

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1978 Session of 2021

INTRODUCED BY PENNYCUICK, O'NEAL, ROTHMAN, RYAN, MIZGORSKI,  
MILLARD, POLINCHOCK, HAMM, GUENST, HILL-EVANS AND  
C. WILLIAMS, OCTOBER 18, 2021

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY  
PREPAREDNESS, OCTOBER 18, 2021

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania  
2 Consolidated Statutes, in State Veterans' Commission and  
3 Deputy Adjutant General for Veterans' Affairs, further  
4 providing for State Veterans' Commission, for general powers  
5 and duties and for specific powers and duties.

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

8 Section 1. Sections 1702, 1703 and 1704 of Title 51 of the  
9 Pennsylvania Consolidated Statutes are amended to read:

10 § 1702. State Veterans' Commission.

11 (a) Establishment.--There is hereby established within the  
12 department an [advisory] independent commission to be known as  
13 the State Veterans' Commission.

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

15 (1) The Deputy Adjutant General for Veterans' Affairs,  
16 ex officio, or his designee.

17 [(2) The State commander, commandant or head, or his  
18 designee, of each of the following named veterans'

1 organizations:

2 (i) The American Legion.

3 (ii) AMVETS.

4 (iii) Blinded Veterans Association.

5 (iv) Catholic War Veterans of the United States of  
6 America.

7 (v) Disabled American Veterans.

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

9 (vii) Marine Corps League.

10 (viii) Military Order of the Purple Heart.

11 (ix) State Association of County Directors of  
12 Veterans' Affairs.

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

14 (xi) (Deleted by amendment).

15 (xii) Italian-American War Veterans of the United  
16 States, Inc.

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

18 (xiv) American Ex-Prisoners of War.

19 (xv) Keystone Paralyzed Veterans Association.

20 (xvi) Military Officers Association of America.

21 (xvii) The Korean War Veterans Association, Inc.]

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

1       (2) Five veterans appointed by the Governor from a list  
2 of candidates provided by the department through the  
3 Pennsylvania War Veterans Council to represent their member  
4 veteran service organizations. Organizations may not have  
5 more than one member appointed to the commission at the same  
6 time.

7       (2.1) Six veterans appointed by the Governor from a list  
8 of candidates provided by a selection committee to represent  
9 the five geographical regions of this Commonwealth. Each  
10 region must have at least one representative appointed to the  
11 commission. The selection committee shall be composed of:

12           (i) Three members of the Veterans Affairs and  
13 Emergency Preparedness Committee of the Senate who are  
14 chosen by the President pro tempore, the Majority Leader  
15 and the Minority Leader of the Senate.

16           (ii) Three members of the Veterans Affairs and  
17 Emergency Preparedness Committee of the House of  
18 Representatives who are chosen by the Speaker, the  
19 Majority Leader and the Minority Leader of the House of  
20 Representatives.

21       (3) Members as follows:

22           (i) Five members at large appointed by the Governor  
23 from a list provided by the department through the Office  
24 of Veterans' Affairs who shall be appointed to fill the  
25 following functional areas of expertise:

26           (A) Veteran mental health.

27           (B) Veteran education and employment.

28           (C) Veteran medical benefits.

29           (D) Veterans courts and judiciary.

30           (E) Veteran community medical care.

1           (ii) Each member under this paragraph shall  
2           demonstrate expertise in supporting veterans through  
3           their attained education, experience and affiliation in  
4           organizations and services. Each functional area shall  
5           have one representative appointed to the commission.

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

10          (b.1) Veteran population demographics.--The overall  
11          composition of the commission shall meet or exceed the  
12          Commonwealth's veteran population demographics percentage by  
13          gender, race and service period. The United States Veterans'  
14          Affairs National Center for Veterans Analysis and Statistics may  
15          be consulted for information on demographics percentage by  
16          gender, race and service period.

17          (b.2) Appointment.--The Governor shall appoint each member  
18          to the commission for a staggered and set term of four years or  
19          until a successor has been appointed. The department, in  
20          consultation with the commission, shall establish a standardized  
21          selection process for the entity required to provide a candidate  
22          list to identify, review and recommend commission candidates to  
23          the Governor. A veteran organization, entity or individual may  
24          apply for membership on the commission. Each applicant must be a  
25          veteran who served in the United States Armed Forces, including  
26          a reserve component or National Guard, and was discharged or  
27          released from service under conditions other than dishonorable.

