

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

No. 651 Session of  
1989

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CIVERA, MELIO AND G. SNYDER, MARCH 6, 1989

REFERRED TO COMMITTEE ON MILITARY AND VETERANS AFFAIRS,  
MARCH 6, 1989

## AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled  
2 "An act providing for and reorganizing the conduct of the  
3 executive and administrative work of the Commonwealth by the  
4 Executive Department thereof and the administrative  
5 departments, boards, commissions, and officers thereof,  
6 including the boards of trustees of State Normal Schools, or  
7 Teachers Colleges; abolishing, creating, reorganizing or  
8 authorizing the reorganization of certain administrative  
9 departments, boards, and commissions; defining the powers and  
10 duties of the Governor and other executive and administrative  
11 officers, and of the several administrative departments,  
12 boards, commissions, and officers; fixing the salaries of the  
13 Governor, Lieutenant Governor, and certain other executive  
14 and administrative officers; providing for the appointment of  
15 certain administrative officers, and of all deputies and  
16 other assistants and employes in certain departments, boards,  
17 and commissions; and prescribing the manner in which the  
18 number and compensation of the deputies and all other  
19 assistants and employes of certain departments, boards and  
20 commissions shall be determined," creating a Department of  
21 Veterans' Affairs and defining its functions, powers and  
22 duties; transferring certain agencies to such department; and  
23 making repeals.

24 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. Section 201 of the act of April 9, 1929 (P.L.177,  
3 No.175), known as The Administrative Code of 1929, amended  
4 December 30, 1984 (P.L.1299, No.245) and repealed in part May  
5 26, 1988 (P.L.414, No.721), is amended to read:

6 Section 201. Executive Officers, Administrative Departments  
7 and Independent Administrative Boards and Commissions.--The  
8 executive and administrative work of this Commonwealth shall be  
9 performed by the Executive Department, consisting of the  
10 Governor, Lieutenant Governor, Secretary of the Commonwealth,  
11 Attorney General, Auditor General, State Treasurer, and  
12 Secretary of Education; by the Executive Board, and the  
13 Pennsylvania State Police; by the following administrative  
14 departments: Department of State, Office of Attorney General,  
15 Department of Corrections, Department of the Auditor General,  
16 Treasury Department, Department of Education, Department of  
17 Military Affairs, Department of Veterans' Affairs, Insurance  
18 Department, Department of Banking, Department of Agriculture,  
19 Department of Transportation, Department of Health, Department  
20 of Labor and Industry, Department of Aging, Department of Public  
21 Welfare, Department of General Services, Department of Revenue,  
22 Department of Commerce, Department of Community Affairs and  
23 Department of Environmental Resources; and by the following  
24 independent administrative boards and commissions: Pennsylvania  
25 Game Commission, Pennsylvania Fish Commission, State Civil  
26 Service Commission, Pennsylvania Public Utility Commission and  
27 the Pennsylvania Securities Commission.

28 All of the provisions of this act, which apply generally to  
29 administrative departments, or generally except to the  
30 Department of the Auditor General, the Treasury Department and

1 the Office of Attorney General, shall apply to the Executive  
2 Board and to the Pennsylvania State Police.

3 Section 2. As much as relates to the Department of Military  
4 Affairs in section 203 of the act, amended December 3, 1970  
5 (P.L.834, No.275), is amended to read:

6 Section 203. Advisory Boards and Commissions.--The following  
7 advisory boards and commissions are placed in and made parts of  
8 the respective administrative departments, as follows:

9 In the Department of Military Affairs,

10 State Military Reservation Commission[,];

11 [State Veterans' Commission;]

12 \* \* \*

13 Section 3. Section 206 of the act, amended December 30, 1984  
14 (P.L.1299, No.245), is amended to read:

15 Section 206. Department Heads.--Each administrative  
16 department shall have as its head an officer who shall, either  
17 personally, by deputy, or by the duly authorized agent or  
18 employe of the department, and subject at all times to the  
19 provisions of this act, exercise the powers and perform the  
20 duties by law vested in and imposed upon the department.

21 The following officers shall be the heads of the  
22 administrative departments following their respective titles:

23 Secretary of the Commonwealth, of the Department of State;

24 Auditor General, of the Department of the Auditor General;

25 State Treasurer, of the Treasury Department;

26 Attorney General, of the Office of Attorney General;

27 Secretary of Education, of the Department of Education;

28 Adjutant General, of the Department of Military Affairs;

29 Insurance Commissioner, of the Insurance Department;

30 Secretary of Banking, of the Department of Banking;

1 Secretary of Agriculture, of the Department of Agriculture;  
2 Secretary of Transportation, of the Department of  
3 Transportation;  
4 Secretary of Health, of the Department of Health;  
5 Secretary of Labor and Industry, of the Department of Labor  
6 and Industry;  
7 Secretary of Aging, of the Department of Aging;  
8 Secretary of Public Welfare, of the Department of Public  
9 Welfare;  
10 Secretary of Revenue, of the Department of Revenue;  
11 Secretary of Commerce, of the Department of Commerce;  
12 Secretary of Community Affairs, of the Department of  
13 Community Affairs;  
14 Secretary of Environmental Resources, of the Department of  
15 Environmental Resources;  
16 Secretary of General Services, of the Department of General  
17 Services;  
18 Secretary of Corrections, of the Department of  
19 Corrections[.];  
20 Secretary of Veterans' Affairs, of the Department of  
21 Veterans' Affairs.

