

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 859 Session of 2009

INTRODUCED BY BROWNE, BOSCOLA, STACK, ALLOWAY, MUSTO, O'PAKE,
COSTA, WOZNIAK, FERLO, WASHINGTON, RAFFERTY, TARTAGLIONE AND
WONDERLING, MAY 11, 2009

REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, MAY 11,
2009

AN ACT

Amending Title 51 (Military Affairs) of the Pennsylvania
Consolidated Statutes, changing the name of the Department of
Military and Veterans Affairs; further providing for the
State Veterans' Commission and the Deputy Adjutant General
for Veterans' Affairs; establishing the Department of
Veterans Affairs, the bureaus within the department and the
State Veterans Commission; providing for the powers and
duties of the Department of Veterans Affairs and its bureaus;
and making conforming amendments and editorial changes.

The General Assembly of the Commonwealth of Pennsylvania
hereby enacts as follows:

Section 1. Section 102 of Title 51 of the Pennsylvania
Consolidated Statutes is amended to read:

§ 102. Definitions.

Subject to additional definitions contained in subsequent
provisions of this title which are applicable to specific
provisions of this title, the following words and phrases when
used in this title shall have, unless the context clearly
indicates otherwise, the meanings given to them in this section:

"Armory." Land, buildings and fixtures used for housing

1 elements of the Pennsylvania military forces.

2 "Department." The Department of Military [and Veterans]
3 Affairs of the Commonwealth.

4 "National Defense Act." The act of Congress, entitled "An
5 act for making further and more effectual provisions for the
6 National Defense and for other purposes," approved June 3, 1916,
7 its amendments and supplements.

8 "National Guard of the United States." The Army National
9 Guard of the United States and the Air National Guard of the
10 United States.

11 "Officer." Commissioned or warrant officer.

12 "Order." General or special order, oral or written, whether
13 issued pursuant to State or Federal authority.

14 "Pennsylvania Guard." Those organized units of the
15 Pennsylvania military forces which are not Federally recognized
16 or which serve under the authority of the Governor when the
17 Pennsylvania National Guard, in whole or in part, is on extended
18 Federal active duty.

19 "Pennsylvania military forces." The land, air and sea
20 military units organized for the internal security of this
21 Commonwealth.

22 "Pennsylvania National Guard." The Pennsylvania Army
23 National Guard and the Pennsylvania Air National Guard.

24 Section 2. Sections 701(b), 704, 710(a) and (c) and 902(11),
25 (12) and (14) of Title 51 are amended to read:

26 § 701. Overall powers of department.

27 * * *

28 (b) Designation.--[The Department of Military Affairs is
29 designated as the Department of Military and Veterans Affairs.
30 Contracts, deeds and official actions by the department shall

1 not be affected by the use of the designation by the department
2 as the Department of Military Affairs. The department may
3 continue to use the name Department of Military Affairs on
4 stationery or any official documents until existing supplies are
5 exhausted. The department may substitute the title Department of
6 Military and Veterans Affairs for the Department of Military
7 Affairs on its documents and materials on such schedule as it
8 deems appropriate.] The Department of Military and Veterans
9 Affairs is designated as the Department of Military Affairs.
10 Contracts, deeds and official actions by the department shall
11 not be affected by the use of the designation by the department
12 as the Department of Military and Veterans Affairs. The
13 department may continue to use the name Department of Military
14 and Veterans Affairs on stationery or any official documents
15 until existing supplies are exhausted. The department may
16 substitute the title Department of Military Affairs for the
17 Department of Military and Veterans Affairs on its documents and
18 materials on such schedule as it deems appropriate.

19 [§ 704. Advisory councils for veterans' homes.

20 (a) Establishment of advisory council.--There is hereby
21 established an advisory council for each veterans' home operated
22 by the Commonwealth. Each advisory council shall consist of 15
23 members and the Adjutant General, who shall serve ex officio.
24 Twelve of the members shall be appointed by the Governor from a
25 list of nominations submitted to the Adjutant General by the
26 Pennsylvania War Veterans' Council. The Speaker of the House of
27 Representatives and the President pro tempore of the Senate
28 shall each appoint one member from their respective bodies to
29 serve on each council. The remaining member on the advisory
30 council shall be selected by the residents of the veterans'

1 homes.

2 (b) Term of office and officers.--Each member of the
3 councils appointed from the General Assembly shall serve for the
4 duration of that General Assembly. The eight members appointed
5 by the Governor shall serve a term of three years, provided that
6 the initial eight members selected by the Governor shall serve
7 as follows: three members for one year, three members for two
8 years and two members for three years as designated by the
9 Governor. Each council shall organize as soon as possible and
10 shall annually elect a president, vice president and secretary.

11 (c) Removal for cause.--The members appointed by the
12 Governor may be removed by the Governor for cause.

13 (d) Quorum and time of meetings.--Six members of a council
14 shall constitute a quorum for the purpose of conducting the
15 business of the council. Each advisory council shall meet at
16 least quarterly and at other times at the call of the president.

17 (e) Expenses.--Members of each advisory council shall
18 receive no compensation for their services but shall receive
19 reimbursement for their necessary and proper expenses for
20 attendance at meetings.

21 (f) Power and duty of advisory councils.--Each veterans'
22 home advisory council shall advise the Adjutant General as to
23 the management, operation and the adequacy of facilities and
24 services at their respective homes.]

25 § 710. Pennsylvania Veterans' Memorial Trust Fund.

26 (a) Administration.--The separate fund in the State Treasury
27 known as the Pennsylvania Veterans' Memorial Trust Fund shall be
28 administered by the [State Veterans' Commission] department, and
29 all moneys in the fund are appropriated to the [State Veterans'
30 Commission] department on a continuing basis.

1 * * *

2 (c) Contributions and solicitation of funds.--

3 (1) The [State Veterans' Commission] department is
4 authorized:

5 (i) To accept, on behalf of the Commonwealth, gifts,
6 donations, legacies and usages of money from individuals,
7 organizations, public or private corporations and other
8 similar entities.

9 (ii) To solicit and raise moneys from public and
10 private sources.

11 (2) All money received or raised under this subsection
12 shall be paid into the State Treasury and credited to the
13 fund.

14 § 902. General powers and duties of Adjutant General.

15 The Adjutant General as head of the department is responsible
16 to the Commonwealth and to the Governor for the organization and
17 functioning of said department, and the performance and carrying
18 out of all the duties, powers and responsibilities given or
19 delegated. In addition he is hereby authorized and directed to:

20 * * *

21 [(11) Coordinate with other Commonwealth agencies and
22 departments, and the respective agencies of the Federal
23 Government, all matters relating to veterans' affairs within
24 this Commonwealth.

25 (12) Appoint a Deputy Adjutant General for Veterans'
26 Affairs, who shall serve as the Director of the Bureau for
27 Veterans' Affairs.]

28 * * *

29 [(14) Authorize the admittance of any member of a group
30 which has been granted veterans status by the Secretary of

1 Defense and any spouse of a member to State veterans' homes,
2 using admission criteria and procedures as established by the
3 department by regulation.]

4 Section 3. Chapter 17 of Title 51 is repealed:

5 [CHAPTER 17

6 STATE VETERANS' COMMISSION

7 AND DEPUTY ADJUTANT GENERAL

8 FOR VETERANS' AFFAIRS

9 Subchapter

10 A. State Veterans' Commission

11 B. Deputy Adjutant General for Veterans' Affairs

12 SUBCHAPTER A

13 STATE VETERANS' COMMISSION

14 Sec.

15 1701. Definitions.

16 1702. State Veterans' Commission.

17 1703. General powers and duties.

18 1704. Specific powers and duties.

19 1705. Veterans' home hall of fame.

20 § 1701. Definitions.

21 The following words and phrases when used in this chapter
22 shall have the meanings given to them in this section unless the
23 context clearly indicates otherwise:

24 "Commission." The State Veterans' Commission established by
25 this chapter.

26 § 1702. State Veterans' Commission.

27 (a) Establishment.--There is hereby established within the
28 department an advisory commission to be known as the State
29 Veterans' Commission.

30 (b) Composition.--The commission shall be composed of:

1 (1) The Adjutant General, ex officio, or his designee.

2 (2) The State commander, commandant or head, or his
3 designee, of each of the following named veterans'
4 organizations:

5 (i) The American Legion.

6 (ii) AMVETS.

7 (iii) Blinded Veterans Association.

8 (iv) Catholic War Veterans of the United States of
9 America.

10 (v) Disabled American Veterans.

11 (vi) Jewish War Veterans of the United States.

12 (vii) Marine Corps League.

13 (viii) Military Order of the Purple Heart.

14 (ix) State Association of County Directors of
15 Veterans' Affairs.

16 (x) Veterans of Foreign Wars of the United States.

17 (xi) Veterans of World War I of the United States of
18 America, Inc.

19 (xii) Italian-American War Veterans of the United
20 States, Inc.

21 (xiii) The Vietnam Veterans of America, Inc.

22 (xiv) American Ex-Prisoners of War.

23 (xv) Keystone Paralyzed Veterans Association.

24 (3) Four members at large appointed by the Governor from
25 a list provided by the Adjutant General, each of whom shall
26 be a veteran and a member in good and regular standing of a
27 Pennsylvania branch, post, lodge or club of a recognized
28 national veterans' organization active in this Commonwealth.
29 At least one member shall be a female veteran, and at least
30 one member shall be a veteran of the Vietnam era. Members at

1 large shall serve a term of four years and until a successor
2 has been appointed.

3 (4) The State Adjutants of the American Legion, the
4 Disabled American Veterans (DAV) and the Veterans of Foreign
5 Wars (VFW) and the Executive Director of AMVETS as nonvoting
6 members.

7 (c) Officers.--The commission shall annually elect a
8 chairman and vice chairman at the first meeting of the
9 commission after October 1. The Deputy Adjutant General for
10 Veterans' Affairs shall serve as the executive secretary to the
11 commission.

12 (d) Compensation and expenses.--Members of the commission
13 shall receive no compensation for their services but shall
14 receive reimbursement for their necessary and proper expenses
15 for attendance at meetings.

16 (e) Meetings and quorum.--The commission shall meet upon the
17 call of the chairman or the Adjutant General. Nine members of
18 the commission shall constitute a quorum.

19 (f) Declared vacancies.--The Governor, upon recommendation
20 of the Adjutant General, shall declare a vacancy to exist
21 whenever any member at large fails to attend three consecutive
22 meetings without good cause. Any declared vacancy shall be
23 filled for the unexpired term.

24 § 1703. General powers and duties.

25 The commission shall advise the Adjutant General and the
26 department on all matters pertaining to the status, welfare,
27 benefits, employment and support of veterans and veterans'
28 programs in this Commonwealth and shall perform such other
29 functions as are provided by law.

30 § 1704. Specific powers and duties.

1 The commission shall have the following powers and duties:

2 (1) Advise the Adjutant General upon such matters as the
3 Adjutant General may bring before it.

4 (2) Investigate the work of the department and make
5 recommendations to it regarding the department's
6 administration of the laws providing for the payment of
7 pensions and relief, for the marking of graves of veterans
8 and for the selection, acquisition and maintenance of a State
9 military cemetery.

10 (3) Investigate and recommend to the Governor
11 legislation for submission to the General Assembly concerning
12 veterans and their activities.

13 (4) Oversee veterans' emergency assistance payments
14 under Chapter 85 (relating to veterans' emergency
15 assistance).

16 (5) Certify educational gratuity payments for eligible
17 children under Chapter 87 (relating to educational gratuity
18 program).

19 (6) Determine eligibility of veteran applicants for real
20 property tax exemptions under Chapter 89 (relating to
21 disabled veterans' real estate tax exemption).

22 (7) Promulgate rules and regulations governing all
23 actions of the commission under paragraphs (4), (5) and (6).

24 § 1705. Veterans' home hall of fame.

