
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1462 Session of
2009

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YOUNGBLOOD, MAY 7, 2009

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, MAY 7, 2009

AN ACT

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

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

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

14 § 102. Definitions.

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

1 "Armory." Land, buildings and fixtures used for housing
2 elements of the Pennsylvania military forces.

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

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

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

12 "Officer." Commissioned or warrant officer.

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

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

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

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

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

27 § 701. Overall powers of department.

28 * * *

29 (b) Designation.--[The Department of Military Affairs is
30 designated as the Department of Military and Veterans Affairs.

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

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

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

1 council shall be selected by the residents of the veterans'
2 homes.

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

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

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

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

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

26 § 710. Pennsylvania Veterans' Memorial Trust Fund.

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

1 Commission] department on a continuing basis.

2 * * *

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

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

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

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

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

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

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

21 * * *

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

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

29 * * *

30 [(14) Authorize the admittance of any member of a group

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

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

6 [CHAPTER 17
7 STATE VETERANS' COMMISSION
8 AND DEPUTY ADJUTANT GENERAL
9 FOR VETERANS' AFFAIRS

10 Subchapter

- 11 A. State Veterans' Commission
12 B. Deputy Adjutant General for Veterans' Affairs

13 SUBCHAPTER A
14 STATE VETERANS' COMMISSION

15 Sec.

- 16 1701. Definitions.
17 1702. State Veterans' Commission.
18 1703. General powers and duties.
19 1704. Specific powers and duties.
20 1705. Veterans' home hall of fame.

21 § 1701. Definitions.

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

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

27 § 1702. State Veterans' Commission.

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

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

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

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

6 (i) The American Legion.

7 (ii) AMVETS.

8 (iii) Blinded Veterans Association.

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

11 (v) Disabled American Veterans.

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

13 (vii) Marine Corps League.

14 (viii) Military Order of the Purple Heart.

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

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

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

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

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

23 (xiv) American Ex-Prisoners of War.

24 (xv) Keystone Paralyzed Veterans Association.

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

1 one member shall be a veteran of the Vietnam era. Members at
2 large shall serve a term of four years and until a successor
3 has been appointed.

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

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

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

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

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

25 § 1703. General powers and duties.

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

1 § 1704. Specific powers and duties.

2 The commission shall have the following powers and duties:

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

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

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

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

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

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

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

25 § 1705. Veterans' home hall of fame.

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

1 served by the veterans' home. The area or space in the veterans'
2 home dedicated to the hall of fame may be used for other
3 purposes.

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

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

14 (1) Eligibility criteria for qualified candidates.

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

17 (3) Ceremonies to officially honor the inductees.

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

20 (5) Maintenance of the halls of fame.

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

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

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

1 SUBCHAPTER B

2 DEPUTY ADJUTANT GENERAL

3 FOR VETERANS' AFFAIRS

4 Sec.

5 1711. Qualifications and status.

6 1712. Specific duties.

7 § 1711. Qualifications and status.

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

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

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

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

26 § 1712. Specific duties.

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

30 (1) To recommend to the Adjutant General and the

1 Governor, with the advice of the State Veterans' Commission,
2 new legislation and amendments to existing statutes
3 concerning veterans and their activities for consideration by
4 the General Assembly.

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

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

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

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

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

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

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

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

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

1 (11) To investigate, compile and maintain complete and
2 accurate data concerning veterans of the armed forces of the
3 United States and all State and municipal activities related
4 thereto.

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

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

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

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

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

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

23 CHAPTER 18

24 DEPARTMENT OF VETERANS AFFAIRS

25 Sec.

26 1801. Definitions.

27 1802. Establishment.

28 1803. Purpose.

29 1804. General powers and duties.

30 1805. Specific powers and duties.

