

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 253 Session of 2009

INTRODUCED BY FAIRCHILD, ADOLPH, ARGALL, BARRAR, BEAR, BEYER, BOYD, BRENNAN, BROWN, CAUSER, COHEN, CONKLIN, CREIGHTON, DENLINGER, EVERETT, FLECK, GEIST, GEORGE, GIBBONS, GINGRICH, GOODMAN, GRUCELA, HARKINS, HARPER, HARRIS, HESS, HUTCHINSON, KORTZ, MARSICO, MCGEEHAN, MCILVAINE SMITH, MICCARELLI, MICOZZIE, MILLER, M. O'BRIEN, O'NEILL, PHILLIPS, PYLE, RAPP, READSHAW, ROHRER, SIPTROTH, K. SMITH, SOLOBAY, STERN, STEVENSON, THOMAS, VULAKOVICH, WALKO, WATSON AND WHITE, FEBRUARY 4, 2009

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, FEBRUARY 4, 2009

AN ACT

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

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

1 Section 1. The act of April 9, 1929 (P.L.177, No.175), known  
2 as The Administrative Code of 1929, is amended by adding an  
3 article to read:

4 ARTICLE IX-C

5 OFFICE OF VETERAN ADVOCATE

6 Section 901-C. Definitions.

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

10 "Commission." The State Civil Service Commission.

11 "Local government entity." Any municipal unit of government  
12 of the Commonwealth.

13 "Veteran." A person who is currently serving or who has  
14 served and been honorably discharged from a branch of the  
15 military, whether under the jurisdiction of the Federal or State  
16 Government.

17 Section 902-C. Office of Veteran Advocate.

18 (a) Establishment.--The Office of Veteran Advocate is  
19 established in the Office of Attorney General to represent the  
20 interest of veterans before the commission and to review and  
21 intervene in cases involving, but not limited to, any of the  
22 provisions of the following:

23 (1) 51 Pa.C.S. (relating to military affairs).

24 (2) Section 303(a) of the act of March 4, 1971 (P.L.6,  
25 No.2), known as the Tax Reform Code of 1971.

26 (b) Qualifications.--The Veteran Advocate shall be an  
27 individual who is a veteran and who, by training, experience and  
28 attainment, is qualified to represent the interest of veterans.  
29 Compensation shall be set by the Executive Board.

30 (c) Other activities prohibited.--No individual who serves

1 as Veteran Advocate shall, while serving in such position,  
2 engage in any business, vocation, other employment or have other  
3 interests inconsistent with the official responsibilities under  
4 this article, nor shall the Veteran Advocate seek or accept  
5 employment nor render beneficial services for compensation with  
6 any other entity.

7 (d) Limitation.--Any individual who is appointed to the  
8 position of Veteran Advocate shall not seek election nor accept  
9 appointment to any political office during the tenure as Veteran  
10 Advocate and for a period of two years after the appointment is  
11 served or terminated.

12 Section 903-C. Assistant veteran advocates and other employees.

13 The Veteran Advocate, with the approval of the Attorney  
14 General, shall appoint attorneys as assistant veteran advocates  
15 and such additional clerical, technical and professional staff  
16 as may be appropriate and may contract for such additional  
17 services as shall be necessary for the performance of the  
18 functions under this article. The compensation of assistant  
19 veteran advocates and such clerical, technical and professional  
20 staff shall be set by the Executive Board. No assistant veteran  
21 advocate or other staff employee shall, while serving in such  
22 position, engage in any business, vocation, other employment or  
23 have other interests inconsistent with the official  
24 responsibilities under this article.

25 Section 904-C. Powers and duties.

26 (a) General rule.--In addition to any other authority  
27 conferred under this article, the Veteran Advocate is authorized  
28 and it shall be a duty, in carrying out responsibilities under  
29 this article, to represent the interest of veterans as a party,  
30 or otherwise participate for the purpose of representing an

1 interest of veterans, before the commission in any matter  
2 properly before the commission, and before any court, agency or  
3 local government entity initiating proceedings if, in the  
4 judgment of the Veteran Advocate, such action may be necessary,  
5 in connection with any matter involving regulation by the  
6 commission, whether on appeal or otherwise initiated.

7 (b) Monitoring.--The Veteran Advocate may monitor all cases  
8 before corresponding agencies of the United States, including  
9 the United States Veterans Administration, which impact  
10 interests of veterans of this Commonwealth and may formally  
11 participate in those proceedings which warrant such  
12 participation.

13 (c) Discretion.--The Veteran Advocate may exercise  
14 discretion in determining the interests of veterans which will  
15 be advocated in any particular proceeding and in determining  
16 whether or not to participate in or initiate any particular  
17 proceeding and, in so determining, shall consider the public  
18 interest, the resources available and the substantiality of the  
19 effect of the proceeding on the interest of veterans. The  
20 Veteran Advocate may refrain from intervening when, in the  
21 judgment of the Veteran Advocate, intervention is not necessary  
22 to represent adequately the interest of veterans.

23 (d) Petition.--In addition to any other authority conferred  
24 by this article, the Veteran Advocate is authorized to represent  
25 an interest of veterans which is presented for consideration  
26 upon petition in writing by a substantial number of persons. The  
27 Veteran Advocate shall notify the principal sponsors of any such  
28 petition within a reasonable time after receipt of any such  
29 petition of the action taken or intended to be taken with  
30 respect to the interest of veterans presented in such petition.

1 If the Veteran Advocate declines or is unable to represent such  
2 interest, the sponsors shall be notified and provided with a  
3 statement of the reasons for declining.

4 (e) Action.--Any action brought by the Veteran Advocate  
5 before a court or an agency of this Commonwealth or a local  
6 government entity shall be brought in the name of the Veteran  
7 Advocate. The Veteran Advocate may name a veteran or group of  
8 veterans in whose name the action may be brought or may join  
9 with a veteran or group of veterans in bringing the action.

10 (f) Statement.--At such time as the Veteran Advocate  
11 determines, in accordance with applicable time limitations, to  
12 initiate, intervene or otherwise participate in any commission,  
13 agency or court proceeding, the Veteran Advocate shall issue  
14 publicly a written statement, a copy of which shall be filed in  
15 the proceeding in addition to any required entry of appearance,  
16 stating concisely the specific interest of veterans to be  
17 protected.

18 (g) Military leave.--The Veteran Advocate shall have the  
19 authority to review military leave issues and veteran preference  
20 issues arising at the State and local government levels.

21 Section 905-C. Duties of commission.

22 In dealing with any proposed action which may substantially  
23 affect the interest of veterans, the commission shall:

24 (1) Notify the Veteran Advocate when notice of the  
25 proposed action is given to the public or at a time fixed by  
26 agreement between the Veteran Advocate and the commission in  
27 a manner to assure the Veteran Advocate reasonable notice and  
28 adequate time to determine whether to intervene in such  
29 matter.

30 (2) Take such action with due consideration to the

interest of veterans, consistent with its other statutory responsibilities.

Section 906-C. Savings provision and construction.

Nothing contained in this article shall in any way limit the right of any veteran to bring a proceeding before either the commission or a court.

Section 907-C. Reports.

The Veteran Advocate shall annually transmit to the Governor, the Attorney General and the General Assembly and shall make available to the public an annual report on the conduct of the Office of Veteran Advocate. The Veteran Advocate shall make recommendations as may be necessary or desirable to protect the interest of veterans.

Section 908-C. Appropriation.

The General Assembly shall appropriate to the Office of Veteran Advocate the funding necessary to carry out the provisions of this article.

Section 2. This act shall take effect July 1, 2009.