



SPONSOR: Rep. Chukwuocha & Sen. Gay
Reps. Minor-Brown, Yearick, K. Johnson, Gray,
Hilovsky; Sens. Pettyjohn, Huxtable, Hoffner, Hocker,
Wilson

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 437

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE DELAWARE COMMISSION OF VETERANS' AFFAIRS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 8721, Title 29 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 8721. Delaware Commission of Veterans' Affairs — Duties and responsibilities.

4 (a) [Repealed.]

5 (b) (1) The Commission shall hire, ~~through the State Merit System employment process,~~ and employ an Executive
6 Director, ~~a clerical assistant,~~ administrative support staff, and other personnel necessary to perform the duties prescribed by
7 the Commission. The Executive Director shall be exempt from Chapter 59 of this title and must be a veteran as defined in §
8 8720(c) of this title. All employees of the Commission, including the Executive Director, Commission in supervisory
9 positions must be veterans as defined in § 8720(c) of this title.

10 (2) The Executive Director is authorized to use the designation "Delaware Office of Veterans' Services" when
11 promoting, performing, or furthering the work of the Commission.

12 (3) The Executive Director and staff shall report to the Secretary of State on all administrative matters and
13 shall report to the Commission on all substantive matters.

14 (4) The Commission hiring policy shall prioritize qualified veterans to career ladder and casual/seasonal
15 positions when possible.

16 (c) The Commission shall have the power of oversight in the administration of the Delaware State Veterans' Home
17 and shall have the authority to promulgate such rules, regulations and policy as is necessary to the operation of a veterans'
18 home provided, however, such rules, regulations and policy are not inconsistent with the other provisions of this chapter.

19 (d) The Commission shall have the power to operate ~~and/or~~ and administer a ~~Delaware Veterans' Memorial~~
20 Cemeteryies in the State and shall have the authority to promulgate such rules and regulations governing the operation of a

21 cemeteryies as it deems necessary; provided, however, such rules and regulations are not inconsistent with the provisions of
22 this chapter.

23 (e) The Commission shall establish a repository for ~~all~~veterans' "Statement of Service" or similar documentary
24 verification of active armed service.

25 (f) The Commission shall establish and administer the "Delaware Veterans Trust Fund" which will provide
26 financial assistance or grants to veterans with a minimum discharge of general discharge under honorable conditions to
27 cover costs associated with medical and dental needs; medical transportation; homelessness support; home repairs and
28 safety modifications; household utilities; and educational or retraining programs.

29 (g) The Commission shall represent the State in concert with other states' veterans' agencies and the U.S.
30 ~~Veterans' Administration~~Department of Veterans Affairs on matters of mutual interest and concern.

31 (h) The Commission shall coordinate with and advise all departments and agencies of the State on all matters
32 pertaining to education, training, employment, medical and financial benefit programs for veterans, their
33 ~~dependents~~dependents, and survivors.

34 (i) The Commission shall initiate, review, ~~and/or~~and sponsor state legislation pertaining to veterans.

35 (j) The Commission ~~and/or~~and its Executive Director shall augment, not replace nor infringe upon, the functions
36 of the service officers (~~representatives~~) of veterans' ~~organizations~~organizations. ~~provided, however, the~~The Commission
37 may ~~appoint a service officer~~accredit claims representatives in each county, ~~such service officer to be~~county. ~~Commission-~~
38 accredited claims representatives are accountable ~~and responsible~~ to the Commission.

39 (k) The Commission shall submit to the Governor and to the General Assembly an annual report of the
40 Commission's activities and recommendations.

41 Section 2. Amend § 8723, Title 29 of the Delaware Code by making deletions as shown by strike through and
42 insertions as shown by underline as follows:

43 § 8723. Delaware Commission of Veterans' Affairs — Organization and operation.

44 (a) Any veterans' organization as defined in § 8720(b) of this title may petition the Governor to remove from the
45 Commission a member which said organization recommended, provided the reasons for said removal are clearly stated in
46 said petition.

47 (b) In the event any Commissioner fails to attend 3 successive scheduled meetings without just cause such failure
48 shall be sufficient grounds for the representative of the particular veterans' organization to be removed by the Governor.

49 (c) Prospective members of the Commission shall be recommended by the respective veterans' organizations and
50 appointed by the Governor as vacancies occur.

51 (d) The names of prospective members of the Commission shall be submitted to the Governor by letter from the
52 senior official of each respective statewide veterans' organization.

53 (e) The members of the Commission shall elect 1 of their members to serve as Chairperson and 1 as Vice-
54 Chairperson who shall not serve more than 2 consecutive terms. Such elections shall be held annually ~~in September~~.

55 (f) The Chairperson and Vice-Chairperson shall serve as voting members of the Commission.

56 (g) The Executive Director or designee shall attend all meetings of the Commission, keep a full and true record of
57 its proceedings, preserve at its general office all its books, documents and papers, and perform such other duties as the
58 Commission may prescribe.

59 (h) The Commission shall hold monthly meetings at such time and location as prescribed by the Chairperson.
60 Special meetings may be called by the Chair or a majority of the Commission membership.

61 (i) A quorum shall consist of a simple majority of the Commission members.

62 (j) Members of the Commission shall serve without compensation except that they may be reimbursed for
63 reasonable and necessary travel expenses incident to their duties as members of the Commission to the extent that funds are
64 available and in accordance with state law.

65 (k) The Commission's executive offices shall be located in Dover, Delaware.

66 Section 3. Amend § 8725, Title 29 of the Delaware Code by making deletions as shown by strike through and
67 insertions as shown by underline as follows:

68 § 8725. Delaware Commission of Veterans' Affairs — Relationship to other state agencies.

69 (a) Unless otherwise indicated, the duties, responsibilities and authority set forth in §§ 8721 and 8723 of this title
70 are reserved specifically to the Commission.

71 (b) The Commission may request the advice, opinion or assistance of other appropriate state agencies as necessary
72 to properly discharge its duties and responsibilities.

73 (c) The Department of State shall provide reasonable office and meeting facilities and other logistic support as
74 requested by the Commission.

75 (d) The Department of State shall maintain an overview of the Commission's operation in order to ~~insure~~ensure
76 proper use of, and accountability for, state funds appropriated for that purpose.

77 (e) The General Assembly hereby directs the Delaware Commission on Veterans Affairs to ~~return/replace~~return or
78 replace all memorials and plaques ~~purchased/donated~~purchased or donated by veteran's family members to their original
79 location within the cemetery or to a site agreeable to the veteran's family members. The General Assembly further directs
80 that, after July 1, 2003, no plaque or memorial will be removed or relocated for any purpose without the approval of the Co-

81 chairs of the Joint Legislative Committee on the Capital Improvement Program. Existing memorial works are historical,
82 cultural and aesthetic resources.

SYNOPSIS

This bill modifies the Delaware Commission of Veterans' Affairs employee requirements to make the Executive Director an exempt position, and to allow the hiring of non-veteran employees when needed. This will positively impact veteran families by reducing the wait for interment in state veterans' cemeteries. These changes also make technical corrections and clarify the commission's authority to accredit claims representatives to support veterans in accessing their earned benefits.