- 1 1806. Secretary of Veterans Affairs.
- 2 1807. Organization.
- 3 1808. Delegation of authority.
- 4 1809. Commissions, councils and boards.
- 5 1810. Bureau for Veterans Benefits Assistance.
- 6 1811. Local governing bodies and veterans services.
- 7 1812. County and city veterans service officers.
- 8 1813. (Reserved).
- 9 1814. Bureau for State Veterans Homes.
- 10 1815. Office of Recovery Coordination.
- 11 1816. State Veterans Commission.
- 12 1817. Advisory councils for State veterans homes.
- 13 1818. Prohibitions.
- 14 1819. Confidentiality of records.
- 15 1820. Technology services.
- 16 1821. Reports.
- 17 1822. Cost reduction measures and acceptance of gifts.
- 18 1823. Interagency agreements.
- 19 1824. Conflict of interest.
- 20 1825. Information of public interest and public complaints.
- 21 1826. Liberal construction.
- 22 1827. Conflict between statutes and within statute.
- 23 1828. Severability.
- 24 § 1801. 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 this chapter.

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

1 Veterans Commission.

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

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

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

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

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

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

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

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

29 § 1802. Establishment.

30 The Department of Veterans Affairs is established as an

1 administrative department within the executive branch of the
2 Commonwealth and is vested with the power and authority as set
3 forth in this chapter.

4 § 1803. Purpose.

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

9 § 1804. General powers and duties.

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

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

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

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

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

28 (i) Education, training and retraining facilities.

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

1 (iii) Employment and reemployment services.

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

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

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

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

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

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

30 (9) To train and assist a veterans service officer

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

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

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

15 § 1805. Specific powers and duties.

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

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

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

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

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

30 (iv) The program for disabled veterans' real estate

1 tax exemption under Chapter 89 (relating to disabled
2 veterans' real estate tax exemption).

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

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

10 (vii) State veterans homes program.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (13) To implement a networked computer system and
30 management information system for the automated submission,

1 reviewing and tracking of claims and for the purposes of
2 assisting in the annual performance evaluation of the
3 department.

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

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

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

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

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

27 § 1806. Secretary of Veterans Affairs.

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

1 Governor.

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

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

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

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

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

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

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

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

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

1 tasks.

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

4 § 1807. Organization.

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

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

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

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

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

30 (1) The secretary shall create the Bureau of Veterans

1 Benefits Assistance and the Bureau of State Veterans Homes to
2 provide field services. Each bureau shall be administered by
3 a director. The secretary shall also create an Office of
4 Recovery Coordination administered by a chief.

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

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

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

17 (iii) Fiscal management capability.

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

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

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

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

29 (viii) Legislative affairs capability to represent
30 the department on all matters involving legislation at

1 Federal and State levels.

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

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

9 § 1808. Delegation of authority.

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

15 § 1809. Commissions, councils and boards.

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

18 (1) The State Veterans Commission.

19 (2) The State Veterans homes advisory councils.

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

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

25 § 1810. Bureau for Veterans Benefits Assistance.

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

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

1 the director for just cause.

2 (c) Powers and duties.--

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

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

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

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

18 (iv) Employment and reemployment services.

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

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

1 veterans service officer training under section 1812
2 (relating to county and city veterans service officers).

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

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

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

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

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

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

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

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

30 (1) Be a United States citizen.

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

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

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

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

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

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

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

1 (i) Successful completion of the internship.

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

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

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

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

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

20 § 1811. Local governing bodies and veterans services.

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

1 under any Federal or State law by reason of their service in the
2 armed forces of the United States except that all claims work
3 will be processed as directed by the secretary.

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

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

10 (2) Employ jointly a veterans service officer.

11 § 1812. County and city veterans service officers.

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

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

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

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

25 (c) Approval required.--Any county or city desiring to
26 employ a county or city veteran service officer under this
27 section shall notify the department of its intention and shall
28 furnish the department with the name of any person applying,
29 along with documentation supporting the person's qualifications.
30 The department, upon receipt, shall certify to the county or

1 city the names of candidates for the position who meet the
2 requirements and qualifications prescribed by the department.
3 The county or city may employ any person, but only a person
4 certified by the department shall be accredited by the
5 department to act as a veterans service officer in this
6 Commonwealth. The department is under no obligation to recognize
7 or assist county or city employees who are not accredited.
8 Duties, compensation and terms of employment shall be prescribed
9 by the appropriate governing body.

