

HB154 INTRODUCED



1 HB154
2 3YSWVZZ-1
3 By Representatives Oliver, Moore (P), Bolton, Mooney, Starnes,
4 Pettus, Shaver, DuBose, Butler, Rehm
5 RFD: Military and Veterans Affairs
6 First Read: 04-Feb-25

SYNOPSIS:

Under existing law, the State Board of Veterans Affairs consists of the Governor and representatives of specified veteran service organizations, each appointed by the Governor upon nomination by the specified organization.

Under existing law, the board appoints the Commissioner to serve as the chief executive officer of the State Department of Veterans Affairs. The board also adopts rules relating to the governance of the department, approves all senior level executives within the department, sets department policy, and approves contracts entered into by the Commissioner.

This bill would authorize the Governor to appoint the Commissioner to serve at the pleasure of the Governor.

This bill would also revise the membership and powers of the board to authorize the board to serve in an advisory capacity to the Commissioner and the department. Members would be appointed by the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate, provided that board appointments are coordinated to reflect the entirety of the State's veteran community.

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A BILL

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TO BE ENTITLED

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AN ACT

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34 Relating to veterans affairs; to amend Sections 31-5-2,
35 31-5-3, 31-5-5, 31-5-6, 31-5-7, 31-5-8, 31-5-9, 31-5-10,
36 31-5-13, 31-5A-3, 31-5A-4, 31-5A-5, 31-5A-6, 31-5A-7, 31-5A-8,
37 31-5A-9, and 31-5A-10, Code of Alabama 1975, as last amended
38 by Act 2024-442 of the 2024 Regular Session; to require the
39 Governor, rather than the State Board of Veterans Affairs,
40 to appoint the Commissioner of the State Department of
41 Veterans Affairs to serve at the Governor's pleasure;
42 to revise the membership of the board; to provide that the
43 board serves in an advisory capacity; and to transfer certain
44 duties from the board to the State Department of Veterans
45 Affairs.

46 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

47 Section 1. Sections 31-5-2, 31-5-3, 31-5-5, 31-5-6,
48 31-5-7, 31-5-8, 31-5-9, 31-5-10, and 31-5-13, Code of Alabama
49 1975, as last amended by Act 2024-442 of the 2024 Regular
50 Session, are amended to read as follows:

51 "§31-5-2

52 The State Board of Veterans Affairs is established to
53 ~~oversee~~ advise the State Department of Veterans Affairs. The
54 department shall be composed of a commissioner and other
55 officers and employees authorized to be appointed under this
56 chapter who meet the qualifications prescribed by the ~~board~~

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commissioner. "

"§31-5-3

(a) (1) The board shall be composed of nine members appointed as follows: ~~the Governor, as chair, and representatives, to serve for a term of four years from the date of their respective appointments, who shall be selected from the memberships of the Alabama Department of the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, the Vietnam Veterans of America, AMVETS, the Military Order of the Purple Heart, the American Ex-Prisoners of War, Incorporated, the Alabama Alliance of the Military Officers Association of America, Incorporated, and the Marine Corps League.~~

a. Seven members appointed by the Governor.

b. One member appointed by the Speaker of the House.

c. One member appointed by the President Pro Tempore of the Senate.

(2) Members shall serve for a term of four years from the date of their respective appointments. No person shall be appointed to serve more than two consecutive terms. ~~The nomination of the representatives shall be made by the executive committees or similar governing bodies of the respective organizations. There shall be one representative from each of the organizations for the first 7,500 resident members, or fraction thereof, and one additional representative from each organization for each additional 7,500 resident members, or fraction thereof. The total memberships of the respective organizations shall be~~

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~~determined on July 1 of the year in which the representatives shall be designated from the state enrollment of each organization as duly verified for correctness by the adjutant or a similar officer of the organization. Notwithstanding the foregoing, the executive committees or similar governing bodies of the organizations shall each nominate to the Governor three veterans who are members of the organizations for each place on the board to which the organizations are entitled to have a nominee. The nominations shall also include, in representative proportions, veterans of every war which are included in the membership of the organizations.~~

(3) Appointments to the board shall be representative of the entirety of the state's veteran community. Board members shall include veterans from various branches of the Armed Forces of the United States and service eras (including active-duty service members) and consist of both members and nonmembers of veteran service organizations. Board members should also represent entities that provide meaningful services to veterans and their families. The appointing authorities shall coordinate their appointments to assure that the membership of the board is inclusive and reflects the racial, gender, geographic, urban, rural, and economic diversity of the state's veteran community.