25 (a) General rule.--Each veterans' home operated by the
26 Commonwealth shall establish and dedicate a hall of fame to
27 recognize and honor the military achievements of outstanding
28 veterans who have completed honorable, active duty military
29 service and who reside or resided in the geographic region
30 served by the veterans' home. The area or space in the veterans'

1 home dedicated to the hall of fame may be used for other
2 purposes.

3 (b) Selection of inductees.--The advisory council for each
4 veterans' home shall, consistent with the guidelines established
5 by the commission in subsection (c), nominate eligible veterans
6 for induction into the hall of fame by the commission and
7 perform such other duties relating to the hall of fame as
8 approved by the commission. Any Medal of Honor recipient shall
9 be automatically inducted into the hall of fame.

10 (c) Oversight.--The commission shall develop guidelines for
11 the halls of fame. The guidelines shall include, but not be
12 limited to:

13 (1) Eligibility criteria for qualified candidates.

14 (2) Procedures for nomination of candidates and
15 selection of inductees.

16 (3) Ceremonies to officially honor the inductees.

17 (4) Manner of recognizing or presenting the inductees in
18 the halls of fame.

19 (5) Maintenance of the halls of fame.

20 (6) Duties of the advisory councils of the veterans'
21 homes relating to the halls of fame.

22 (d) Documentation.--Each eligible veteran or his or her
23 representative shall be responsible for obtaining the
24 documentation necessary to establish his or her eligibility from
25 the National Archives in Washington, D.C., or the National
26 Personnel Record Center in St. Louis, Missouri.

27 (e) Centralized list.--The State Veterans' Commission shall
28 keep a centralized list of all hall of fame inductees from all
29 regional veterans' homes.

30 SUBCHAPTER B

DEPUTY ADJUTANT GENERAL

FOR VETERANS' AFFAIRS

Sec.

1711. Qualifications and status.

1712. Specific duties.

§ 1711. Qualifications and status.

(a) Deputy Adjutants General.--In addition to such other Deputy Adjutants General as may be named in the department, there shall be a Deputy Adjutant General for Veterans' Affairs, who shall perform the duties under section 1712 (relating to specific duties) and such other duties as the Adjutant General may assign.

(b) Appointment.--The Deputy Adjutant General for Veterans' Affairs shall be selected and appointed as other Deputy Adjutants General are selected and appointed. He shall be a veteran and an active member of at least one of the veterans' organizations listed under section 1702(b) (relating to State Veterans' Commission).

(c) Compensation.--The compensation of the Deputy Adjutant General for Veterans' Affairs shall be as established by law.

(d) Status.--The Deputy Adjutant General for Veterans' Affairs shall be accorded all the rights, emoluments and privileges, except pay and allowances, of a brigadier general in the Pennsylvania Guard and shall be addressed as "General."

§ 1712. Specific duties.

In addition to such other duties as may be provided by law or as assigned by the Adjutant General, the Deputy Adjutant General for Veterans' Affairs shall have the following specific duties:

(1) To recommend to the Adjutant General and the Governor, with the advice of the State Veterans' Commission,

1 new legislation and amendments to existing statutes
2 concerning veterans and their activities for consideration by
3 the General Assembly.

4 (2) To cooperate with all Federal and State departments
5 and agencies in the interest of veterans.

6 (3) To aid in filing and prosecuting claims of
7 Pennsylvania's veterans and their dependents under Federal or
8 State laws or regulations.

9 (4) To aid veterans in seeking employment or
10 reemployment after their honorable discharge from the armed
11 forces of the United States.

12 (5) To aid veterans requiring medical care in securing
13 hospitalization provided by a Federal or State medical or
14 care facility.

15 (6) To aid in the rehabilitation of injured, wounded or
16 compensable veterans in educational institutions or
17 vocational training institutions for which they may be
18 eligible by law.

19 (7) To cooperate with and advise the Department of
20 Education with respect to vocational training programs for
21 veterans, particularly programs suited to casualties.

22 (8) To administer relief provided by the Commonwealth
23 for veterans and their dependents.

24 (9) To administer the distribution under the direction
25 of the Adjutant General of any compensation to veterans or
26 their dependents that has been or may be granted by the
27 Commonwealth.

28 (10) To investigate the work of other State agencies in
29 administering laws affecting veterans and their dependents.

30 (11) To investigate, compile and maintain complete and

1 accurate data concerning veterans of the armed forces of the
2 United States and all State and municipal activities related
3 thereto.

4 (12) To compile from the records transmitted from the
5 various counties of this Commonwealth a record of the burial
6 places in this Commonwealth of deceased veterans, including
7 such information as the Deputy Adjutant General for Veterans'
8 Affairs or his designee deems necessary and appropriate.

9 (13) To disseminate information concerning
10 Pennsylvania's veterans and Pennsylvania's veterans' programs
11 to veterans' organizations, to the public press and other
12 media and to the general public.

13 (14) To biannually submit, through the Adjutant General,
14 to the Governor a report of State activities on behalf of
15 veterans.

16 (15) To serve as a clearinghouse for all problems or
17 issues related to Pennsylvania's veterans and their
18 dependents.

19 (16) To serve as Executive Secretary of the State
20 Veterans' Commission.]

21 Section 4. Title 51 is amended by adding chapters to read:

22 CHAPTER 18

23 DEPARTMENT OF VETERANS AFFAIRS

24 Sec.

25 1801. Definitions.

26 1802. Establishment.

27 1803. Purpose.

28 1804. General powers and duties.

29 1805. Specific powers and duties.

30 1806. Secretary of Veterans Affairs.

- 1 1807. Organization.
- 2 1808. Delegation of authority.
- 3 1809. Commissions, councils and boards.
- 4 1810. Bureau for Veterans Benefits Assistance.
- 5 1811. Local governing bodies and veterans services.
- 6 1812. County and city veterans service officers.
- 7 1813. (Reserved).
- 8 1814. Bureau for State Veterans Homes.
- 9 1815. Office of Recovery Coordination.
- 10 1816. State Veterans Commission.
- 11 1817. Advisory councils for State veterans homes.
- 12 1818. Prohibitions.
- 13 1819. Confidentiality of records.
- 14 1820. Technology services.
- 15 1821. Reports.
- 16 1822. Cost reduction measures and acceptance of gifts.
- 17 1823. Interagency agreements.
- 18 1824. Conflict of interest.
- 19 1825. Information of public interest and public complaints.
- 20 1826. Liberal construction.
- 21 1827. Conflict between statutes and within statute.
- 22 1828. Severability.

23 § 1801. Definitions.

24 The following words and phrases when used in this chapter
25 shall have the meanings given to them in this section unless the
26 context clearly indicates otherwise:

27 "Commission." The State Veterans Commission established
28 under this chapter.

29 "Commissioners." Members, voting and nonvoting, of the State
30 Veterans Commission.

1 "Department." The Department of Veterans Affairs of the
2 Commonwealth established under this chapter.

3 "Secretary." The Secretary of Veterans Affairs of the
4 Commonwealth.

5 "VA TRIP." The Veterans Administration Training,
6 Responsibility, Involvement of Preparation training program.

7 "Veteran." A person who may be entitled to any benefits or
8 rights under the laws of the United States and this Commonwealth
9 by reason of service in the armed forces of the United States.

10 "Veterans service officer." Any of the following:

11 (1) A State, county or city employee qualified under
12 this chapter to provide benefits counseling and claims
13 services.

14 (2) A veterans service organization service officer
15 accredited by the United States Department of Veterans
16 Affairs.

17 "Veterans service organization." Any nonprofit organization
18 registered in and in good standing with the Commonwealth
19 composed principally of and controlled by veterans of the United
20 States Armed Forces, incorporated for the purpose of promoting
21 programs designed to assist veterans of the armed forces of the
22 United States and their Pennsylvania-domiciled surviving
23 spouses, orphans and dependents and in good standing with its
24 parent national organization, if such a parent organization
25 exists. The term shall not include an organization representing
26 Federal, State or county government employees who provide
27 services to veterans.

28 § 1802. Establishment.

29 The Department of Veterans Affairs is established as an
30 administrative department within the executive branch of the

1 Commonwealth and is vested with the power and authority as set
2 forth in this chapter.

3 § 1803. Purpose.

4 The purpose of the department is to actively aid veterans,
5 their dependents, surviving dependents and beneficiaries in
6 obtaining or maintaining privileges, rights and benefits to
7 which they are entitled under Federal and State laws.

8 § 1804. General powers and duties.

9 The department is authorized and empowered to do all of the
10 following:

11 (1) To aid veterans, their dependents, surviving
12 dependents and beneficiaries in the presentation, processing,
13 proof and establishment of any claims, privileges, rights and
14 benefits as they may be entitled to under Federal or State
15 laws. The department has the authority to accept power of
16 attorney when necessary.

17 (2) To aid Commonwealth residents in active military
18 service and their dependents with problems arising out of the
19 service which come reasonably within the purview of the
20 department's program of assistance.

21 (3) To collect data and information as to the facilities
22 and services available to veterans, their dependents,
23 surviving dependents and beneficiaries.

24 (4) To inform agencies furnishing information or
25 services in this Commonwealth regarding the availability of
26 all of the following:

27 (i) Education, training and retraining facilities.

28 (ii) Health, medical, rehabilitative and housing
29 services and facilities.

30 (iii) Employment and reemployment services.

1 (iv) Provisions of Federal and State laws affording
2 rights, privileges and benefits to veterans and their
3 dependents, surviving dependents and beneficiaries.

4 (v) Any other matter of a related or appropriate
5 nature.

6 (5) To establish field offices, facilities and services
7 throughout this Commonwealth as may be necessary to carry out
8 the purposes of this chapter.

9 (6) To cooperate, as the department deems appropriate,
10 with governmental, private and civic agencies and
11 instrumentalities in securing services or benefits for
12 veterans, their dependents, surviving dependents and
13 beneficiaries.

14 (7) To enter into any contract or agreement with any
15 person, firm, corporation or governmental agency or
16 instrumentality in furtherance of the purposes of this
17 chapter and to make all rules and regulations necessary for
18 the proper and effective administration of its duties. The
19 department shall have the authority and responsibility to
20 apply for and administer any Federal programs and develop and
21 coordinate State programs as may be beneficial to the
22 particular interests of veterans' dependents, surviving
23 dependents and beneficiaries.

24 (8) To train, supervise and assist the employees of any
25 county or city who are engaged in veterans claims service,
26 benefits counseling and awareness programs. The services and
27 programs shall be operated in affiliation with and under the
28 supervision of the department.

29 (9) To train and assist a veterans service officer
30 working for and accredited by a veterans service

1 organization, subject to departmental budgetary constraints,
2 upon the request of the veterans service organization and if
3 the individual works within this Commonwealth.

4 (10) To accept any property, funds, services or
5 facilities from any source, public or private, granted in aid
6 or furtherance of the administration of the provisions of
7 this chapter.

8 (11) To perform other duties in connection with veterans
9 that may be referred to the secretary by the Governor and
10 other departments or agencies of the Commonwealth and to be a
11 clearinghouse and investigative body for all problems related
12 to Pennsylvania veterans, their dependents, surviving
13 dependents and beneficiaries.

14 § 1805. Specific powers and duties.

15 The department shall have the following powers and duties in
16 addition to the powers and duties prescribed under section 1804
17 (relating to general powers and duties):

18 (1) To administer the laws providing for any of the
19 following:

20 (i) The programs for veterans' pensions and benefits
21 under Chapter 77 (relating to veterans' pensions and
22 benefits).

23 (ii) The Veterans' Emergency Assistance Program
24 established under Chapter 85 (relating to veterans'
25 emergency assistance).

26 (iii) The Educational Gratuity Program established
27 under Chapter 87 (relating to Educational Gratuity
28 Program).

29 (iv) The program for disabled veterans' real estate
30 tax exemption under Chapter 89 (relating to disabled

1 veterans' real estate tax exemption).

2 (v) Any relief programs provided by the Commonwealth
3 for veterans, their dependents, surviving dependents and
4 beneficiaries.