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

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

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

1 (2) Recertify a qualified individual periodically as
2 required by the department and the United States Department
3 of Veterans Affairs.

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

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

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

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

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

28 § 1813. (Reserved).

29 § 1814. Bureau for State Veterans Homes.

30 (a) Establishment.--The Bureau for State Veterans Homes is

1 established as a bureau within the department.

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

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

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

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

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

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

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

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

30 (2) To appoint, with the approval of the secretary, a

1 person to be Superintendent of the Scotland School for
2 Veterans' Children.

3 (3) To approve the appointment of officers and employees
4 by the State Veterans' Homes Commandants and the
5 Superintendent of the Scotland School for Veterans' Children.
6 § 1815. Office of Recovery Coordination.

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

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

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

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

1 in their recovery.

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

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

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

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

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

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

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

1 secretary.

2 § 1816. State Veterans Commission.

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

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

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

13 (i) The American Legion.

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

15 (iii) AMVETS.

16 (iv) Disabled American Veterans.

17 (v) Marine Corps League.

18 (vi) Military Order of the Purple Heart.

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

20 (viii) Blinded Veterans Association.

21 (ix) Keystone Paralyzed Veterans of America.

22 (x) Jewish War Veterans of America.

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

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

26 (xiii) American Ex-prisoners of War.

27 (xiv) Military Officers Association of America.

28 (xv) A veterans service organization, selected by
29 the secretary, composed principally of veterans from the
30 Global War on Terrorism era, and dedicated to promoting

1 their issues. More than one such organization may be
2 represented.

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

7 (i) The American Legion.

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

9 (iii) AMVETS.

10 (iv) Disabled American Veterans.

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

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

20 (i) The Adjutant General.

21 (ii) The Secretary of Labor and Industry.

22 (iii) The Secretary of Education.

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

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

30 (6) The Governor may appoint additional nonvoting

1 members as recommended by an individual or organization,
2 including veterans service organizations. Organizational
3 affiliation shall not be a prerequisite for recommendation or
4 appointment.

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

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

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

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

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

15 (2) Be a United States citizen.

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

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

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

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

29 (f) Meetings and quorums.--The commission shall meet at
30 least quarterly, unless asked by the secretary through the

1 chairperson that a special session be held, at any place within
2 this Commonwealth upon the call of the chairperson. A quorum
3 shall consist of 50% of the voting members of the commission
4 plus one additional voting member.

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

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

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

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

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

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

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

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

1 (5) To investigate the work of the department and make
2 recommendations to it regarding its administration of
3 applicable Federal and State laws, including State veterans
4 programs assigned to the department.

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

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

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

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

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

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

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

1 of fame.

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

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

9 (m) Organization.

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

13 (i) Veterans benefits claims services.

14 (ii) Veterans health care services.

15 (iii) Educational services.

16 (iv) Employment services.

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

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

25 § 1817. Advisory councils for State veterans homes.

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

1 (b) Composition.--

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

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

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

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

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

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

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

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

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

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

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

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

1 member shall be eligible for reappointment.

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

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

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

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

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

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

26 (j) Powers and duties.--

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

1 (2) Each advisory council shall nominate inductees for
2 their respective veterans home hall of fame in accordance
3 with that program's guidance.

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

10 § 1818. Prohibitions.

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

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

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

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

22 § 1819. Confidentiality of records.

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

29 § 1820. Technology services.

30 (a) Veterans Internet website.--

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

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

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

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

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

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

30 (1) The veterans Internet website address.

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

2 (d) Benefits booklets.--

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

7 (i) Each State, county and city veterans service
8 officer for distribution in accordance with paragraph
9 (2).