(b) The board, ~~in conference with the commissioner,~~ shall serve in an advisory capacity and shall do all of the following:

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113 (1) Advise the commissioner on veterans' matters that
114 are within the scope of the authority of the department.

115 (2) Develop policy recommendations for the state as it
116 relates to veterans and veterans' affairs.

117 (3) Recommend initiatives to assist the well-being of
118 veterans and veterans' families.

119 (4) Assist the commissioner and department as needed
120 and as otherwise provided in this chapter.

121 ~~(c) The board, subject to Section 31-5-6, shall adopt~~
122 ~~rules governing the manner of performance of all functions and~~
123 ~~duties of the department and the various officers and~~
124 ~~employees, including the selection and appointment of all~~
125 ~~commissioners and assistant commissioners, district managers,~~
126 ~~and veteran service officers. The rules shall have the force~~
127 ~~and effect of law and prima facie evidence thereof may be~~
128 ~~given in all courts and proceedings by the production of what~~
129 ~~purports to be an official printed copy of the regulations,~~
130 ~~alterations, repeal, or amendment.~~

131 ~~(d) The board may establish and operate through the~~
132 ~~department state veterans cemeteries and may apply to the~~
133 ~~government of the United States, or any subdivision, agency,~~
134 ~~or instrumentality thereof, for funds for the purpose of~~
135 ~~establishing, operating, and maintaining the cemeteries. The~~
136 ~~department may enter into agreements with any subdivision of~~
137 ~~the state for assistance in operating the cemeteries. The~~
138 ~~department shall own the land on which the cemeteries are~~
139 ~~located. The department may accept federal grant funds,~~
140 ~~funding from state subdivisions, donations from private~~

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~~sources, and federal plot allowance payments. All of these funds shall be deposited into the Veterans Assistance Fund and may be used only for the establishment, operation, and maintenance of veterans cemeteries. The department may accept suitable cemetery land, in accordance with federal veterans cemetery grant guidelines, from the federal government, state government, state subdivisions, private sources, and any other source wishing to transfer land for use as a veterans cemetery. No funds used for these projects may be from the Education Trust Fund. The commissioner may execute deeds and other instruments of conveyance for the department. Any deed of cemetery property to the department prior to August 1, 2012, is ratified and confirmed.~~

~~(e)~~ (c) The board shall hold meetings at times and locations to be determined by rules of the ~~board~~ department or as designated by the chair.

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

~~(g)~~ (e) Members of the board shall be entitled to a per diem, to be fixed by the ~~board~~ commissioner, and their traveling and other necessary expenses actually incurred while attending meetings of the board or on the business of the department."

"§31-5-5

(a) (1) The department shall adopt rules governing the manner of performance of all functions and duties of the department and the various officers and employees, including

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169 the selection and appointment of all assistant commissioners,
170 district managers, and veteran service officers.

171 (2) The department may adopt other rules as necessary
172 to implement this chapter.

173 (3) On the effective date of this act, all rules
174 previously adopted by the board shall be considered rules of
175 the department until such time the department amends or
176 repeals the rules.

177 (b) The department, in consultation with the board, shall
178 establish and operate state veterans cemeteries and may apply
179 to the government of the United States, or any subdivision,
180 agency, or instrumentality thereof, for funds for the purpose
181 of establishing, operating, and maintaining the cemeteries.
182 The department may enter into agreements with any subdivision
183 of the state for assistance in operating the cemeteries. The
184 department shall own the land on which the cemeteries are
185 located. The department may accept federal grant funds,
186 funding from state subdivisions, donations from private
187 sources, and federal plot allowance payments. All of these
188 funds shall be deposited into the Veterans Assistance Fund and
189 may be used only for the establishment, operation, and
190 maintenance of veterans cemeteries. The department may accept
191 suitable cemetery land, in accordance with federal veterans
192 cemetery grant guidelines, from the federal government, state
193 government, state subdivisions, private sources, and any other
194 source wishing to transfer land for use as a veterans
195 cemetery. No funds used for these projects may be from the
196 Education Trust Fund. The commissioner may execute deeds and

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197 other instruments of conveyance for the department. Any deed
198 of cemetery property to the department prior to August 1,
199 2012, is ratified and confirmed.