5 (vi) The distribution of any compensation, including
6 bonuses, to veterans, their dependents, surviving
7 dependents and beneficiaries that has been or may be
8 granted by the Commonwealth.

9 (vii) State veterans homes program.

10 (viii) The Scotland School for Veterans' Children.

11 (ix) The program under section 9304 (relating to
12 grants to veterans' service officer programs).

13 (2) To recommend to the Governor new legislation and
14 amendments to existing statutes concerning veterans and their
15 activities for submission to the General Assembly.

16 (3) To aid in securing hospitalization for any veteran
17 requiring medical care that may be provided by a Federal or
18 State mental, medical or surgical facility specifically
19 provided for veterans or in any other public hospital.

20 (4) To cooperate with and advise the Department of
21 Education and the Department of Labor and Industry on
22 vocational training programs and other veterans educational
23 programs, particularly programs focused on severe service-
24 connected disabilities, for either day or evening
25 instruction, or both.

26 (5) To investigate the work of other departments of the
27 Commonwealth administering laws affecting veterans, their
28 dependents, surviving dependents and beneficiaries.

29 (6) To investigate, compile and maintain complete and
30 accurate data concerning the claims of veterans of the armed

1 forces of the United States and all related Commonwealth and
2 municipal activities.

3 (7) To establish an information center for all veterans,
4 their dependents, surviving dependents and beneficiaries and
5 to disseminate regularly to departments, regions, districts,
6 chapters, camps and posts, as appropriate, of veterans
7 organizations throughout this Commonwealth, information as
8 the secretary shall determine, and to transmit to the public
9 press and other media of public information, information
10 relative to veterans as may be of public interest.

11 (8) To submit annually to the Governor a performance and
12 accountability report of State activities on behalf of
13 veterans.

14 (9) To appoint an executive secretary to the State
15 Veterans Commission.

16 (10) To submit for accreditation to the United States
17 Department of Veterans Affairs in accordance with 38 CFR
18 (relating to pensions, bonuses, and veterans' relief) all
19 State, county and city employees performing the duties of
20 veterans service officers and to ensure that they are
21 periodically recertified as required by the department and
22 the United States Department of Veterans Affairs.

23 (11) To enter into agreements with veterans service
24 organizations for the purpose of obtaining dual accreditation
25 for State, county and city veterans service officers.

26 (12) To specify to the counties and cities those
27 reports, accountings and other information it may require.

28 (13) To implement a networked computer system and
29 management information system for the automated submission,
30 reviewing and tracking of claims and for the purposes of

1 assisting in the annual performance evaluation of the
2 department.

3 (14) To develop and implement departmental performance
4 management measurement standards.

5 (15) To act as a fiduciary. The secretary shall act
6 without bond as conservator of the estate of a beneficiary of
7 the United States Department of Veterans Affairs when the
8 secretary determines no other suitable person will do so.

9 (16) To receive and integrate all Governor's Veterans
10 Outreach and Assistance Center Program personnel from the
11 five regions into the department in accordance with Chapter
12 86 (relating to transfer of the Governor's Veterans Outreach
13 and Assistance Center Program) and this chapter, provided
14 Federal funding continues.

15 (17) To legally represent veterans, upon request, in
16 their claims appeals before the United States Department of
17 Veterans Affairs' Board of Veterans Appeals and the United
18 States courts, inclusive of the United States Court of
19 Appeals for Veterans Claims and to legally represent
20 veterans, upon request, in the enforcement of existing
21 Federal and State veterans employment and preference laws.

22 (18) To take necessary action to assure that proper and
23 continuous care and assistance is being rendered to seriously
24 wounded or disabled veterans to restore them to as normal a
25 life as practicable.

26 § 1806. Secretary of Veterans Affairs.

27 (a) Department head.--The executive head and appointing
28 authority of the department shall be the Secretary of Veterans
29 Affairs. The secretary shall serve at the pleasure of the
30 Governor.

1 (b) Appointment.--The Governor shall nominate and appoint in
2 accordance with the provisions of the Constitution of
3 Pennsylvania, by and with the advice and consent of a majority
4 of the members elected to the Senate, a Secretary of Veterans
5 Affairs.

6 (c) Qualifications.--The secretary shall be an honorably
7 discharged veteran of the armed forces of the United States and
8 a United States citizen with proven managerial experience and
9 success.

10 (d) Salary.--The secretary shall be paid a fixed salary by
11 the Governor in accordance with the standards established by the
12 executive board.

13 (e) Vacancy and succession.--If a vacancy occurs in the
14 position of secretary while the Senate is not in session, the
15 Governor shall make a temporary appointment until the next
16 meeting of the Senate, when the Governor shall present the
17 nomination for the office to that body in accordance with the
18 provisions of the Constitution of Pennsylvania.

19 (f) General powers and duties.--The secretary shall have all
20 of the following powers and duties:

21 (1) To conduct, control and supervise the department.

22 (2) To appoint, employ and determine the powers and
23 duties together with the salaries and other expenses of
24 clerical and other personnel as are necessary to carry out
25 the duties of the department.

26 (3) To perform all other matters and things necessary to
27 carry out the provisions of this chapter.

28 (4) To develop a system of annual performance evaluation
29 based on qualitatively and quantitatively measurable job
30 tasks.

1 (5) To cooperate fully with the commission in matters
2 related to the duties of the commission.

3 \$ 1807. Organization.

4 (a) Staff.--The secretary may appoint assistants and
5 executive staff as may be needed to administer the department.
6 All appointees made under this subsection shall be veterans and
7 shall serve at the pleasure of the secretary.

8 (b) Deputy secretary.--The secretary shall designate a
9 deputy secretary from the executive staff who shall have charge
10 and general supervision of the department in the absence or
11 disability of the secretary. In case of a vacancy in the office
12 of secretary, the deputy secretary shall continue in charge of
13 the department until a successor is appointed and qualified or
14 until the Governor appoints a temporary acting secretary.

15 (c) Exemption.--Management level employees of the department
16 are exempt from the provisions of the act of August 5, 1941
17 (P.L.752, No.286), known as the Civil Service Act. For purposes
18 of this subsection, the term "management level employee" means
19 any individual who is involved directly in the determination of
20 policy or who responsibly directs the implementation of policy
21 and includes all employees above the first level of supervision.

22 (d) Preference.--Unless otherwise provided by law, the
23 secretary shall give preference to veterans for positions in the
24 department.

25 (e) Special instructions.--While it is the intention of the
26 General Assembly to give the secretary flexibility in organizing
27 the department, the secretary shall perform all of the
28 following:

29 (1) The secretary shall create the Bureau of Veterans
30 Benefits Assistance and the Bureau of State Veterans Homes to

1 provide field services. Each bureau shall be administered by
2 a director. The secretary shall also create an Office of
3 Recovery Coordination administered by a chief.

4 (2) In addition to the functions administered by the
5 entities established in paragraph (1), the secretary shall
6 ensure the department has the following minimum functional
7 capabilities, which may be obtained through hired employees,
8 contract operations or interagency agreements as the
9 secretary deems best suited to fulfill needs as follows:

10 (i) Information and research capability to
11 disseminate information and statistical analysis of
12 pertinent data, inclusive of management analysis and
13 program development requirements.

14 (ii) Personnel management capability for human
15 resource needs.

16 (iii) Fiscal management capability.

17 (iv) Purchasing capability for all purchasing and
18 reproduction needs.

19 (v) Administrative and automated data processing
20 (ADP) support.

21 (vi) Staff development capability to provide
22 professional education to employees and county and city
23 veterans service officers.

24 (vii) Legal expertise on veterans' matters to
25 include appeals before boards and courts under sections
26 1804 (relating to general powers and duties) and 1805
27 (relating to specific powers and duties).

28 (viii) Legislative affairs capability to represent
29 the department on all matters involving legislation at
30 Federal and State levels.

1 (ix) Inspection capability to investigate and report
2 on organizational matters and to audit the performance of
3 the department in its various functional areas.

4 (3) The secretary will establish and maintain, through
5 contracts or other agreements, the headquarters and service
6 offices in whatever locations the secretary determines to be
7 necessary to carry out the provisions of this chapter.

8 § 1808. Delegation of authority.

9 The secretary may delegate any power or duty vested in or
10 transferred to the secretary by law or executive order to the
11 deputy secretary or to any other assistant or subordinate, but
12 the secretary shall be responsible for the official acts of the
13 officers and employees of the department.

14 § 1809. Commissions, councils and boards.

15 The secretary shall recognize and support the following
16 commissions, councils and boards:

17 (1) The State Veterans Commission.

18 (2) The State Veterans homes advisory councils.

19 (3) The Board of Trustees of the Scotland School for
20 Veterans' Children.

21 (4) Other State government veterans councils and
22 commissions that exist or may be formed by the Commonwealth
23 from time to time.

24 § 1810. Bureau for Veterans Benefits Assistance.

25 (a) Establishment.--The Bureau for Veterans Benefits
26 Assistance is established as a bureau within the department.

27 (b) Director.--The Director for Veterans Benefits Assistance
28 shall have supervisory authority over the Bureau for Veterans
29 Benefits Assistance. The secretary shall appoint and may remove
30 the director for just cause.

1 (c) Powers and duties.--

2 (1) The Bureau for Veterans Benefits Assistance shall
3 have the power and duty to aid members of the armed forces of
4 the United States on active duty under section 1804(2)
5 (relating to general powers and duties) and veterans, who are
6 residents of this Commonwealth, and their dependents,
7 surviving dependents and beneficiaries in relation to matters
8 pertaining to all of the following:

9 (i) Educational training and retraining services and
10 facilities.

11 (ii) Health, medical and rehabilitation services and
12 facilities.

13 (iii) Provisions of Federal and State laws affording
14 special rights and privileges to members of the armed
15 forces and veterans and their dependents, dependent
16 survivors and beneficiaries.

17 (iv) Employment and reemployment services.

18 (v) Other matters of similar, related or appropriate
19 nature.

20 (2) The Bureau for Veterans Benefits Assistance shall
21 supervise the county and city veterans service officers
22 during the performance of their duties involving submission,
23 follow-up and reconsiderations of claims for benefits and
24 services filed on behalf of veterans, benefits counseling and
25 benefits awareness programs. The supervision shall not
26 include duties and tasks performed by the county and city
27 veterans service officers which pertain solely to local
28 activities or are required under other State laws. The Bureau
29 for Veterans Benefits Assistance shall be responsible for
30 veterans service officer training under section 1812

1 (relating to county and city veterans service officers).

2 (3) The Bureau for Veterans Benefits Assistance shall
3 have the capability of representing veterans before the Board
4 of Veterans Appeals and the Court of Veterans Appeals.

5 (4) The Bureau for Veterans Benefits Assistance shall
6 provide guidance to establish reporting requirements and
7 formats, coordinate with and monitor the progress of veterans
8 service organizations providing service officers under the
9 State grant under the terms of the grant and authorizing
10 statute for the secretary.

11 (5) The Bureau for Veterans Benefits Assistance shall
12 perform any other duties as may be assigned by the secretary.

13 (d) Field offices.--With the approval of the secretary, the
14 Director of the Bureau of Veterans Benefits Assistance may do
15 any of the following:

16 (1) Establish, alter or abolish bureau districts within
17 this Commonwealth and establish, alter or abolish any
18 subordinate State field offices within the districts.

19 (2) Appoint and remove a supervisor for a district or
20 office.

21 (3) Appoint officers, consultants, clerks and other
22 employees as may be necessary to administer the functions of
23 the Bureau of Veterans Benefits Assistance, fix their
24 compensation within the limitation provided by law and
25 prescribe their duties.

26 (e) Qualifications for State veterans service officers.--A
27 State veterans service officer shall meet all of the following
28 qualifications:

29 (1) Be a United States citizen.

