

1 HB225
2 209169-1
3 By Representative Drake
4 RFD: Military and Veterans Affairs
5 First Read: 02-FEB-21
6 PFD: 02/01/2021

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8 SYNOPSIS: Under existing law, the Alabama Department
9 of Veterans' Affairs provides assistance to
10 military veterans in formulating and processing
11 claims for benefits to which they may be entitled
12 under any federal or state law or regulation by
13 reason of their war time service in the Armed
14 Forces of the United States. Additionally, the
15 department's county service commissioners must meet
16 certain residency and military service requirements
17 and each county is required to provide an office
18 for the county service commissioner.

19 This bill would allow the board to incur and
20 engage in marketing and promotional expenditures
21 and activities in furtherance of its purpose, as
22 determined by the board.

23 This bill would allow the department to
24 employ Alabama veterans without war time service as
25 county service commissioners.

26 This bill would also clarify the office
27 requirements for a county office.

1
2 A BILL
3 TO BE ENTITLED
4 AN ACT
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6 Relating to the Alabama Department of Veterans'
7 Affairs; to amend Sections 31-5-4, 31-5-6, 31-5-9, and
8 31-5-14, Code of Alabama 1975, to allow the department to
9 provide assistance to military veterans whose service was not
10 during war time; to allow the State Service Commission to
11 incur and engage in certain marketing and promotional
12 expenditures and activities; to remove the county residency
13 requirement for county service officers; and to clarify the
14 support requirements for a county office.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Sections 31-5-4, 31-5-6, 31-5-9, and
17 31-5-14, Code of Alabama 1975, are amended to read as follows:

18 "§31-5-4.

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

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

21 "§31-5-6.

22 "(a) It shall be the duty of the State Board of
23 Veterans' Affairs to appoint a State Service Commissioner who
24 shall serve for a term of four years subject to removal by the
25 state board for cause. ~~He~~ The commissioner shall be appointed
26 on the basis of education, ability, and experience in handling
27 veterans' affairs, and without regard to political

1 affiliations. ~~Such~~ The commissioner shall be a resident of the
2 State of Alabama and shall be a veteran who served on active
3 duty for a period of 60 days or more in the military or naval
4 forces of the United States in any war in which the United
5 States shall have been engaged, and shall have been honorably
6 discharged therefrom, and all subsequent appointees to ~~such~~
7 the office shall be selected in like manner and possess like
8 qualifications.

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

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

23 "(d) The State Service Commissioner, with the
24 approval of the state board, shall be empowered to enter into
25 reciprocal agreements with other states under which veterans
26 who are residents of ~~such~~ other states may be rendered
27 services in the State of Alabama.

1 "(e) The State Service Commissioner, with the
2 approval of the state board, shall appoint all district
3 service commissioners and county service commissioners as
4 provided in this chapter.

5 "(f) The State Service Commissioner shall appoint
6 all clerical and stenographic personnel in the state
7 department, and in all county offices as is authorized or may
8 hereafter be authorized under the State Merit System and
9 approved by the State Personnel Board.

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

17 "§31-5-9.

18 "It shall be the duty of the State Service
19 Commissioner, subject to the approval of the State Board of
20 Veterans' Affairs, to appoint a county service commissioner
21 for each of the several counties in the State of Alabama,
22 except as provided in this section, and all ~~such~~ appointees
23 shall be employees of the state department, subject to the
24 authority, and ~~rules, and regulations~~ of the state board. ~~Such~~
25 The county service commissioner shall be a resident of the
26 ~~county~~ state, and a qualified elector therein, and shall be a
27 veteran who served on active duty in the military or naval

1 forces of the United States for a period of 60 days or more
2 regardless of whether that service was during in any war in
3 which the United States shall have been engaged, and shall
4 have been honorably discharged therefrom, and all subsequent
5 appointees to ~~such~~ the office shall be selected in like manner
6 and possessed of like qualifications. It shall be the duty of
7 the State Service Commissioner and state board to economize as
8 far as possible in the administration of this law in the
9 several counties of the state. It shall be the duty of the
10 state commissioner, subject to the approval of the state
11 board, to study the requirements of each separate county, and
12 to decide from time to time whether or not there is a need for
13 a county service commissioner in any particular county. In
14 reaching a decision in such matter, the State Service
15 Commissioner and the state board shall take into consideration
16 the total population of the county, the number of men and
17 women inducted into the armed services from the county, the
18 number of veterans ~~of all wars~~ present in the county, and
19 special circumstances and facts involving the concentration of
20 industries or other problems which may have a tendency to
21 increase or decrease the number of veterans in certain
22 localities. It shall be within the power of the State Service
23 Commissioner, subject to the approval of the state board, to
24 establish districts in the state, such districts to contain
25 one or more counties, wherever the number of veterans in the
26 counties composing such districts do not justify the
27 establishment of a separate county service commissioner's

1 office in each county in the district, and a central district
2 service commissioner's office shall be established at the most
3 central point in ~~such~~ the district; provided, however, ~~such~~
4 the district offices must afford maximum services to veterans
5 residing in ~~such~~ the district. It shall be the duty of the
6 district service commissioner to visit each county in the
7 district on certain specified days to be designated by the
8 State Service Commissioner for the purpose of assisting all
9 veterans in ~~such~~ the counties. District service commissioners
10 appointed under this section shall be selected in the same
11 manner as county service commissioners, and shall be possessed
12 of like qualifications.

13 "§31-5-14.

14 "For the fiscal year beginning October 1, 2012, and
15 for fiscal years thereafter, salaries of officials and
16 employees of the department as provided for under this
17 chapter, and office, travel, and other expenses incidental to
18 the proper establishment, operation, and maintenance of the
19 department, or offices of district or county service
20 commissioners, or other offices established by the State
21 Service Commissioner as provided for under this chapter, may
22 be paid by the State of Alabama, from the State General Fund;
23 provided, however, that each county in the state in which a
24 district service commissioner's office or a county service
25 commissioner's office is established shall furnish suitable
26 office space in the county courthouse, or another suitable
27 location in the county for the use of the district service

1 commissioner or county service commissioner, and the county
2 shall pay all expenses associated with operating the office
3 including, but not limited to, any rental, telephone,
4 facsimile, business-class Internet, ~~janitor~~ janitorial
5 service, ~~light,~~ power, ~~heat,~~ heating and air conditioning,
6 employee parking, ~~or~~ and other operational support or
7 maintenance ~~expense for the office shall be paid by the county~~
8 expenses."

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