200 (c) The department, through the commissioner, ~~with the~~
201 ~~approval of~~ and in consultation with the board, may contract
202 with any organization of veterans which, for a period of five
203 years next preceding the date of the contract, has maintained
204 an established committee or agency rendering services to
205 veterans, similar to the services referred to in Section
206 31-5-4, to perform the services for veterans and to process
207 any claims or matters of veterans who apply to the department
208 for assistance when the veterans have executed a power of
209 attorney to the veterans' organization. The department,
210 through the contract, shall compensate the veterans'
211 organizations on the basis of service rendered, which
212 compensation shall be paid from sums appropriated to the
213 department. No contract shall be made unless the ~~board~~
214 commissioner determines, owing to the confidential
215 relationships involved and the necessity of operating through
216 agencies which the veterans involved will feel to be
217 sympathetic towards their problems, that the services cannot
218 satisfactorily be rendered other than through the agency of
219 the veterans' organization and that the best interests of the
220 veterans involved will be served if the contract is made. "

221 "§31-5-6

222 (a) The ~~board~~ Governor shall appoint a commissioner to
223 serve ~~for a term of four years subject to removal by the board~~
224 ~~for cause~~ at the Governor's pleasure. The commissioner shall

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225 be appointed on the basis of education, ability, and
226 experience in handling veterans' affairs, and without regard
227 to political affiliations. The commissioner shall be a
228 resident of this state, shall be a veteran who served on
229 active duty for a period of 60 days or more in the Armed
230 Forces of the United States and shall have been honorably
231 discharged. The commissioner's salary shall be set by Governor
232 and shall not be subject to Section 36-6-6.

233 (b) The commissioner shall be the executive and
234 administrative officer of the department, ~~subject to the~~
235 ~~authority of the board,~~ and may issue administrative orders
236 and directives to all officials and employees in the
237 department.

238 (c) The department, acting through the commissioner,
239 shall be the designated agency of this state to represent the
240 state and its veterans before the United States Department of
241 Veterans Affairs or any other agency dealing with the
242 interests of veterans.

243 (d) The commissioner, ~~with the approval of in~~
244 consultation with the board, may enter into reciprocal
245 agreements with other states to render services in this state
246 to veterans who are nonresidents.

247 (e) The commissioner, ~~with the approval of the board,~~
248 shall appoint all assistant commissioners, district managers,
249 and veteran service officers as provided in this chapter, fix
250 salaries, and establish minimum standards of service. This
251 power shall be without regard to any limitation established by
252 law, unless any law passed hereafter shall refer specifically

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to a particular officer or employee of the department.

(f) The ~~comissioner~~commissioner shall appoint all personnel in the department as authorized or may be authorized in the future under the state Merit System and approved by the State Personnel Board.

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

"§31-5-7

(a) The commissioner shall submit an annual budget to the board ~~for its approval~~ of all funds appropriated by the Legislature to the department for the specific purposes for which they are appropriated and also a budget of any federal funds that may be allotted to the state by the federal government for the purposes of the department according to the regulations of the federal authorities. The commissioner shall publish annually a full report of the operations and administration of the department, ~~together with recommendations and suggestions,~~ and submit the report to the board.