30 (2) Be a veteran who served at least 18 months of active

1 duty in the armed forces of the United States and was
2 separated from the service under honorable conditions. An
3 honorably discharged veteran who was discharged for service-
4 connected or aggravated medical reasons before serving 18
5 months of active duty and who completed a tour of duty other
6 than active duty for training, regardless of the length of
7 the tour, or who satisfied his or her military obligation in
8 a manner other than active duty for training or reserve duty,
9 shall be eligible under this paragraph.

10 (3) Have at least a high school degree or equivalency
11 diploma.

12 (4) Have at least four years of successful
13 administrative or managerial experience or several years of
14 successful veterans service officer experience.

15 (5) Become accredited in accordance with 38 CFR 14.629
16 (relating to requirements for accreditation of service
17 organization representatives; agents; and attorneys).

18 (f) Training of State veterans service officers.--

19 (1) State veterans service officers must be accredited
20 and annually recertified in accordance with the requirements
21 of this chapter.

22 (2) State veterans service officers shall serve an
23 internship of 18 months under the direct supervision of an
24 experienced and accredited State veterans service officer.
25 The department shall sponsor an intern before the United
26 States Department of Veterans Affairs for their accreditation
27 in accordance with 38 CFR (relating to pensions, bonuses, and
28 veterans' relief) if the intern provides satisfactory proof
29 of all of the following:

30 (i) Successful completion of the internship.

1 (ii) Procurement of a letter of recommendation from
2 the supervising State veterans service officer.

3 (iii) Achievement of a score of 80% or higher on a
4 State-developed test approved by the United States
5 Department of Veterans Affairs.

6 (3) The Bureau of Veterans Benefits Assistance shall
7 establish a periodic refresher, update and advanced training
8 program, inclusive of VA TRIP (Training, Responsibility,
9 Involvement of Preparation) claims training or its equivalent
10 which State veterans service officers must attend and
11 successfully pass as a condition of continued employment.

12 (4) The Bureau for Veterans Benefits Assistance will
13 work with the VA Regional Offices in Philadelphia and
14 Pittsburgh to maximize the level of training for bureau
15 personnel.

16 (5) The Bureau for Veterans Benefits Assistance shall
17 maintain a file on each participant in VA TRIP training
18 together with scoring and certification.

19 § 1811. Local governing bodies and veterans services.

20 (a) Aid.--Notwithstanding any other law, the governing body
21 of a county shall and the governing body of a city may aid and
22 assist, wherever practical and feasible, a veteran who has
23 served in the armed forces of the United States and received an
24 honorable discharge from any branch of the military service of
25 the United States, and their dependents or surviving dependents,
26 in presenting claims for and securing compensation,
27 hospitalization, education, loans, career training and other
28 benefits or privileges to which the veteran or the veteran's
29 dependents or surviving dependents are or may become entitled
30 under any Federal or State law by reason of their service in the

armed forces of the United States except that all claims work will be processed as directed by the secretary.

(b) Agreements.--The governing body of a county and of a city in this Commonwealth may, by majority vote of the full governing bodies, enter into agreements to do any of the following to accomplish subsection (a):

(1) Work jointly with any contiguous county or contiguous city within the county.

(2) Employ jointly a veterans service officer.

§ 1812. County and city veterans service officers.

(a) General requirement.--County and city personnel active in the capacity of veterans service officer must be accredited by the department, regardless of prior qualifications or other sources of accreditation and, unless the veteran applicant directs otherwise, submit all claims through the Bureau for Veterans Benefits Assistance.

(b) Qualifications.--In order for the department to recognize, accredit and assist a county or city veterans service officer, that person must do all of the following:

(1) Meet the qualifications of a State veterans service officer under section 1810(e) (relating to Bureau of Veterans Benefits Assistance).

(2) Be approved by the department under subsection (c).

(c) Approval required.--Any county or city desiring to employ a county or city veteran service officer under this section shall notify the department of its intention and shall furnish the department with the name of any person applying, along with documentation supporting the person's qualifications. The department, upon receipt, shall certify to the county or city the names of candidates for the position who meet the

requirements and qualifications prescribed by the department.
The county or city may employ any person, but only a person
certified by the department shall be accredited by the
department to act as a veterans service officer in this
Commonwealth. The department is under no obligation to recognize
or assist county or city employees who are not accredited.
Duties, compensation and terms of employment shall be prescribed
by the appropriate governing body.

(d) Subject to department rules.--Any person employed by any
county or city under this section shall be subject to
regulations promulgated by the department. County and city
veterans service officers who are not performing up to the
standards of the department shall have their accreditation
revoked and shall be recommended to the appropriate governing
body for removal.

(e) Training, accreditation and reimbursement.--The
department is directed to establish a training program for
county and city veterans service officers. Every county or city
veterans service officer employed under this section shall
attend the training program established by the department and
successfully complete a State-developed test approved by the
United States Department of Veterans Affairs and administered by
the department prior to assuming any responsibilities as a
county or city veterans service officer. The department shall do
all of the following:

(1) Sponsor the individual before the United States
Department of Veterans Affairs for their accreditation in
accordance with 38 CFR (relating to pensions, bonuses, and
veterans' relief).

(2) Recertify a qualified individual periodically as

1 required by the department and the United States Department
2 of Veterans Affairs.

3 (3) Establish a periodic refresher, update and advanced
4 training program which each county or city veterans service
5 officer must attend and successfully complete as a condition
6 of remaining in employment as a county or city veterans
7 service officer. The training will include VA TRIP claims
8 training.

9 (4) Work with the VA Regional Offices in Philadelphia
10 and Pittsburgh and other organizations known for high
11 standards of training to maximize the level of training for
12 county directors of veterans affairs personnel.

13 (5) Maintain a file on each county participant in VA
14 TRIP training together with scoring and certification.

15 (6) Reimburse county and city veterans service officers
16 for travel expenses incurred while fulfilling the
17 requirements of this section.

18 (f) Current veterans service officers.--County or city
19 veterans service officers employed prior to the effective date
20 of this subsection shall be exempt from the provisions of
21 subsection (b) (2) and section 1810(e) (2), (3) and (4). County or
22 city veterans service officers who are not accredited on the
23 effective date of this subsection shall, in order to continue
24 employment as a county or city veterans service officer, become
25 accredited within 12 months of the effective date of this
26 subsection.

27 § 1813. (Reserved).

28 § 1814. Bureau for State Veterans Homes.

29 (a) Establishment.--The Bureau for State Veterans Homes is
30 established as a bureau within the department.

1 (b) Powers and duties.--The Bureau for State Veterans Homes
2 shall have the following powers and duties:

3 (1) To make recommendations to the secretary regarding
4 the maintenance and operation of State veterans homes and the
5 Scotland School for Veterans' Children.

6 (2) To operate State veterans homes and the Scotland
7 School for Veterans' Children.

8 (3) To accept gifts, grants or payments for the use of
9 each State veterans home and the Scotland School for
10 Veterans' Children.

11 (4) To establish a schedule of fees to be charged to
12 residents of the State veterans homes. The fees shall be
13 based on the level of service or care required and the
14 ability of the resident to pay. The department shall
15 establish the level of service to be provided in accordance
16 with the Federal Department of Veterans Affairs standards of
17 nursing and domiciliary care.

18 (5) To perform any other duties assigned by the
19 secretary.

20 (c) Director.--The Director for State Veterans Homes shall
21 have supervisory authority over the Bureau for State Veterans
22 Homes. The secretary shall appoint and may remove the director
23 for just cause. The director shall have the following powers and
24 duties:

25 (1) To appoint, with the approval of the secretary,
26 commandants qualified and licensed in this Commonwealth as
27 nursing home administrators to administer each State veterans
28 home. When possible, commandants will be veterans.

29 (2) To appoint, with the approval of the secretary, a
30 person to be Superintendent of the Scotland School for

1 Veterans' Children.

2 (3) To approve the appointment of officers and employees
3 by the State Veterans' Homes Commandants and the
4 Superintendent of the Scotland School for Veterans' Children.

5 § 1815. Office of Recovery Coordination.

6 (a) Establishment.--In recognition of the increasing rate of
7 survivable but serious injuries in modern warfare and the
8 frequent need to coordinate multiple Federal and State
9 Government agencies and other organizations to properly ensure
10 proper care and recovery of the disabled in an effort to restore
11 them to as normal a physical, mental and emotional life as is
12 practicable, the Office of Recovery Coordination is established
13 as an office within the department.

14 (b) Service.--Veterans to be served by the Office of
15 Recovery Coordination shall include those who suffer from
16 debilitating injuries such as major amputation, severe blinding,
17 profound deafness, total loss of speech, spinal cord injury,
18 traumatic brain injury or severe mental health issues, or a
19 combination of any of these injuries, that are subsequent to
20 combat or training accident while on active duty. The veteran
21 must qualify as a veteran under United States Department of
22 Veterans Affairs' standards and must be domiciled in
23 Pennsylvania. The secretary shall establish any necessary
24 additional criteria.

25 (c) Powers and duties.--The Office of Recovery Coordination
26 shall have the following powers and duties:

27 (1) To ensure the veterans to be served, via telephone
28 calls and visits, are linked with those public and private
29 resources, to include those of the department, that will aid
30 in their recovery.

1 (2) To ensure the veterans to be served have
2 individualized recovery plans which not only address
3 immediate rehabilitation needs but also training or
4 retraining for employment as appropriate.

5 (3) To actively coordinate with the responsible agents
6 within the United States Department of Veterans Affairs, the
7 United States Department of Defense, the Commonwealth's
8 Department of Education, the Department of Labor and
9 Industry, Department of Public Welfare, Department of Health,
10 Department of Aging, the Governor's Cabinet and Advisory
11 Committee for People with Disabilities and various nonprofits
12 to develop and improve their efforts.

13 (4) To monitor and evaluate the performance of the
14 affected Federal and State agencies, their recovery programs,
15 inclusive of training and retraining programs for employment,
16 their tracking and outreach efforts and to report on these to
17 the secretary.

18 (5) To make recommendations to the secretary regarding
19 those actions, programs and legislation required at a State
20 level to improve the coordination and implementation of
21 Federal and State services required to rehabilitate and
22 maintain the veterans to be served.

23 (d) Chief.--The chief of the Office of Recovery Coordination
24 shall have supervisory authority over the office. The secretary
25 shall appoint and may remove the chief for just cause. The chief
26 shall have the following powers and duties:

27 (1) To hire, with the approval of the secretary,
28 assistants.

29 (2) Other powers and duties as assigned by the
30 secretary.

1 § 1816. State Veterans Commission.

2 (a) Establishment.--There is established and assigned to the
3 department an advisory commission to the secretary to be known
4 as the State Veterans Commission. The commission shall not be
5 subject to control, supervision or direction by the department.

6 (b) Composition.--The commission shall be composed of all of
7 the following:

8 (1) The State commander, commandant, president or head,
9 or his designee, of each of the following veterans service
10 organizations, each having voting authority for one,
11 nonsuccessive term not to exceed two years:

12 (i) The American Legion.

13 (ii) Veterans of Foreign Wars of the United States.

14 (iii) AMVETS.

15 (iv) Disabled American Veterans.

16 (v) Marine Corps League.

17 (vi) Military Order of the Purple Heart.

18 (vii) The Vietnam Veterans of America, Inc.

19 (viii) Blinded Veterans Association.

20 (ix) Keystone Paralyzed Veterans of America.

21 (x) Jewish War Veterans of America.

22 (xi) Catholic War Veterans of the United States.

23 (xii) Italian-American War Veterans of the United
24 States, Inc.

25 (xiii) American Ex-prisoners of War.

26 (xiv) Military Officers Association of America.

27 (xv) A veterans service organization, selected by
28 the secretary, composed principally of veterans from the
29 Global War on Terrorism era, and dedicated to promoting
30 their issues. More than one such organization may be

1 represented.

2 (2) Another State-level officer designated by the State
3 commander of the veterans service organizations listed below,
4 each having voting authority for one, nonsuccessive term not
5 to exceed two years:

6 (i) The American Legion.

