

No. 1998-49

AN ACT

HB 1633

Amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, changing the short title of Title 51; providing for the powers and duties of the Deputy Adjutant General for Veterans' Affairs; and making a repeal.

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

Section 1. Sections 101 and 902(12) of Title 51 of the Pennsylvania Consolidated Statutes are amended to read:

§ 101. Short title of title.

This title shall be known and may be cited as the "Military *and Veterans* Code."

§ 902. General powers and duties of Adjutant General.

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

* * *

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

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Section 2. Chapter 17 of Title 51 is repealed and the title is amended by adding a chapter to read:

CHAPTER 17
STATE VETERANS' COMMISSION
AND DEPUTY ADJUTANT GENERAL
FOR VETERANS' AFFAIRS

Subchapter

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

SUBCHAPTER A
STATE VETERANS' COMMISSION

Sec.

- 1701. Definitions.
- 1702. State Veterans' Commission.

1703. General powers and duties.

1704. Specific powers and duties.

§ 1701. Definitions.

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

“Commission.” The State Veterans’ Commission established by this chapter.

§ 1702. State Veterans’ Commission.

(a) Establishment.—There is hereby established within the department an advisory commission to be known as the State Veterans’ Commission.

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

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

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

(i) The American Legion.

(ii) AMVETS.

(iii) Blinded Veterans Association.

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

(v) Disabled American Veterans.

(vi) Jewish War Veterans of the United States.

(vii) Marine Corps League.

(viii) Military Order of the Purple Heart.

(ix) State Association of County Directors of Veterans’ Affairs.

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

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

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

(xiii) The Vietnam Veterans of America, Inc.

(xiv) American Ex-Prisoners of War.

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

(4) The State Adjutants of the American Legion, the Disabled American Veterans (DAV) and the Veterans of Foreign Wars (VFW) as nonvoting members.

(c) Officers.—The commission shall annually elect a chairman and vice chairman at the first meeting of the commission after October 1. The Deputy Adjutant General for Veterans’ Affairs shall serve as the executive secretary to the commission.

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

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

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

§ 1703. General powers and duties.

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

§ 1704. Specific powers and duties.

The commission shall have the following powers and duties:

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

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

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

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

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

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

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

SUBCHAPTER B
DEPUTY ADJUTANT GENERAL
FOR VETERANS' AFFAIRS

Sec.

1711. Qualifications and status.

1712. Specific duties.

§ 1711. Qualifications and status.

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

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

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

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

§ 1712. Specific duties.

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

(1) To recommend to the Adjutant General and the Governor, with the advice of the State Veterans' Commission, new legislation and amendments to existing statutes concerning veterans and their activities for consideration by the General Assembly.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 3. Section 1412 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, is repealed.

Section 4. This act shall take effect immediately.

APPROVED—The 29th day of April, A.D. 1998.

THOMAS J. RIDGE