22 Section 4. Sections 1412 and 1413 of the act are repealed.

23 Section 5. The act is amended by adding an article to read:

24 ARTICLE XIV-A

25 POWERS AND DUTIES OF THE DEPARTMENT OF

26 VETERANS' AFFAIRS

27 Section 1401-A. Powers and Duties in General.--The  
28 Department of Veterans' Affairs shall have the following powers  
29 and duties:

30 (1) To administer the laws providing for the payment of

1 pensions and relief, for the marking of graves of the veterans  
2 and for the selection, acquisition and maintenance of a State  
3 military cemetery.

4 (2) To investigate and compile data concerning veterans of  
5 the armed forces of the United States, and all State and  
6 municipal activities relating to veterans, and to recommend to  
7 the Governor legislation for submission to the General Assembly  
8 concerning veterans and their activities.

9 (3) To expend funds, appropriations to or for it, for the  
10 purpose of providing the necessities of life, and to otherwise  
11 assist such Pennsylvania veterans of any war or armed conflict,  
12 or the widows and infant children or dependents of such veterans  
13 as are sick, disabled or indigent, and who are without means for  
14 planning and providing for the rehabilitation and care of  
15 veterans. Such expenditures shall be made for the stated  
16 purposes by the issuance of checks in direct payment to the  
17 veteran, widow or proper representative of infant children or  
18 dependents in accordance with rules, regulations and standards  
19 established by the department. In no event shall payments made  
20 by the department exceed the maximum assistance payable under  
21 the public assistance laws and no payments shall be made in the  
22 form of relief orders.

23 (4) To certify for payment gratuities for the children,  
24 between the ages of sixteen (16) and twenty-one (21) years, of  
25 totally disabled veterans and of soldiers, marines, female  
26 clerks, yeoman (female), or members of the Enlisted Nurse Corps  
27 of the United States, who die or have died of Spanish-American  
28 War or World War I service-connected disabilities, and of  
29 totally disabled veterans and of members of the armed forces of  
30 the United States and of women's organizations officially

connected therewith, who die or have died of World War II, or  
the armed conflict in Korea service-connected disabilities as  
certified from Veterans' Administration records. Such children  
must have lived in the Commonwealth for five (5) years  
immediately preceding the date upon which the application was  
filed. Certification by the department shall be made when the  
children meet the following requirements:

(i) As coming within the class of children described above.

(ii) As attending any State or State-aided educational or  
training institution of a secondary or college grade or other  
institution of higher education, business school, trade school,  
hospital providing training for nurses school, or institution  
providing courses in beauty culture, art, radio or undertaking  
or embalming or such other educational training within this  
Commonwealth as approved by the department.

(iii) As being unable, without such gratuity, to pursue his  
or her education or training.

(iv) Payments not exceeding two hundred dollars (\$200) per  
semester per child shall be made to such institution upon the  
submission by them of proof that bills have been incurred or  
contracted for matriculation fees and other necessary fees,  
tuition, board, room rent, books and supplies for such children  
in a definite amount for the school year. Such proof shall be  
submitted to the department which shall attach the same to the  
requisitions prepared for payments out of appropriations made  
for such purpose.

(v) When a child within the class of children eligible to  
receive a gratuity authorized by this section is completing an  
educational or training course, and becomes twenty-one (21)  
years of age before completing the course, the gratuity may be

1 paid until the course is completed: Provided, That gratuities  
2 may not be paid for any child for a longer period than four  
3 scholastic years.

4 Section 1402-A. Specific Duties of the Secretary of  
5 Veterans' Affairs.--The Secretary of Veterans' Affairs shall  
6 have the specific duty:

7 (1) To recommend to the Governor new legislation and  
8 amendments to existing statutes concerning veterans and their  
9 activities, for consideration by the General Assembly.

10 (2) To cooperate with all departments and agencies of the  
11 Commonwealth in the interest of war veterans' welfare, housing  
12 and the obtaining of licenses.

13 (3) To aid in filing and prosecuting all claims of the  
14 Commonwealth's war veterans and dependents of war veterans under  
15 Federal or State statutes.

16 (4) To aid in the employment and reemployment of all war  
17 veterans honorably discharged from the armed forces of the  
18 United States or their auxiliaries.

19 (5) To aid in securing hospitalization, for any war veteran  
20 requiring medical care, that may be provided by a Federal or  
21 State mental or medical or surgical facility specifically  
22 provided for war veterans or in any other public hospital.

23 (6) To aid in the rehabilitation of injured, wounded or  
24 compensable war veterans, or other war veterans, in educational  
25 institutions or vocational training institutions to which they  
26 may be eligible by statute.

