (1) To provide~~ Provide for the operation of ~~a~~ state
754 ~~veterans' home or~~ veterans homes for the care of and support of
755 elderly and disabled veterans in ~~the State of Alabama~~ this
756 state as prescribed in this chapter ~~†~~.



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757 ~~(b) (2) To make necessary rules and regulations~~ Adopt
758 rules for the creation and operation of any state ~~veterans'~~
759 ~~homes~~ veterans home.

760 ~~(c) (3) To apply~~ Apply for and accept gifts, grants, and
761 other contributions from the federal government or from any
762 other governmental unit.

763 ~~(d) (4) To use the~~ Use funds received from the federal
764 government or from any other governmental unit for the
765 purposes authorized and directed by the federal government or
766 ~~such~~ other governmental unit in making the funds available.

767 ~~(e) (5) To accept and use~~ Accept gifts, grants,
768 donations, and contributions of real estate, both vacant and
769 improved, facilities, services, or other property from
770 individuals, firms, corporations, organizations, and
771 associations, and from county and municipal corporations and
772 their subdivisions, plus any other sources of revenue for any
773 state ~~veterans'~~ veterans homes. All expenditures from the trust
774 fund shall be made upon warrants issued by the state
775 Comptroller drawn on account held by the State Treasury based
776 upon claims, approved by the ~~State Board of Veterans'~~
777 ~~Affairs~~ board, as provided in this section."

778 "§31-5A-7

779 ~~(a) There is hereby created~~ A trust fund in the State
780 Treasury ~~a trust fund is created~~ for the benefit of the
781 ~~Alabama Department of Veterans'~~ State Department of Veterans
782 Affairs, to be known as the Alabama ~~Veterans'~~ Veterans Home
783 Trust Fund.

784 (b) The trust fund shall consist of all funds ~~and~~



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785 ~~monies~~ received by the ~~State Board of Veterans' Affairs and/or~~
786 ~~the Alabama Department of Veterans' Affairs~~ board or the
787 department from the United States, any federal agency or
788 institution, gifts, contributions, bequests, any individual
789 reimbursements, and any other source, for the care or support
790 of veterans, discharged other than under dishonorable
791 conditions, who have been admitted and cared for at ~~an Alabama~~
792 ~~Department of Veterans' Affairs state veterans' home~~ a state
793 veterans home.

794 (c) Nothing contained ~~herein~~ in this section prohibits
795 the establishment and utilization of special agency accounts
796 by the ~~Department of Veterans' Affairs~~ department and its
797 constituent institutions, as may be approved by the ~~State~~
798 ~~Board of Veterans' Affairs~~ board, for receipt and disbursement
799 of the personal funds of state ~~veterans'~~ veterans home
800 residents and members ~~and/or~~ or for receipt and disbursement
801 of charitable contributions and donations for use by and for
802 the benefit of residents and members.

803 (d) The trust fund ~~herein~~ created pursuant to this
804 section shall be used by the ~~Alabama Department of Veterans'~~
805 ~~Affairs~~ department to pay for the care of veterans, discharged
806 other than under dishonorable conditions, in ~~the~~ a state
807 ~~veterans'~~ veterans home and to pay the general operating
808 expenses of ~~the~~ a state ~~veterans'~~ veterans home, including the
809 payment of salaries and wages of officials and employees.
810 ~~Further provided, that funds~~ Funds in ~~said~~ the trust fund may be
811 used to remodel, repair, construct, build additions,
812 modernize, or add improvements of domiciliary or hospital



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813 buildings necessary for the care of veterans, plus
814 architectural plans, specifications, or other pertinent costs
815 ~~pertinent thereto~~ as approved by appropriate state agencies.
816 All funds deposited, l, plus income earned on ~~the~~ investment or
817 reinvestment, l, shall be credited to the trust fund created
818 ~~herein~~ pursuant to this section. Any money remaining in the
819 fund at the end of each fiscal year shall remain on deposit in
820 the State Treasury to the credit of the Alabama
821 ~~Veterans'~~ Veterans Home Trust Fund. No funds shall be withdrawn
822 or expended for any purpose ~~whatsoever~~ unless ~~the same~~
823 ~~shall~~ the funds have been allotted and budgeted in accordance
824 with the provisions of Article 4 of Chapter 4 of Title 41, and
825 only in the amounts and for the purposes provided by the
826 Legislature in the General Appropriation Act."