(b) The commissioner shall do all of the following:

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

(2) Cooperate with all other heads of the state

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281 departments in coordinating the plans and programs of state
282 agencies that may properly be utilized in the administration
283 of various aspects of the ~~problems of~~ challenges faced by
284 veterans and dependents of veterans, ~~such as the office of the~~
285 ~~State Adjutant General, the State Department of Education, the~~
286 ~~State Department of Human Resources, the state Department of~~
287 ~~Workforce, and any other state agencies furnishing services to~~
288 ~~veterans.~~

289 (3) Provide a central contact between federal agencies
290 dealing with the ~~problems of veterans, to include the United~~
291 ~~States Department of Veterans Affairs, the Selective Service~~
292 ~~System, the Social Security Administration, the Department of~~
293 ~~Defense, and other federal agencies and state agencies that~~
294 ~~may administer~~ administration of veterans' services and
295 benefits.

296 (4) Maintain central case records of all veterans
297 seeking services or benefits to create a clearinghouse of
298 information and facilitate the interchange of information and
299 case histories among state administrative agencies and the
300 federal agencies.

301 (5) Become acquainted, and acquaint department
302 associates and employees, with the federal, state, and local
303 laws enacted for the benefit of members of the armed forces,
304 veterans, and their families and dependents.

305 (6) Collect data and information about available
306 facilities and services and cooperate with information or
307 service agencies throughout the state to inform members of the
308 armed forces, veterans, their families and dependents, and

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military and civil authorities regarding the existence or availability of all of the following:

- a. Educational training and retraining facilities.
- b. Health, medical, rehabilitation, and housing services and facilities.
- c. Employment and reemployment services.
- d. Provisions of federal, state, and local laws affording rights, privileges, and benefits to members of the armed forces, veterans, and their families and dependents.
- e. Other matters of similar, relative, or appropriate natures.

(7) Assist all resident veterans and their relatives, beneficiaries, and dependents in receiving from the United States and this state all compensation, pensions, hospitalization, insurance, education, employment, loan guarantees, or any other aid or benefit to which they may be or may become entitled under existing laws of the United States or of this state ~~and perform other related duties assigned by the board.~~

(8) Cooperate and negotiate with the federal government and all national, state, and local governmental or private agencies to secure additional services or benefits for veterans, their families, and their dependents who are residents of this state."

"§31-5-8

The commissioner ~~, with the approval of the board,~~ may appoint additional assistant commissioners to serve as employees in the department, subject to the rules of the ~~board~~

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department. Assistant commissioners shall be appointed on the basis of education, ability, and experience in handling veterans' affairs, and without regard to political affiliations. The appointees shall be residents of this state, shall be veterans who served on active duty for a period of 60 days or more in the Armed Forces of the United States, and shall have been honorably discharged. "

"§31-5-9

(a) Except as provided in subsection (b), the commissioner, ~~with the approval of the board~~, shall appoint a veteran service officer for each county in the state. Each veteran service officer shall be an employee of the department and subject to the rules of the ~~board~~department. The veteran service officer shall be a resident of this state, a qualified elector therein, shall be a veteran who served on active duty for a period of 60 days or more in the Armed Forces of the United States, and shall have been honorably discharged. In making appointments, consideration shall be given to whether the applicants are residents of the county. The commissioner ~~and board~~ shall economize as far as possible in the administration of this section.

(b) (1) The commissioner, ~~with the approval of the board~~, shall determine whether there is a need for a veteran service officer in any particular county. In making this determination, the commissioner ~~and the board~~ shall consider the total population of the county, the number of men and women inducted into the armed services from the county, the number of veterans present in the county, and special

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365 circumstances and facts involving the concentration of
366 industries or other problems that may increase or decrease the
367 number of veterans in certain localities.

368 (2) Where the circumstances do not justify establishing
369 a separate office in each county, the commissioner, ~~with the~~
370 ~~approval of the board,~~ shall establish service areas in the
371 state containing one or more counties and shall establish a
372 service office for each service area in a location most
373 advantageous to the veterans within each area.

374 (c) The commissioner, ~~with the approval of the board,~~
375 shall establish districts within the state containing one or
376 more counties or service areas, and shall appoint district
377 managers to manage or assist veteran service officers.
378 District managers appointed under this section shall be
379 selected in the same manner and possess the same
380 qualifications as veteran service officers."