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

13 (iii) Each member of the General Assembly.

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

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

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

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

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

1 to facilitate:

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

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

7 § 1821. Reports.

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

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

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

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

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

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

1 it.

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

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

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

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

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

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

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

1 dependents and beneficiaries. The report shall be submitted
2 biennially to the same parties listed in the performance and
3 accountability report. The report shall include:

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

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

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

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

23 § 1822. Cost reduction measures and acceptance of gifts.

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

1 to accountability and audit.

2 § 1823. Interagency agreements.

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

7 (1) The Department of Labor and Industry.

8 (2) The Department of Education.

9 (3) The Office of Administration.

10 (4) The Department of Aging.

11 (5) The Department of Public Welfare.

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

15 § 1824. Conflict of interest.

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

23 § 1825. Information of public interest and public complaints.

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

29 § 1826. Liberal construction.

30 The rule of strict construction shall have no application to

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

6 § 1827. Conflict between statutes and within statute.

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

10 § 1828. Severability.

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

16 CHAPTER 20

17 VETERANS HOME HALL OF FAME

18 Sec.

19 2001. Definitions.

20 2002. State veterans home hall of fame.

21 2003. Selection of inductees.

22 2004. Oversight.

23 2005. Documentation.

24 2006. Centralized list.

25 § 2001. Definitions.

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

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

1 "Department." The Department of Veterans Affairs of the
2 Commonwealth established under Chapter 18 (relating to
3 Department of Veterans Affairs).

4 § 2002. State veterans home hall of fame.

5 Each State veterans home operated by the Commonwealth shall
6 establish and dedicate a hall of fame to recognize and honor the
7 military achievements of outstanding veterans who have completed
8 honorable, active duty military service and who reside or
9 resided in the geographic region served by the veterans home.
10 The area or space in the veterans home dedicated to the hall of
11 fame may be used for other purposes.

12 § 2003. Selection of inductees.

13 The advisory council for each veterans home shall, consistent
14 with the guidelines established by the department in section
15 2004 (relating to oversight), nominate eligible veterans for
16 induction into the hall of fame by the commission and perform
17 other duties relating to the hall of fame as approved by the
18 department. A Medal of Honor recipient shall be automatically
19 inducted into the hall of fame.

20 § 2004. Oversight.

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

23 (1) Eligibility criteria for qualified candidates.

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

26 (3) Ceremonies to officially honor the inductees.

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

29 (5) Maintenance of the halls of fame.

30 (6) Duties of the advisory councils of the veterans

1 homes relating to the halls of fame.

2 § 2005. Documentation.

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

8 § 2006. Centralized list.

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

11 Section 5. Sections 3201, 3210, 7101, 7701, 7702, 8501,
12 8504(b) and 8505 of Title 51 are amended to read:

13 § 3201. Definitions.

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

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

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

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

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

1 7508).

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

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

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

14 "Fund." The Educational Assistance Program Fund.

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

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

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

27 § 3210. Educational Assistance Program Fund.

28 All moneys appropriated for the purposes of this chapter and
29 all investment income earned on those moneys shall be deposited
30 in the Educational Assistance Program Fund, which is hereby

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

6 § 7101. Soldier defined.

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

21 § 7701. Blind veteran's pension.

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

1 that he or she has 3/60 or 10/200 or less normal vision. The
2 term "blind veteran" shall not include any person separated from
3 the [military or naval] armed forces of the United States, or
4 any woman's organization officially connected therewith, under
5 other than honorable conditions.

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

17 § 7702. Paralyzed veteran's pension.

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

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

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

13 § 8501. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

27 § 8504. Amounts of assistance.

28 * * *

29 (b) Standards.--Subject to the limitation set forth in
30 subsection (a), [the State Veterans' Commission shall recommend]

1 the department shall establish uniform and equitable standards
2 for the amounts of veterans' emergency assistance.