27 (7) To cooperate with and advise the Department of Education  
28 with respect to the establishment of vocational training  
29 programs particularly suited to war casualties, for either day  
30 or evening instruction, or both.

1     (8) To administer relief provided by the Commonwealth for  
2 war veterans and dependents of war veterans.

3     (9) To administer the distribution of any compensation to  
4 war veterans or dependents of war veterans that has been or may  
5 be granted by the Commonwealth.

6     (10) To investigate the work of other departments of the  
7 Commonwealth administering laws affecting war veterans or war  
8 veterans' orphans.

9     (11) To investigate, compile and maintain complete and  
10 accurate data concerning veterans of the armed forces of the  
11 United States and all State and municipal activities relating  
12 thereto.

13     (12) To compile from the records as transmitted by the  
14 county commissioners of each county, a record of the burial  
15 places within this Commonwealth of deceased service persons,  
16 their rank, division, length of service, name and location of  
17 cemetery, and the location of their graves therein, and the  
18 character of headstones or other markers, if any, and such other  
19 information deemed desirable.

20     (13) To establish an information center, and to disseminate  
21 regularly to chapters, camps and posts of war veterans'  
22 organizations throughout this Commonwealth, such information as  
23 he shall determine, and to transmit to the public press and  
24 other media of public information, such information relative to  
25 war veterans as should be of public interest.

26     (14) To submit biannually to the Governor, a report of State  
27 activities on behalf of veterans.

28     (15) To perform such other duties in connection with war  
29 veterans that may be referred to him by other departments or  
30 agencies of the Commonwealth, and to be a clearinghouse for all



1 veterans' war service-connected problems.

2 Section 1403-A. Soldiers' and Sailors' and Veterans'

3 Homes.--(a) The Department of Veterans' Affairs shall maintain

4 and operate the Soldiers' and Sailors' Home in Erie and

5 Hollidaysburg Veterans' Home for military veterans.

6 (b) The department shall appoint a director to administer

7 each home. Each director shall be qualified and licensed in the

8 Commonwealth as a nursing home administrator. Each director

9 shall appoint such officers and employes as may be necessary and

10 fix their salaries in conformity with the standards established

11 by the executive board.

12 (c) The department may accept gifts, grants or payments for

13 the use of each home: Provided, however, That the department

14 shall only receive and accept Federal funds to the extent they

15 are appropriated to the department by the General Assembly.

16 (d) The department shall establish a schedule of fees to be

17 charged residents. The fees shall be based on the level of

18 service or care required and the ability of the resident to pay.

19 (e) The department shall establish the level of service to

20 be provided in accordance with the Federal veteran's

21 administration standards of nursing and domiciliary care.

22 Section 6. All powers and duties imposed by 51 Pa.C.S. § 704

23 (relating to advisory councils for veterans' homes) upon the

24 Department of Military Affairs are hereby transferred to the

25 Department of Veterans' Affairs.

26 Section 7. (a) All personnel, allocations, appropriations,

27 agreements, leases, claims, demands and causes of action of any

28 nature whether or not subject to litigation on the date of this

29 act, equipment, files, records, classified data files, plans,

30 maps, air photographs and all other materials which are used,

1 employed or expended in connection with the duties, powers or  
2 functions of the Department of Military Affairs relating to  
3 veterans' affairs, are hereby transferred by this act to the  
4 Department of Veterans' Affairs with the same force and effect  
5 as if the appropriations had been made to and said items had  
6 been the property of the Department of Veterans' Affairs in the  
7 first instance and if said contracts, agreements, leases and  
8 obligations had been incurred or entered into by the Department  
9 of Veterans' Affairs.

10 (b) All personnel transferred to the Department of Veterans'  
11 Affairs from other State departments and agencies pursuant to  
12 this act shall retain any civil service or other employment  
13 status assigned to said personnel in those departments or  
14 agencies prior to the effective date of this act.

15 Section 8. (a) 51 Pa.C.S. § 902 (relating to general powers  
16 and duties of Adjutant General) and Chs. 17 (relating to State  
17 Veterans' Commission), 19 (relating to Pennsylvania Veterans'  
18 Memorial Commission), 85 (relating to Veterans' Emergency  
19 Assistance), 87 (relating to Educational Gratuity Program) and  
20 89 (relating to Disabled Veterans' Real Estate Tax Exemption)  
21 are repealed insofar as they are inconsistent with this act.

22 (b) Sections 2, 3, 4, 5, 6, 7 and 8 of the act of April 29,  
23 1988 (P.L.381, No.60), entitled "An act amending Title 51  
24 (Military Affairs) of the Pennsylvania Consolidated Statutes,  
25 codifying provisions of law relating to the creation,  
26 administration and powers and duties of the State Veterans'  
27 Commission, to the educational gratuity program for veterans'  
28 children and to the real property tax exemption for certain  
29 qualified veterans; providing for reestablishment of the State  
30 Veterans' Commission and the Pennsylvania Veterans' Memorial

1 Commission; and making repeals," are repealed absolutely.

2 (c) All other acts and parts of acts are repealed insofar as  
3 they are inconsistent with this act.

4 Section 9. This act shall take effect in 90 days.