381 "§31-5-10

382 (a) Each veteran service officer and district manager
383 shall perform the duties prescribed by policies, rules, and
384 instructions adopted by the ~~board~~ department and shall be
385 administratively responsible to the commissioner.

386 (b) Each veteran service officer and district manager
387 shall do all of the following:

388 (1) Cooperate with and assist local veteran service
389 organizations in developing assistance programs for veterans.

390 (2) Furnish information and data to the commissioner
391 relative to various aspects of the issues of veterans and
392 dependents of veterans.

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(3) Provide an information and referral service to veterans seeking aid and assistance in connection with matters pertaining to employment and reemployment, educational and vocational training, health, medical, rehabilitation, and housing services and facilities, emergency financial assistance, and other matters as appropriate.

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

(5) Assist all resident veterans and their relatives, beneficiaries, and dependents in receiving from the United States and this state all compensation, pension, hospitalization, insurance, education, employment, loan guarantees, or other aid or benefit to which they may be entitled under existing federal law or laws of this state, or which may be created, and perform all other related duties assigned by the ~~board~~ commissioner.

(6) Seek out and advise veterans of their rights and benefits under federal and state laws, encourage the use of educational opportunities, including trade and vocational training, and offer counsel to widows, orphans, and beneficiaries in order to secure the fullest extent of available benefits."

"§31-5-13

The department and the commissioner shall maintain offices in the capital city of the state. The commissioner, ~~under authority of the board,~~ in addition to any service office, if deemed necessary, may set up and maintain a service

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office staffed by an assistant commissioner, veteran service officer, or district manager, with sufficient clerical assistance. "

Section 2. Sections 31-5A-3, 31-5A-4, 31-5A-5, 31-5A-6, 31-5A-7, 31-5A-8, 31-5A-9, and 31-5A-10, Code of Alabama 1975, as last amended by Act 2024-442 of the 2024 Regular Session, are amended to read as follows:

"§31-5A-3

The department is the sole agency authorized to receive federal aid from the United States Department of Veterans Affairs or any other agency of the United States government authorized to pay federal aid to states for state homes under 38 U.S.C. §§ 1741 and 1742, as amended, and from any other federal law or act of Congress providing for the payment of funds to states for the care of or support of disabled veterans in state homes. The department may receive from any source gifts, contributions, bequests, and individual reimbursements, the receipt of which does not exclude any other source of revenue. All funds received by the department shall be deposited in the State Treasury in the Alabama Veterans Home Trust Fund as established in Section 31-5A-7, and the funds shall be expended as authorized by the ~~board~~ commissioner. "

"§31-5A-4

The department shall contract with a non-governmental entity to operate state veterans homes for the care and support of elderly or disabled veterans in this state. Contracts for the procurement of services required to manage,

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administer, and operate a state veterans home shall be awarded on a competitive basis through the solicitation of proposals. The contract may be awarded to the vendor whose proposal is most advantageous to the state, taking into consideration cost factors, program suitability factors, management plan, excellence of program design, key personnel, corporate or company resources, financial condition of the vendor, corporate experience and past performance, and any other requirements deemed necessary by the ~~board~~ department and expressed in its solicitation for proposals. Any contract awarded under this section shall be for a period not to exceed five years. The ~~board~~ department is not required to select the vendor offering the lowest cost proposal but shall select the vendor who, in the ~~board's~~ department's discretion, offers the proposal most advantageous to this state. The award of contracts described in this section are exempt from the requirements of Chapter 16 and Chapter 4 of Title 41. "

"§31-5A-5

The commissioner, ~~subject to the approval of the board,~~ shall appoint an executive director for oversight and coordination of all state veterans homes and shall also appoint an on-site director for each state veterans home. The executive director and on-site director positions created pursuant to this section shall be exempt status, and shall be subject to guidelines established by the ~~board~~ department. Each director shall be appointed on the basis of education, ability, and experience in the administration of medical facilities or nursing homes, without regard to political

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affiliations. Each director shall perform his or her duties in accordance with the rules, guidelines, and general policies established by the ~~board~~ department and as provided in this chapter. "

"§31-5A-6

The ~~board, in conference with the~~ commissioner, in consultation with the board, shall do all of the following:

(1) Provide for the operation of state veterans homes for the care of and support of elderly and disabled veterans in this state as prescribed in this chapter.