827 "§31-5A-8

828 (a) Admissions to and discharges from any ~~Alabama~~ state
829 ~~veterans'~~ veterans home shall be in accordance with the
830 policies and procedures ~~as~~ established by the ~~State Board of~~
831 ~~Veterans' Affairs~~ board at the time an application for
832 admission or for discharge is ~~presented~~ submitted; ~~provided,~~
833 ~~however, that the State Board of Veterans' Affairs.~~

834 (b) The board may admit and discharge veterans to any
835 ~~Alabama veterans'~~ state veterans home who qualify for care and
836 treatment under ~~Title 38,~~ U.S.C., ~~Section 101 (19) and Section~~
837 ~~641~~ §§ 1710 and 1741, and may adopt ~~appropriate~~ rules
838 consistent with accepted medical considerations to carry out
839 this function."

840 "§31-5A-9



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841 (a) The ~~State Board of Veterans' Affairs~~board shall
842 report annually to the Governor ~~annually respecting~~ the
843 activities of the ~~State Department of Veterans' Affairs in~~
844 ~~connection with~~department regarding the operation of the state
845 ~~veterans'~~veterans homes. ~~This~~

846 (b) The annual report shall contain an accounting ~~for~~of
847 all ~~moneys~~monies received and expended, statistics on veterans
848 who resided in the homes during the year, recommendations to
849 the Governor and the Legislature, and ~~such~~ other matters ~~as~~
850 ~~the board shall deem~~ deemed pertinent by the board.

851 (c) The ~~State Service Commissioner~~commissioner, with
852 the approval of the ~~State Board of Veterans' Affairs~~board,
853 shall compile an annual budget request, as necessary,
854 ~~respecting listing~~ needs for state funding for anticipated
855 costs of ~~such veterans~~ homes, ~~which~~ The budget request shall
856 be submitted to the Department of Finance in conjunction with
857 the ~~State Department of Veterans' Affairs~~ department's annual
858 budget requests."

859 "§31-5A-10

860 Each resident of any state ~~veterans'~~veterans home shall
861 pay directly to the contracted service operator of the home
862 the cost of maintaining his or her residence at the home. The
863 cost shall be ~~as prescribed~~ determined by the ~~State Board of~~
864 ~~Veterans' Affairs~~board in conference with the ~~State Service~~
865 ~~Commissioner~~commissioner. The cost of the care shall be paid
866 by the 10th day of each month."

867 "§31-5A-11

868 (a) ~~Any home in addition to the one located in~~



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869 ~~Alexander City, Alabama, or any proposed new service or~~
870 ~~proposed change of service or any requirement then deemed~~
871 ~~applicable shall be subject to the certificate of need~~
872 ~~process, the Department of Public Health Division of Licensure~~
873 ~~and Certification and any and all review and approval~~
874 ~~processes, criteria, statutory, and administrative rules and~~
875 ~~regulations then applicable to any proposed privately-owned~~
876 ~~and/or operated nursing home facility or health care provider~~
877 ~~seeking to operate in Alabama.~~ All state ~~veterans'~~veterans
878 nursing homes, domiciliaries, hospitals, or any other health
879 related activities shall be subject to ~~all~~ the rules ~~and~~
880 ~~regulations~~ governing ~~and controlling~~ the operation of a
881 privately-owned facility or provider of health services in ~~the~~
882 ~~State of Alabama~~this state, including the certificate of need
883 process and the Department of Public Health Division of
884 Licensure and Certification requirements.

885 (b) Notwithstanding subsection (a), the veterans homes
886 currently located in Alexander City, Bay Minette, and
887 Huntsville, Alabama, are not subject to the certificate of
888 need process."

889 Section 3. Section 31-5-12, Code of Alabama 1975,
890 relating to the sealing of documents, is repealed.

891 Section 4. This act shall become effective on October
892 1, 2024.