7 (ii) Veterans of Foreign Wars of the United States.

8 (iii) AMVETS.

9 (iv) Disabled American Veterans.

10 (3) Four at-large citizen members with voting authority
11 appointed by the Governor from a list provided by the
12 secretary for nonsuccessive terms not to exceed three years.
13 Organizational affiliation shall not be a prerequisite for
14 recommendation or appointment, and the individual shall not
15 represent or be an officer in any veterans services
16 organization listed under subsection (b)(1).

17 (4) The following members as nonvoting, ex officio
18 members:

19 (i) The Adjutant General.

20 (ii) The Secretary of Labor and Industry.

21 (iii) The Secretary of Education.

22 (iv) A senior officer or flag officer from the
23 reserves appointed by the United States Department of
24 Defense at the request of the Governor.

25 (5) The secretary may appoint the head of an agency or a
26 designee as a nonvoting ex officio member, such as the
27 American Red Cross and Employee Support to the Guard and
28 Reserves (ESGR).

29 (6) The Governor may appoint additional nonvoting
30 members as recommended by an individual or organization,

1 including veterans service organizations. Organizational
2 affiliation shall not be a prerequisite for recommendation or
3 appointment.

4 (7) In making an appointment and in addition to the
5 general qualification requirements found in subsection (d),
6 the Governor shall endeavor to ensure the commission has
7 appointees of such qualifications and experience as will
8 allow expertise and insight into best practices in benefits
9 claims services, medical and health care management,
10 education and retaining services, employment services, and
11 performance measurements and general management principles.
12 Each of these five areas of expertise should be represented
13 on the commission by at least one appointee per area of
14 expertise in order to allow for the commission to be capable
15 of recommending or advising on reasonable and effective
16 policy recommendations related to the department services
17 provided to veterans of the armed forces of the United States
18 and their Pennsylvania-domiciled dependents or surviving
19 dependents.

20 (c) Terms.--Ex officio members shall serve terms coincident
21 with their terms of office. The veterans service organizations'
22 and at-large citizen member shall be required to serve for terms
23 specified under subsection (b) (1), (2) and (3). A staggering
24 scheme, if desired, shall be implemented by executive order. All
25 members who are not ex officio may be reappointed, but not for
26 successive terms. The remainder of any term in excess of six
27 months to which a member is appointed to fill a vacancy shall
28 constitute a term in determining the member's eligibility for
29 reappointment. Each member of the commission shall take an oath
30 of office, as required by the Commonwealth, that the member

1 will, so far as it devolves upon the member, diligently and
2 honestly administer the affairs of the commission and that the
3 member will not knowingly violate or willfully permit to be
4 violated any of the provisions of law applicable to this
5 chapter. The oath shall be subscribed by the individual taking
6 it and certified by the officer before whom it is taken and
7 shall be immediately filed in the Office of the Secretary of the
8 Commonwealth.

9 (d) General qualifications.--A commissioner must meet all of
10 the following qualifications:

11 (1) Be a veteran who has been separated from the armed
12 forces of the United States under honorable conditions,
13 except for ex officio members.

14 (2) Be a United States citizen.

15 (3) Be a legal resident of this Commonwealth.

16 (4) Not be, if a voting member, an employee of Federal,
17 State, city or county Government whose duties involve
18 veterans services.

19 (5) Not be a contractor under contract or subcontract
20 with the department or an employee of such a contractor.

21 (e) Officers.--One of the voting members of the commission
22 shall be designated as chairperson by the Governor. The
23 designation shall be in writing and shall be filed with the
24 commission. The commission shall designate its vice chairperson
25 from among the voting members. No officer shall serve two
26 consecutive terms. The secretary shall provide an executive
27 secretary.

28 (f) Meetings and quorums.--The commission shall meet at
29 least quarterly, unless asked by the secretary through the
30 chairperson that a special session be held, at any place within

1 this Commonwealth upon the call of the chairperson. A quorum
2 shall consist of 50% of the voting members of the commission
3 plus one additional voting member.

4 (g) Removal.--The Governor may suspend a member of the
5 commission only for cause. Upon the recommendation of the
6 secretary, the Governor shall declare a vacancy whenever a
7 commissioner, or his appointed representative, fails to attend
8 three consecutive meetings without good cause.

9 (h) Vacancies.--A vacancy shall be filled for the remainder
10 of the unexpired term in the same manner as the original
11 appointment.

12 (i) Compensation and reimbursement.--Commissioners shall
13 receive no salary or other compensation but shall be entitled to
14 receive expenses actually and necessarily incurred in the
15 performance of their duties.

16 (j) Powers and duties.--The commission shall have the
17 following powers and duties:

18 (1) To serve as a monitoring body to ensure that the
19 department is meeting the intentions of the Governor and the
20 General Assembly in being a proactive advocate on behalf of
21 veterans and their dependents, surviving dependents and
22 beneficiaries.

23 (2) To advise the secretary on all matters pertaining to
24 the status, welfare, benefits, employment and other support
25 of veterans in this Commonwealth.

26 (3) To advise the secretary and the Governor on any
27 veterans affairs matter they bring before the commission.

28 (4) To assist the secretary in the formulation of
29 policies affecting veterans.

30 (5) To investigate the work of the department and make

1 recommendations to it regarding its administration of
2 applicable Federal and State laws, including State veterans
3 programs assigned to the department.

4 (6) To investigate and recommend to the secretary
5 legislation for submission to the General Assembly concerning
6 veterans and their activities.

7 (7) To work with the veterans service organizations,
8 associations and other organizations dedicated to veterans to
9 obtain their views and positions on all matters related to
10 veterans.

11 (8) To conduct a biennial survey, due no later than
12 April 1, of possible contributions that veterans service
13 organizations, associations and other nonprofit organizations
14 concerned with veterans benefits could make to the
15 Commonwealth and report these results to the department
16 together with recommendations for encouraging the
17 contributions.

18 (9) To conduct an annual review on veterans issues for
19 the purpose of identifying those issues most urgently in need
20 of departmental, gubernatorial or legislative action. The
21 results of the review shall be formally reported in writing
22 to the Governor, the department, the President pro tempore of
23 the Senate and the Speaker of the House of Representatives.

24 (10) To present legislative testimony for any action
25 requiring legislative involvement.

26 (11) To nominate members to sit on the State veterans
27 homes advisory councils to the secretary.

28 (12) To induct persons nominated by the advisory
29 councils for State veterans homes to each veterans home hall
30 of fame.

1 (k) Administration prohibited.--The commission shall not
2 administer any veterans programs or portions of veterans
3 programs for the department.

4 (l) Administrative support.--In addition to an executive
5 secretary, the secretary shall provide the commission with
6 additional administrative staff support as required in the
7 performance of their duties.

8 (m) Organization.

9 (1) The commission shall be organized with at least four
10 subcommittees that shall be responsible for advising the
11 commission on the following:

12 (i) Veterans benefits claims services.

13 (ii) Veterans health care services.

14 (iii) Educational services.

15 (iv) Employment services.

16 (2) Each committee will be composed officially of at
17 least three and not more than five members and will meet
18 together at the call of the chairperson but not to exceed
19 bimonthly if State compensation and reimbursement are
20 involved.

21 (n) Compliance.--The secretary shall monitor the commission
22 to ensure that the composition and qualification requirements of
23 this section are met.

24 § 1817. Advisory councils for State veterans homes.

25 (a) Establishment.--There is established an advisory council
26 to the Director for State Veterans Homes and the commandant of
27 State veterans homes and the secretary for each veterans home
28 operated by the department. The council shall not be subject to
29 control, supervision or direction by the department.

30 (b) Composition.--

1 (1) Each advisory council established under subsection
2 (a) shall consist of the following members:

3 (i) Ten members appointed by the Governor from a
4 list of nominations submitted to the secretary by the
5 State Veterans Commission.

6 (ii) One nonvoting member of the Senate appointed by
7 the President pro tempore of the Senate.

8 (iii) One nonvoting member of the Senate appointed
9 by the Minority Leader of the Senate.

10 (iv) One nonvoting member of the House of
11 Representatives appointed by the Speaker of the House of
12 Representatives.

13 (v) One nonvoting member of the House of
14 Representatives appointed by the Minority Leader of the
15 House of Representatives.

16 (vi) One member appointed by the residents of the
17 State veterans homes.

18 (vii) The Director for State Veterans Homes, who
19 shall serve as a nonvoting ex officio member.

20 (viii) The commandant of the State veterans home,
21 who shall serve as a nonvoting ex officio member.

22 (ix) Any members appointed under paragraph (2).

23 (2) The secretary may appoint the head of a State agency
24 or a designee as a nonvoting ex officio member.

25 (c) Terms of service.--Each member of an advisory council
26 appointed from the General Assembly shall serve until the
27 succeeding General Assembly is seated. With the exception of ex
28 officio members, all other members shall serve a term of three
29 years. Appointments will be staggered as much as practicable. A
30 member shall be eligible for reappointment.

1 (d) Qualifications.--To promote understanding of the
2 specific needs of the veterans in a home and knowledge of the
3 management and operations of the home, advisory council members,
4 except ex officio members, shall reside within 60 miles. The
5 secretary may formally waive this requirement on a case-by-case
6 basis to gain expertise.

7 (e) Officers.--Each advisory council shall organize as soon
8 as possible after the effective date of this section and shall
9 annually elect a president, vice president and secretary,
10 selected from the voting members.

11 (f) Meetings and quorums.--Nine members of an advisory
12 council shall constitute a quorum for the purpose of conducting
13 the business of the advisory council. Each advisory council
14 shall meet at least quarterly and at other times at the call of
15 the president.

16 (g) Removal for cause.--Each member may be removed for cause
17 by the member's respective appointing authority.

18 (h) Vacancies.--A vacancy shall be filled for the remainder
19 of the unexpired term in the same manner as the original
20 appointment.

21 (i) Compensation and reimbursement.--Members of each
22 advisory council shall receive no compensation for their
23 services but shall receive reimbursement from the department for
24 their necessary and proper expenses for attendance at meetings.

25 (j) Powers and duties.--

26 (1) Each advisory council shall advise the Director for
27 State Veterans Homes as to the management, operations and
28 adequacy of facilities and services at their respective
29 veterans homes.

30 (2) Each advisory council shall nominate inductees for

1 their respective veterans home hall of fame in accordance
2 with that program's guidance.

3 (3) Each advisory council shall advise at least annually
4 the secretary as to the management, operations and adequacy
5 of facilities and services at their respective veterans
6 homes. The advice will be documented in the format specified
7 by the secretary. A copy of this report will be forwarded to
8 the commission.

9 § 1818. Prohibitions.

10 Neither the department nor a veterans service officer may do
11 any of the following:

12 (1) Charge a fee or permit the payment of a fee by an
13 applicant to a third person for services the veterans service
14 officer renders under this chapter.

15 (2) Seek to influence the execution of a power of
16 attorney to itself or to one national service organization
17 over that of another.

18 (3) Refuse to aid a veteran or a service member on
19 active duty or their dependents, surviving dependents or
20 beneficiaries in services rendered under this chapter.

21 § 1819. Confidentiality of records.

22 No records on individuals shall be disclosed or used for any
23 purpose, except for official purposes, and no records shall be
24 disclosed, destroyed or used in any manner which is in violation
25 of any existing Federal law. Nothing in this chapter shall be
26 construed to convert records which are the property of the
27 Federal government into Commonwealth property.

28 § 1820. Technology services.

29 (a) Veterans Internet website.--

30 (1) The department shall work with the Deputy Secretary

1 for Information Technology in the Governor's Office of
2 Administration and with other State agencies as necessary to
3 establish and maintain on the State's Internet website a link
4 to the veterans Internet website. The Internet website shall
5 allow veterans to access information on Federal and State
6 veterans benefits programs.