(2) Adopt rules for the creation and operation of any state veterans home.

(3) Apply for and accept gifts, grants, and other contributions from the federal government or from any other governmental unit.

(4) Use funds received from the federal government or from any other governmental unit for the purposes authorized and directed by the federal government or other governmental unit in making the funds available.

(5) Accept gifts, grants, donations, and contributions of real estate, both vacant and improved, facilities, services, or other property from individuals, firms, corporations, organizations, and associations, and from county and municipal corporations and their subdivisions, plus any other sources of revenue for any state veterans homes. All expenditures from the trust fund shall be made upon warrants issued by the state Comptroller drawn on account held by the State Treasury based upon claims approved by the ~~board~~

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505 commissioner."

506 "§31-5A-7

507 (a) A trust fund in the State Treasury is created for
508 the benefit of the State Department of Veterans Affairs, to be
509 known as the Alabama Veterans Home Trust Fund.

510 (b) The trust fund shall consist of all funds received
511 by the board or the department from the United States, any
512 federal agency or institution, gifts, contributions, bequests,
513 any individual reimbursements, and any other source, for the
514 care or support of veterans, discharged other than under
515 dishonorable conditions, who have been admitted and cared for
516 at a state veterans home.

517 (c) Nothing contained in this section prohibits the
518 establishment and utilization of special agency accounts by
519 the department and its constituent institutions, ~~as may be~~
520 ~~approved by the board,~~ for receipt and disbursement of the
521 personal funds of state veterans home residents and members or
522 for receipt and disbursement of charitable contributions and
523 donations for use by and for the benefit of residents and
524 members.

525 (d) The trust fund created pursuant to this section
526 shall be used by the department to pay for the care of
527 veterans, discharged other than under dishonorable conditions,
528 in a state veterans home and to pay the general operating
529 expenses of a state veterans home, including the payment of
530 salaries and wages of officials and employees. Funds in the
531 trust fund may be used to remodel, repair, construct, build
532 additions, modernize, or add improvements of domiciliary or

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hospital buildings necessary for the care of veterans, plus architectural plans, specifications, or other pertinent costs as approved by appropriate state agencies. All funds deposited, plus income earned on investment or reinvestment, shall be credited to the trust fund created pursuant to this section. Any money remaining in the fund at the end of each fiscal year shall remain on deposit in the State Treasury to the credit of the Alabama Veterans Home Trust Fund. No funds shall be withdrawn or expended for any purpose unless the funds have been allotted and budgeted in accordance with Article 4 of Chapter 4 of Title 41, and only in the amounts and for the purposes provided by the Legislature in the General Appropriation Act."

"§31-5A-8

(a) Admissions to and discharges from any state veterans home shall be in accordance with the policies and procedures established by the ~~board~~ department at the time an application for admission or for discharge is submitted.

(b) The ~~board~~ department may admit and discharge veterans to any state veterans home who qualify for care and treatment under 38 U.S.C. §§ 1710 and 1741, and may adopt rules consistent with accepted medical considerations to carry out this function."

"§31-5A-9

(a) The ~~board~~ department shall report annually to the Governor the activities of the department regarding the operation of the state veterans homes.

(b) The annual report shall contain an accounting of

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all monies received and expended, statistics on veterans who resided in the homes during the year, recommendations to the Governor and the Legislature, and other matters deemed pertinent by the ~~board~~ department.

(c) The commissioner, ~~with the approval of the board,~~ shall compile an annual budget request, as necessary, listing needs for state funding for anticipated costs of veterans homes. The budget request shall be submitted to the Department of Finance in conjunction with the State Department of Veterans Affairs annual budget requests."

"§31-5A-10

Each resident of any state veterans home shall pay directly to the contracted service operator of the home the cost of maintaining his or her residence at the home. The cost shall be determined by ~~the board in conference with~~ the commissioner. The cost of the care shall be paid by the 10th day of each month. "

Section 3. This act shall become effective immediately.