3 * * *

4 § 8505. Appeals.

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

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

11 CHAPTER 86

12 TRANSFER OF GOVERNOR'S VETERANS OUTREACH AND ASSISTANCE CENTER

13 PROGRAM

14 Sec.

15 8601. Definitions.

16 8602. Objective of transfer.

17 8603. Transfers of functions and responsibilities.

18 8604. Subjects of transfer.

19 8605. Regulations.

20 § 8601. 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 "Department." The Department of Veterans Affairs of the
25 Commonwealth.

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

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

1 Center Program.

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

7 § 8602. Objective of transfer.

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

19 § 8603. Transfers of functions and responsibilities.

20 (a) Transfer to department.--

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

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

1 (i) All powers and duties not otherwise expressly
2 transferred elsewhere under this chapter and currently
3 performed by the Governor's Veterans Outreach and
4 Assistance Center Programs.

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

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

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

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

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

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

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

1 § 8604. Subjects of transfer.

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

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

19 § 8605. Regulations.

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

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

27 Section 5.2. Sections 8701, 8702(a) and (b), 8703(b) and
28 (c), 8901, 8902, 8903, 8904, 8905, 9102(a) and (b), 9301 and
29 9304(h) of Title 51 are amended to read:

30 § 8701. Definitions.

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

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

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

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

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

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

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

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

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

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

13 § 8702. Educational gratuity payments.

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

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

26 * * *

27 § 8703. Eligibility and qualification requirements.

28 * * *

29 (b) Qualification determination.--The [commission]
30 department shall determine qualified applicants based on the

1 following requirements:

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

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

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

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

12 § 8901. 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 "Blind." Visual acuity of three-sixtieths or ten two-
17 hundredths, or less normal vision.

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

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

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

25 § 8902. Exemption.

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

1 (1) That person has been honorably discharged or
2 released under honorable circumstances from the armed forces
3 of the United States for service in any war or armed conflict
4 in which this nation was engaged.

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

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

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

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

22 [§ 8903. Duty of board.

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

1 exemption from the payment of real estate taxes and to the tax-
2 levying bodies and tax collectors of all political subdivisions
3 imposing taxes upon the dwelling of the person granted the
4 exemption from payment of real estate taxes.]

5 § 8904. Duty of [commission] department.

6 The [commission] department shall:

7 (1) Fix uniform and equitable standards for determining
8 the need for exemption from the payment of real estate taxes
9 granted by this act. In fixing such uniform and equitable
10 standards, the commission shall apply a rebuttable
11 presumption that an applicant with annual income of \$75,000
12 or less has a need for the exemption. Beginning on January 1,
13 2009, and every two years thereafter, the commission shall
14 adjust the annual income level qualifying for the rebuttable
15 presumption of need by an amount equal to the change in the
16 Consumer Price Index in the preceding two years. The
17 commission shall publish the adjusted annual income level
18 qualifying for the rebuttable presumption of need as a notice
19 in the Pennsylvania Bulletin.

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

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

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

1 taxes, or similar board for the assessment of taxes, having
2 jurisdiction of the assessment of the real property owned
3 solely or as an estate by the entirety and occupied as a
4 residence by the person seeking the tax exemption granted by
5 this chapter.

6 § 8905. Appeals.

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

11 § 9102. Affidavits and acknowledgments by designated officers.

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

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

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

1 * * *

2 [§ 9301. Reports of annual conventions.

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

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

27 (1) State Librarian, 300 copies.

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

30 (3) Executive head of the organization of whose

1 proceedings it is a report, the remaining copies.]

2 § 9304. Grants to veterans' service officer programs.

3 * * *

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

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

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

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

26 * * *

27 Section 6. (a) All personnel, allocations, appropriations,
28 agreements, leases, claims, demands and causes of action of any
29 nature whether or not subject to litigation on the date of this
30 act, equipment, files, records, classified data files, plans,

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

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

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

22 Section 8. This act shall take effect immediately.