7 (2) Any State agency that participates in the veterans
8 Internet website is encouraged to allow a veteran to
9 electronically file for Commonwealth veterans benefits,
10 including the electronic signing of the filing by the veteran
11 and an electronic acknowledgment of the filing.

12 (3) The veterans Internet website may allow a veteran to
13 electronically file for selected Federal veterans benefits as
14 specified by the department, when deemed prudent.

15 (4) The veterans Internet website shall also include a
16 detailed organizational chart for the department, the annual
17 written performance and accountability report, the survey
18 report, the strategic plan, the benefits handbook and the
19 newsletter as described in this section and section 1821
20 (relating to reports).

21 (b) Toll-free telephone number.--The department shall
22 establish, operate and maintain a toll-free telephone number for
23 the purpose of providing callers with information relating to
24 services provided by the department, as well as services and
25 programs provided to veterans by other agencies, bureaus and
26 organizations.

27 (c) Forms.--All forms of the department that are
28 disseminated to the public shall contain all of the following:

29 (1) The veterans Internet website address.

30 (2) The department's toll-free telephone number.

1 (d) Benefits booklets.--

2 (1) In every even-numbered year, the department shall
3 create an electronic version of a State veterans benefits
4 booklet and provide a printed copy and an electronic version
5 of the booklet to all of the following:

6 (i) Each State, county and city veterans service
7 officer for distribution in accordance with paragraph
8 (2).

9 (ii) The personnel office of each Federal or State
10 military installation and separate facility in this
11 Commonwealth.

12 (iii) Each member of the General Assembly.

13 (iv) Each veterans service organization chartered in
14 this Commonwealth.

15 (2) Each State, county and city veterans service officer
16 is encouraged to distribute a copy of the booklet to any
17 person who claims or will claim Pennsylvania as a residence
18 after discharge from the armed forces of the United States.
19 Each State, county and city veterans service officer shall
20 make a copy of the booklet available at the State, county or
21 city veterans service office.

22 (3) The department shall update the booklet as
23 necessary.

24 (4) The department shall provide an electronic version
25 of the booklet on the veterans Internet website.

26 (e) Electronic access.--The department, with the assistance
27 of the Deputy Secretary for Information Technology in the
28 Governor's Office of Administration, shall develop and implement
29 a program that uses appropriate computer hardware and software
30 to facilitate:

1 (1) electronic delivery of a veterans newsletter and the
2 benefits booklet in subsection (d); and

3 (2) electronic initiation and tracking of veterans
4 benefits claims by State, county and city veterans service
5 officers.

6 § 1821. Reports.

7 (a) Performance and accountability report.--The department
8 shall, no later than December 31 of each year, make an annual
9 written performance and accountability report for the prior
10 fiscal year, to the Governor, the commission, the President pro
11 tempore of the Senate and the Speaker of the House of
12 Representatives. The report shall include:

13 (1) A comparison of State performance, using statistical
14 analyses performed in the aggregate and per person, against
15 other states and each county in the receipt and use of
16 Federal veterans entitlements.

17 (2) The expenses incurred in veterans service work in
18 this Commonwealth.

19 (3) The number, nature and kind of cases handled, by
20 year and in total, by the department and by county and city
21 veterans service officers and by other veterans service
22 officers or agents operating under State grants or contracts.

23 (4) The amounts of increased benefits, in the aggregate
24 and per person, by year and in total, obtained for veterans
25 for the categories defined by and entities listed in
26 paragraph (3).

27 (5) An evaluation of the Bureau for Veterans Benefits
28 Assistance performance in relation to the department's
29 performance management measurement standards established for
30 it.

1 (6) The names of all persons who are accredited in
2 accordance with 38 CFR 14.629 (relating to requirements for
3 accreditation of service organization representatives;
4 agents; and attorneys), listed by organization, position and
5 category of accreditation, including county and city veterans
6 service officers, veterans service organizations' veterans
7 service officers and other veterans service officers, agents
8 and attorneys operating as State employees or under State
9 funding grants or contracts.

10 (7) An accounting of State home utilization, waiting
11 periods and costs, together with an evaluation of the Bureau
12 for State Veterans Homes' performance in relation to the
13 department's performance management measurement standards
14 established for it.

15 (8) A list of Federal and State laws, rules and
16 regulations, with synopsis, promulgated during the
17 legislative year.

18 (9) A detailed accounting of all money received and
19 disbursed in the prior fiscal year.

20 (10) The actions taken by the department in implementing
21 State programs and services.

22 (11) An evaluation of the performance of any other unit
23 of the department not provided for in this subsection in
24 relation to established performance management measurement
25 standards.

26 (b) Survey report.--The department shall conduct an ongoing
27 study on the problems and needs of those residents of this
28 Commonwealth who are veterans of the armed forces of the United
29 States and the problems and needs of their dependents, surviving
30 dependents and beneficiaries. The report shall be submitted

biennially to the same parties listed in the performance and accountability report. The report shall include:

(1) A survey of existing Federal and State programs available for such persons that specifies the extent to which such programs presently are being implemented, with recommendations for the improved implementation, extension or improvement of such programs.

(2) A survey of the needs of such persons in the areas of social services, health care, education and employment and any other areas of determined need, with recommendations regarding Federal, State and community services that would meet those needs.

(3) A survey of Federal, State, public and private moneys available that could be used to defray the costs of State or community services needed for such persons.

(c) Strategic plan.--The department shall prepare and submit biennially, by July 1 of even-numbered years, a five-year plan. The plan shall be submitted to the same parties listed in subsection (a). The plan shall include the performance management measures and standards to be used in the performance and accountability report.

§ 1822. Cost reduction measures and acceptance of gifts.

The department, with the approval of the Governor, may apply for and accept funds, grants, gifts and services from the Commonwealth, the United States Government or any of its agencies, or any other public or private source and may use funds derived from these sources to defray clerical and administrative costs as may be necessary for carrying out its duties. Any funds received under this section shall be subject to accountability and audit.

1 § 1823. Interagency agreements.

2 The secretary shall adopt a joint memorandum of understanding
3 with the following governmental entities to coordinate the
4 provision of services to veterans and their dependents,
5 surviving dependents and beneficiaries:

6 (1) The Department of Labor and Industry.

7 (2) The Department of Education.

8 (3) The Office of Administration.

9 (4) The Department of Aging.

10 (5) The Department of Public Welfare.

11 (6) Any other agency of the Commonwealth that
12 administers a program applicable only to veterans or their
13 dependents or routinely works with veterans.

14 § 1824. Conflict of interest.

15 Notwithstanding any other provision of law, a person required
16 to register as a lobbyist because of activities on behalf of a
17 veterans service organization or association or a person working
18 for a private contractor of veterans services to the State may
19 not serve as a member of or as general counsel to the
20 department, the commission or any of the State veterans homes
21 advisory councils.

22 § 1825. Information of public interest and public complaints.

23 The department shall prepare information of public interest
24 describing the functions of the department and the procedures
25 for filing and for resolution of public complaints by the
26 department. The department shall make the information available
27 to the general public and appropriate State agencies.

28 § 1826. Liberal construction.

29 The rule of strict construction shall have no application to
30 this chapter and it shall be liberally construed in order to

1 carry out the objective for which it is designed, in accordance
2 with the legislative intent to give the secretary the maximum
3 possible freedom in carrying the provisions of this chapter into
4 effect.

5 § 1827. Conflict between statutes and within statute.

6 Unless explicitly expressed otherwise, when a conflict arises
7 with other statutes or with other provisions within this title,
8 this chapter shall have precedence and shall govern.

9 § 1828. Severability.

10 The provisions of this act are severable. If any provision of
11 this act or its application to any person or circumstance is
12 held invalid, the invalidity shall not affect other provisions
13 or applications of this act which can be given effect without
14 the invalid provision or application.

15 CHAPTER 20

16 VETERANS HOME HALL OF FAME

17 Sec.

18 2001. Definitions.

19 2002. State veterans home hall of fame.

20 2003. Selection of inductees.

21 2004. Oversight.

22 2005. Documentation.

23 2006. Centralized list.

24 § 2001. Definitions.

25 The following words and phrases when used in this chapter
26 shall have the meanings given to them in this section unless the
27 context clearly indicates otherwise:

28 "Commission." The State Veterans Commission established
29 under Chapter 18 (relating to Department of Veterans Affairs).

30 "Department." The Department of Veterans Affairs of the

Commonwealth established under Chapter 18 (relating to
Department of Veterans Affairs).

§ 2002. State veterans home hall of fame.

Each State veterans home operated by the Commonwealth shall
establish and dedicate a hall of fame to recognize and honor the
military achievements of outstanding veterans who have completed
honorable, active duty military service and who reside or
resided in the geographic region served by the veterans home.

The area or space in the veterans home dedicated to the hall of
fame may be used for other purposes.

§ 2003. Selection of inductees.

The advisory council for each veterans home shall, consistent
with the guidelines established by the department in section
2004 (relating to oversight), nominate eligible veterans for
induction into the hall of fame by the commission and perform
other duties relating to the hall of fame as approved by the
department. A Medal of Honor recipient shall be automatically
inducted into the hall of fame.

§ 2004. Oversight.

The department shall develop guidelines for the halls of
fame. The guidelines shall include all of the following:

(1) Eligibility criteria for qualified candidates.

(2) Procedures for nomination of candidates and
selection of inductees.

(3) Ceremonies to officially honor the inductees.

(4) Manner of recognizing or presenting the inductees in
the halls of fame.

(5) Maintenance of the halls of fame.

(6) Duties of the advisory councils of the veterans
homes relating to the halls of fame.

1 § 2005. Documentation.

2 Each eligible veteran or his or her representative shall be
3 responsible for obtaining the documentation necessary to
4 establish his or her eligibility from the National Archives in
5 Washington, D.C., or the National Personnel Record Center in St.
6 Louis, Missouri.

7 § 2006. Centralized list.

8 The department shall keep a centralized list of all hall of
9 fame inductees from all regional veterans homes.

10 Section 5. Sections 3201, 3210, 7101, 7701, 7702, 8501,
11 8504(b) and 8505 of Title 51 are amended to read:

12 § 3201. Definitions.

13 The following words and phrases when used in this chapter
14 shall have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 "Agency." The Pennsylvania Higher Education Assistance
17 Agency.

18 "Approved institution of higher learning." An educational
19 institution offering a post-secondary program of education
20 located in this Commonwealth and approved by the Pennsylvania
21 Higher Education Assistance Agency.

22 "Approved program of education." A degree- or certificate-
23 granting curriculum or course of study to be pursued on a full-
24 time or part-time basis or its equivalent as determined by the
25 Pennsylvania Higher Education Assistance Agency, at an approved
26 institution of higher learning.

27 "Combat zone." An area designated by Presidential executive
28 order as a combat zone as described in section 7508 of the
29 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §
30 7508).

1 "Department." The Department of Military [and Veterans]
2 Affairs of the Commonwealth.

3 "Eligible member." A member of the Pennsylvania National
4 Guard who meets the criteria specified in section 3202 (relating
5 to eligibility) and who has been awarded a certificate of
6 eligibility under section 3203 (relating to certification of
7 eligibility).

8 "Full-time student." A student enrolled in an approved
9 institution of higher learning pursuing an approved program of
10 education equal to or greater than 15 credit hours or its
11 equivalent recognized by the Pennsylvania Higher Education
12 Assistance Agency as a full-time course of study.

13 "Fund." The Educational Assistance Program Fund.

14 "Part-time student." A student enrolled in an approved
15 institution of higher education pursuing an approved program of
16 education of less than 15 credit hours or its equivalent
17 recognized by the Pennsylvania Higher Education Assistance
18 Agency as a part-time course of study.

19 "Program." The Educational Assistance Program established in
20 this chapter.

21 "Qualified resident." An individual who has been a bona fide
22 resident of this Commonwealth prior to the time an application
23 for a grant is made. The Pennsylvania Higher Education
24 Assistance Agency shall make the final decision on whether an
25 applicant is a qualified resident.