28          (c) Officers.--The commission shall annually elect a  
29          chairman and vice chairman at the first meeting of the  
30          commission after October 1. The Deputy Adjutant General for

1 Veterans' Affairs shall serve as the executive secretary to the  
2 commission.

3 (d) Compensation and expenses.--Members of the commission  
4 shall receive no compensation for their services but shall  
5 receive reimbursement for their necessary and proper expenses  
6 for attendance at meetings.

7 (e) Meetings and quorum.--The commission shall meet upon the  
8 call of the chairman [~~or the Adjutant General~~]. The Deputy  
9 Adjutant General, in consultation with the chairman, may call a  
10 meeting when the services of the commission are needed as  
11 provided for under this subchapter. Nine members of the  
12 commission shall constitute a quorum.

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

18 (g) Meetings and operations.--The commission shall establish  
19 bylaws, special rules of order and standing operating procedures  
20 which shall be reviewed and updated every five years. Robert's  
21 Rules of Order Newly Revised may be used to govern commission  
22 meetings if applicable and if not inconsistent with the bylaws,  
23 special rules of order and standing operating procedures  
24 established under this subsection.

25 (h) Administrative support.--The Office of Deputy Adjutant  
26 General shall:

27 (i) Provide a suitable location and convenient room  
28 that supports the needs of the commission to conduct  
29 meetings.

30 (ii) Provide clerical assistance, stationery,

1 postage, printing and supplies that may be necessary for  
2 the work of the commission.

3 (iii) Provide notice of all meetings of the  
4 commission, take minutes and post commission information  
5 on the department's publicly accessible Internet website.

6 (iv) Provide for the reimbursement of per diems,  
7 subsistence, travel and expenses.

8 (v) Provide the services of an independent legal  
9 counsel for the commission to be appointed by the  
10 commission and paid by the Commonwealth.

11 (vi) Assist the commission in carrying out the  
12 provisions of this subchapter.

13 (i) Additional support.--The commission may receive  
14 additional support from the department as agreed upon in a  
15 memorandum of understanding.

16 § 1703. General powers and duties.

17 The commission shall advise the [Adjutant General and the  
18 department] Deputy Adjutant General and the department and shall  
19 submit an annual report to the Governor, the chairperson of the  
20 Veterans' Affairs and Emergency Preparedness Committee of the  
21 Senate and the chairperson of the Veterans' Affairs and  
22 Emergency Preparedness Committee of the House of Representatives  
23 on all matters pertaining to the status, welfare, benefits,  
24 employment and support of veterans and veterans' programs in  
25 this Commonwealth and shall perform such other functions as are  
26 provided by law.

27 § 1704. Specific powers and duties.

28 The commission shall have the following powers and duties:

29 (1) Advise the Deputy Adjutant General upon such matters  
30 as the Deputy Adjutant General may bring before it.

1           (2) Investigate the work of the department and Office of  
2 Deputy Adjutant General and make recommendations [to it]  
3 regarding the department's and Office of Deputy Adjutant  
4 General's administration of the laws providing for the  
5 payment of pensions and relief, for the marking of graves of  
6 veterans and for the selection, acquisition and maintenance  
7 of a State military cemetery.

8           (3) [Investigate and recommend] Recommend to the  
9 Governor legislation for submission to the General Assembly  
10 concerning veterans and their activities[.] and provide to  
11 the General Assembly the commission's position and  
12 recommendations on proposed legislation presented to the  
13 commission by the chairperson of a standing committee of the  
14 General Assembly.

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

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

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

24           (6.1) Recommend by proposal budgetary requests to the  
25 Office of Deputy Adjutant General for initiatives, studies,  
26 projects and programs to improve veteran program outcomes.

27           (7) Promulgate rules and regulations governing all  
28 actions of the commission under paragraphs (4), (5) and (6).  
29 Section 2. This act shall take effect in 60 days.