26 § 3210. Educational Assistance Program Fund.

27 All moneys appropriated for the purposes of this chapter and
28 all investment income earned on those moneys shall be deposited
29 in the Educational Assistance Program Fund, which is hereby
30 established as a special nonlapsing fund in the State Treasury.

1 All moneys placed in the fund and the investment income it
2 accrues are hereby appropriated on a continuing basis to the
3 Department of Military [and Veterans] Affairs and shall be used
4 solely for the purposes of the program.

5 § 7101. Soldier defined.

6 As used in this chapter, "soldier" means a person who served
7 or hereafter serves in the armed forces of the United States, or
8 in any women's organization officially connected therewith,
9 during any war or armed conflict in which the United States
10 engaged and who was released from active duty under honorable
11 conditions, other than from periods of active duty for training,
12 or with an honorable discharge from such service, or a person
13 who so served or hereafter serves in the armed forces of the
14 United States, or in any women's organization officially
15 connected therewith, since July 27, 1953, including service in
16 Vietnam, and who has an honorable discharge from such service.
17 Qualifying periods of service during a war or armed conflict,
18 for purposes of this provision, will be designated by the
19 Department of [Military and] Veterans Affairs.

20 § 7701. Blind veteran's pension.

21 (a) Definition.--As used in this section the term "blind
22 veteran" shall mean any person who served in the [military or
23 naval] armed forces of the United States, or any woman's
24 organization officially connected therewith, at any time, and
25 who gave the Commonwealth of Pennsylvania, as his or her place
26 of residence at the time of entering the [military or naval]
27 armed forces of the United States, and who while performing
28 duties connected with such service suffered an injury or
29 incurred a disease which resulted in blindness to the extent
30 that he or she has 3/60 or 10/200 or less normal vision. The

1 term "blind veteran" shall not include any person separated from
2 the [military or naval] armed forces of the United States, or
3 any woman's organization officially connected therewith, under
4 other than honorable conditions.

5 (b) Amount and eligibility.--In addition to any other
6 assistance provided by the Commonwealth and in addition to any
7 compensation provided by the Federal Government, every blind
8 veteran shall be paid a pension of \$150 per month. Applications
9 for such pensions shall be made to and in the form prescribed by
10 the [department] Department of Veterans Affairs. The [Adjutant
11 General] Department of Veterans Affairs shall have the power,
12 and it shall be [his] the duty of the Department of Veterans
13 Affairs to determine the eligibility of every applicant for a
14 pension, and [his decision] the decision of the Department of
15 Veterans Affairs in the matter shall be final.

16 § 7702. Paralyzed veteran's pension.

17 (a) Amount and eligibility.--In addition to any other
18 assistance provided by the Commonwealth and in addition to any
19 compensation provided by the Federal Government, every paralyzed
20 veteran shall be paid a pension of \$150 per month. Applications
21 for the pensions shall be made to and in the form prescribed by
22 the [department] Department of Veterans Affairs. The [Adjutant
23 General] Department of Veterans Affairs shall determine the
24 eligibility of every applicant for a pension, and [his decision]
25 the decision of the Department of Veterans Affairs in the matter
26 shall be final.

27 (b) Regulations.--The [Adjutant General] Department of
28 Veterans Affairs shall promulgate such regulations as may be
29 necessary to implement this program.

30 (c) Definition.--As used in this section the term "paralyzed

1 veteran" means any person who served in the [military or naval]
2 armed forces of the United States, or any woman's organization
3 officially connected therewith, and who gave this Commonwealth
4 as his or her place of residence at the time of entering the
5 [military or naval] armed forces of the United States and who,
6 while performing duties connected with such service, suffered an
7 injury or incurred a disease which resulted in the loss or loss
8 of use of two or more extremities. The term does not include any
9 person separated from the [military or naval] armed forces of
10 the United States, or any woman's organization officially
11 connected therewith, under other than honorable conditions.

12 § 8501. Definitions.

13 The following words and phrases when used in this chapter
14 shall have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 ["Commission." The State Veterans' Commission established
17 under section 1702 (relating to State Veterans' Commission).]

18 "Department." The Department of Veterans Affairs of the
19 Commonwealth established under section 1802 (relating to
20 establishment).

21 "Eligible veteran." A former member of the [military or
22 naval service] armed forces of the United States, or women's
23 organization officially connected therewith, who:

24 (1) served during a period of war or armed conflict and
25 [was honorably discharged from the armed forces], if
26 separated or discharged from the armed forces of the United
27 States, receiving other than a dishonorable discharge;

28 (2) died in service or was killed in action during a
29 period of war or armed conflict; or

30 (3) as a result of peacetime hostile fire or terrorist

1 attack as determined by the department, was killed or
2 suffered a service-connected disability as certified by the
3 United States [Veterans' Administration] Department of
4 Veterans Affairs and, if surviving, was honorably discharged
5 from the armed forces.

6 "Emergency." A sudden or unexpected loss of income due to
7 sickness, disability, unemployment or other cause beyond the
8 control of the applicant for emergency assistance.

9 "Surviving dependents." The following are considered
10 surviving dependents of a deceased eligible veteran:

11 (1) The unmarried surviving spouse of the deceased
12 eligible veteran.

13 (2) If there is no unmarried spouse of a deceased
14 eligible veteran, the unmarried minor children, children who,
15 before attaining the age of 18, became permanently incapable
16 of self-support, and children who are less than 23 years of
17 age and are pursuing a full-time course of instruction at an
18 approved educational institution, provided they were, on the
19 death of the eligible veteran, dependent on the eligible
20 veteran for more than 50% of the cost of their support.

21 (3) If the eligible veteran is not survived by a spouse
22 or dependent children, the surviving parents of the eligible
23 veteran, provided that, on the date of the eligible veteran's
24 death, they were dependent on the veteran for more than 50%
25 of the cost of their support.

26 § 8504. Amounts of assistance.

27 * * *

28 (b) Standards.--Subject to the limitation set forth in
29 subsection (a), [the State Veterans' Commission shall recommend]
30 the department shall establish uniform and equitable standards

1 for the amounts of veterans' emergency assistance.

2 * * *

3 § 8505. Appeals.

4 Any person aggrieved by a decision denying payment of
5 veterans' emergency assistance may appeal to the [Adjutant
6 General] department under the provisions of Title 2 (relating to
7 administrative law and procedure).

8 Section 5.1. Title 51 is amended by adding a chapter to
9 read:

10 CHAPTER 86

11 TRANSFER OF GOVERNOR'S VETERANS OUTREACH AND ASSISTANCE CENTER

12 PROGRAM

13 Sec.

14 8601. Definitions.

15 8602. Objective of transfer.

16 8603. Transfers of functions and responsibilities.

17 8604. Subjects of transfer.

18 8605. Regulations.

19 § 8601. Definitions.

20 The following words and phrases when used in this chapter
21 shall have the meanings given to them in this section unless the
22 context clearly indicates otherwise:

23 "Department." The Department of Veterans Affairs of the
24 Commonwealth.

25 "Entity." A general reference to one or more departments,
26 divisions, boards, agencies, commissions or organizations
27 involved in the performance of the executive or administrative
28 work of the Commonwealth.

29 "Program." The Governor's Veterans Outreach and Assistance
30 Center Program.

1 "Subjects of transfer." Powers, duties, personnel,
2 appropriations, allocations, documents, files, records,
3 contracts, agreements, equipment, materials, orders, rights and
4 obligations utilized or accruing in connection with functions
5 transferred from one entity to another under this chapter.

6 § 8602. Objective of transfer.

7 To improve the delivery and coordination of veterans benefits
8 services, the Governor's Veterans Outreach and Assistance Center
9 Program is to be integrated into the Department of Veterans
10 Affairs and redesignated. The program shall be administered by
11 the department, which shall determine the proper scope and
12 extent of the program consistent with Chapter 18 (relating to
13 Department of Veterans Affairs). Each center will be
14 redesignated as a field office location of the Bureau for
15 Veterans Benefits Assistance, subject to relocation at the
16 discretion of the secretary in accordance with section 1810(d)
17 (relating to Bureau for Veterans Benefits Assistance).

18 § 8603. Transfers of functions and responsibilities.

19 (a) Transfer to department.--

20 (1) The department shall assume responsibility for the
21 programs currently administered by the five existing
22 Governor's Veterans Outreach and Assistance Centers found in
23 Regions 1 through 5 if that Federal funding continues. The
24 department shall assume direct control and ownership of the
25 subjects of transfer possessed by the Governor's Veterans
26 Outreach and Assistance Center Programs.

27 (2) The following functions of the Department of Labor
28 and Industry are transferred to the Department of Veterans
29 Affairs:

30 (i) All powers and duties not otherwise expressly

1 transferred elsewhere under this chapter and currently
2 performed by the Governor's Veterans Outreach and
3 Assistance Center Programs.

4 (ii) Any related functions under the act of April 9,
5 1929 (P.L.177, No.175), known as The Administrative Code
6 of 1929.

7 (iii) All other acts or parts of acts,
8 reorganization plans and executive orders that imposed
9 powers and duties upon the existing Governor's Veterans
10 Outreach and Assistance Center Program.

11 (b) Duties of Department of Labor and Industry.--The
12 Department of Labor and Industry shall continue to function,
13 until directed by a Governor's Executive Order, as the
14 Commonwealth agency responsible for insuring that existing
15 contracts are executed in compliance with Federal and State laws
16 and regulations, as appropriate.

17 (c) Coordination of functions.--The Department of Labor and
18 Industry shall actively assist the Department of Veterans
19 Affairs under section 501 of The Administrative Code of 1929,
20 with regard to:

21 (1) Receiving, processing and sharing all reports as may
22 be required under the terms of current contracts pertaining
23 to the existing Governor's Veterans Outreach Assistance
24 Centers Program or by Federal or State law or regulation.

25 (2) Technical assistance with regard to the development
26 of all future contracts.

27 (3) Obtaining and allocating any future funding that may
28 be available from the United States Department of Labor for
29 the continued operation of the program.

30 § 8604. Subjects of transfer.

1 (a) General rule.--Any subjects of transfer from the
2 Department of Labor and Industry and the existing Governor's
3 Veterans Outreach Assistance Center Program under this chapter
4 are transferred to the Department of Veterans Affairs with the
5 same force and effect as if those subjects of transfer had
6 originally belonged to or been incurred or entered into by the
7 Department of Veterans Affairs.

8 (b) Employees.--The department shall employ those
9 individuals currently staffing the existing Governor's Veterans
10 Outreach and Assistance Centers, irrespective of whether the
11 individuals have been considered employees of the centers or
12 independent contractors. The employees shall be granted civil
13 service status in the same manner as other similarly situated
14 employees of the department, except those employees assisting in
15 claims will become State veterans service officers and
16 accredited under the provisions of section 1810(e) and (f)
17 (relating to Bureau for Veterans Benefits Assistance).
18 § 8605. Regulations.

19 (a) Authorization.--The department shall have the power and
20 duty to promulgate regulations to administer the respective
21 functions transferred to it under this chapter.

22 (b) Continuation.--The regulations of the Department of
23 Labor and Industry for the administration of the functions
24 transferred under this chapter shall remain in effect until new
25 regulations are promulgated under subsection (a).

26 Section 5.2. Sections 8701, 8702(a) and (b), 8703(b) and
27 (c), 8901, 8902, 8903, 8904, 8905, 9102(a) and (b), 9301 and
28 9304(h) of Title 51 are amended to read:

29 § 8701. Definitions.

30 The following words and phrases when used in this chapter

1 shall have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 ["Commission." The State Veterans' Commission established
4 under section 1702 (relating to State Veterans' Commission).]

5 "Department." The Department of Veterans Affairs of the
6 Commonwealth established under section 1802 (relating to
7 establishment).

8 "Educational institution." Any college or university of the
9 State System of Higher Education, a State-aided educational or
10 training institution of a secondary or college grade or other
11 institution of higher education, a business school, a trade
12 school, a hospital school providing training for nurses, an
13 institution providing courses in beauty culture, art, radio or
14 undertaking or embalming, or such other educational training
15 within this Commonwealth approved by the commission.

16 "Eligible disabled or deceased veteran." A person who served
17 in the [military or naval] armed forces of the United States, or
18 a women's organization officially connected therewith, who:

19 (1) was killed in action or died as a result of wounds
20 incurred during a period of war or armed conflict or as a
21 result of hostile fire or terrorist attack during peacetime
22 (as determined by the Department of Military Affairs);

23 (2) died in service during a period of war or armed
24 conflict;

25 (3) was honorably discharged from the [military or
26 naval] armed forces of the United States and certified by the
27 United States [Veterans' Administration] Department of
28 Veterans Affairs as a 100% disabled veteran as a result of
29 service during a period of war or armed conflict or as a
30 result of hostile fire or terrorist attack (as determined by

the Department of Military Affairs) during peacetime; or
(4) was honorably discharged from the [military or
naval] armed forces of the United States and died as a result
of a service-connected disability (as certified by the United
States [Veterans' Administration] Department of Veterans
Affairs) incurred during a period of war or armed conflict or
as a result of peacetime hostile fire or terrorist attack (as
determined by the Department of Military Affairs).

"Qualified child." Any child meeting the requirements of
section 8703 (relating to eligibility and qualification
requirements).

§ 8702. Educational gratuity payments.

(a) General rule.--The [commission] department shall make
educational gratuity payments not exceeding \$500 per term or
semester per qualified child to each approved educational
institution upon submission by that approved educational
institution of proof that bills have been incurred or contracted
covering matriculation fees and other necessary fees, tuition,
board, room rent, books and supplies for a qualified child in a
definite amount for the school year.

(b) Records.--The [commission] department shall attach the
proof submitted under subsection (a) to the requisition prepared
for payment out of appropriations made by the General Assembly
for purposes of the educational gratuity payments.

* * *

§ 8703. Eligibility and qualification requirements.

* * *

(b) Qualification determination.--The [commission]
department shall determine qualified applicants based on the
following requirements:

(1) The applicant meets the requirements of subsection (a).

(2) The applicant is attending an approved educational institution.

(3) The applicant demonstrates a financial need for the educational gratuity.

(c) Appeal.--Any aggrieved applicant may appeal the decision of the [commission to the Adjutant General] department under the provisions of Title 2 (relating to administrative law and procedure).

§ 8901. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Blind." Visual acuity of three-sixtieths or ten two-hundredths, or less normal vision.

["Commission." The State Veterans' Commission established under section 1702 (relating to State Veterans' Commission).]

"Department." The Department of Veterans Affairs of the Commonwealth established under section 1802 (relating to establishment).

"Paraplegic." The bilateral paralysis of the upper or lower extremities of the body.

§ 8902. Exemption.

(a) General rule.--Any resident of this Commonwealth shall be exempt from the payment of all real estate taxes levied upon any building, including the land upon which it stands, occupied by that person as a principal dwelling, if all of the following requirements are met:

(1) That person has been honorably discharged or

1 released under honorable circumstances from the armed forces
2 of the United States for service in any war or armed conflict
3 in which this nation was engaged.

4 (2) As a result of such military service, that person is
5 blind or paraplegic or has sustained the loss of two or more
6 limbs, or has a service-connected disability declared by the
7 United States [Veterans' Administration] Department of
8 Veterans Affairs or its successors to be a total or 100%
9 permanent disability.

10 (3) The dwelling is owned by that person solely, with
11 his or her spouse or as an estate by the entirety.

12 (4) The need for the exemption from the payment of real
13 estate taxes has been determined by the [State Veterans'
14 Commission] department in compliance with the requirements of
15 this chapter.

16 (b) Extension of exemption.--The exemption provided in
17 subsection (a) shall be extended to the unmarried surviving
18 spouse upon the death of the eligible veteran provided that the
19 [State Veterans' Commission] department determines that such
20 spouse is in need of an exemption.

21 [§ 8903. Duty of board.

22 When the conditions specified in section 8902 (relating to
23 exemption) are determined to exist by the board for the
24 assessment and revision of taxes, or by a similar board for the
25 assessment of taxes, and upon the receipt by that board of a
26 certification of need for the tax exemption from the commission,
27 the board shall grant the tax exemption prescribed by section
28 8902. Notification of the granting of the tax exemption by the
29 board shall be forwarded to the person who has received the
30 exemption from the payment of real estate taxes and to the tax-

levying bodies and tax collectors of all political subdivisions imposing taxes upon the dwelling of the person granted the exemption from payment of real estate taxes.]

§ 8904. Duty of [commission] department.

The [commission] department shall:

(1) Fix uniform and equitable standards for determining the need for exemption from the payment of real estate taxes granted by this act. In fixing such uniform and equitable standards, the commission shall apply a rebuttable presumption that an applicant with annual income of \$75,000 or less has a need for the exemption. Beginning on January 1, 2009, and every two years thereafter, the commission shall adjust the annual income level qualifying for the rebuttable presumption of need by an amount equal to the change in the Consumer Price Index in the preceding two years. The commission shall publish the adjusted annual income level qualifying for the rebuttable presumption of need as a notice in the Pennsylvania Bulletin.

(2) After submission of proof of need by the applicant for the exemption from payment of real estate taxes, determine the need of the applicant.

(3) Review at least once every five years all determinations of need for exemptions from the payment of real estate taxes which have been granted in order to determine any changes in the economic status of applicants bearing upon the question of need.

(4) Certify the name and address and the need for exemption from payment of real estate taxes, or termination of such need, to the board for the assessment and revision of taxes, or similar board for the assessment of taxes, having

jurisdiction of the assessment of the real property owned solely or as an estate by the entirety and occupied as a residence by the person seeking the tax exemption granted by this chapter.

§ 8905. Appeals.

Any applicant aggrieved by a determination of the [commission] department may appeal that determination [to the Adjutant General] under the provisions of Title 2 (relating to administrative law and procedure).

§ 9102. Affidavits and acknowledgments by designated officers.

(a) Designation of certain officers authorized.--Each local organization of The American Red Cross, The American Legion, Veterans of World War I of the U.S.A., Inc., Veterans of Foreign Wars of the United States, Disabled American Veterans, United Spanish War Veterans, Regular Veterans Association, Director of Veterans Affairs, Jewish War Veterans of the United States, the Military Order of the Purple Heart, the Italian American War Veterans of the United States, Incorporated, and such other similar organizations now or hereafter accredited or recognized by the United States [Veterans Administration] Department of Veterans Affairs, which supplies such aid and assistance to veterans or their dependents, and which gratuitously prepares forms for veterans and their dependents in connection with their affairs as such before the United States, any agency thereof, or the Commonwealth, any agency or political subdivision thereof, is hereby authorized to designate one of its officers to take affidavits or acknowledgments to such forms, as may be required by rule, regulation or otherwise by the United States, any agency thereof, or the Commonwealth, any agency or political subdivision thereof, in the administration of the affairs of

1 veterans and their dependents. For the same purposes the
2 Adjutant General is authorized to designate one or more persons
3 from the Department of Military Affairs, the Secretary of
4 Veterans Affairs is authorized to designate one or more persons
5 from the Department of Veterans Affairs, and the State Director
6 of Selective Service is authorized to designate one or more
7 persons from the Pennsylvania Selective Service System.

8 (b) Appointment, certification and authority.--When any such
9 officer or person is so designated, his name, address and
10 official position shall be furnished to the Secretary of the
11 Commonwealth, in writing, signed by such designated officer or
12 person, accompanied by a certificate of his designation by the
13 proper authority of such organization, or of the Adjutant
14 General, the Secretary of Veterans Affairs or the State Director
15 of Selective Service, as the case may be. Upon receipt of such
16 writing and certificate in form as herein provided the Secretary
17 of the Commonwealth, with the approval of the Governor, shall
18 issue under his hand and seal of his office a certificate of
19 appointment to such designated officer or person which shall
20 authorize him to take affidavits or acknowledgments of veterans
21 and their dependents in connection with their affairs as such
22 before the United States, any agency thereof, or the
23 Commonwealth, any agency or political subdivision thereof. Such
24 authorized officer or person shall exercise the authority
25 conferred under the provisions of this section at the pleasure
26 of the Governor. Each certificate issued as aforesaid by the
27 Secretary of the Commonwealth shall be numbered in the order of
28 date issued, and the Secretary of the Commonwealth is hereby
29 authorized to certify such appointment whenever required.

30 * * *

1 [§ 9301. Reports of annual conventions.

2 (a) Printing and distribution by Commonwealth.--Whenever the
3 department commanders of the Grand Army of the Republic, the
4 United Spanish War Veterans, the Veterans of Foreign Wars of the
5 United States, the American Legion, the Disabled American
6 Veterans of the World War, the Veterans of World War I of the
7 U.S.A., Inc., the American Veterans of World War II (AMVETS),
8 Military Order of the Purple Heart, Jewish War Veterans,
9 Catholic War Veterans, Inc., The Society of the 28th Division,
10 A.E.F., the Marine Corps League and the Italian American War
11 Veterans of the United States, Incorporated, shall report to the
12 Department of Property and Supplies the proceedings of the
13 annual encampment or conventions of their respective
14 departments, with such general and special orders and circulars
15 and other data which may form a part of said proceedings, then
16 the said proceedings, so reported, shall be considered
17 Commonwealth records, and under the direction of the Department
18 of Property and Supplies, shall be printed and bound, and a
19 printed and bound copy thereof shall be sent to each post or
20 detachment in this Commonwealth of the organization of whose
21 proceedings the same is a report.

22 (b) Number of copies printed and distributed.--Not more than
23 1500 copies of each of such annual reports shall be printed and
24 bound, and the balance remaining after the distribution provided
25 for in subsection (a) may be requisitioned as follows:

26 (1) State Librarian, 300 copies.

27 (2) Legislative Reference Bureau and Senate Library, ten
28 copies.

29 (3) Executive head of the organization of whose
30 proceedings it is a report, the remaining copies.]

1 § 9304. Grants to veterans' service officer programs.

2 * * *

3 (h) Reporting requirements.--On or before October 1 of each
4 year, designated veterans' service organizations participating
5 in the program established by this section shall file a written
6 report with the [Adjutant General and the Deputy Adjutant
7 General for Veterans' Affairs] secretary and the Director for
8 Veterans Benefits Assistance and send copies to the chairman and
9 minority chairman of the Veterans Affairs and Emergency
10 Preparedness Committee of the Senate and the chairman and
11 minority chairman of the Veterans Affairs and Emergency
12 Preparedness Committee of the House of Representatives and State
13 Veterans' Commission. The report format shall be issued by the
14 Department of Veterans Affairs. The report shall contain the
15 following information:

16 (1) A description of all veterans' service officer
17 activities, an accounting of recoveries and a listing of
18 volunteer hours for the preceding Commonwealth fiscal year.

19 (2) A proposed budget and spending plan for the
20 Commonwealth fiscal year beginning on July 1 of the year
21 following the filing of the report.

22 (3) An accounting of its expenditures from grants
23 awarded under this program, audited by a certified public
24 accountant for the preceding Commonwealth fiscal year.

25 * * *

26 Section 6. (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 and Veterans Affairs
3 relating to veterans' affairs are transferred by this act to the
4 Department of Veterans Affairs with the same force and effect as
5 if the appropriations had been made to and said items had been
6 the property of the Department of Veterans Affairs in the first
7 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 under this act
12 shall retain any civil service or other employment status
13 assigned to said personnel in those departments or agencies
14 prior to the effective date of this act.

15 Section 7. The implementation of this act shall be completed
16 within two years from the effective date of this section. It may
17 be completed in phases in accordance with a transition plan and
18 schedule developed between the secretary and the Department of
19 Military Affairs and other agencies, as approved by the
20 Governor.

21 Section 8. This act shall take effect immediately.