

18101227D

SENATE BILL NO. 325

Offered January 10, 2018

Prefiled January 8, 2018

A BILL to amend and reenact §§ 2.2-2000, 2.2-2001, 2.2-2001.1, 2.2-2004, and 2.2-4310.2 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-2000.1, relating to the Department of Veterans Services.

Patrons—Ruff and DeSteph; Delegate: Bell, John J.

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2000, 2.2-2001, 2.2-2001.1, 2.2-2004, and 2.2-4310.2 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-2000.1 as follows:

§ 2.2-2000. Department of Veterans Services created; appointment of Commissioner.

A. There shall be a Department of Veterans Services (~~the Department~~), which shall be headed by a Commissioner appointed by the Governor subject to confirmation by the General Assembly. The Commissioner shall be a veteran who has received an honorable discharge from the ~~armed forces~~ *Armed Forces* of the United States. He shall report ~~directly~~ to the *Secretary of Veterans and Defense Affairs on behalf of the Governor* and shall hold his office at the pleasure of the Governor for a term of five years.

B. The Commissioner of ~~the Department~~ shall, under the direction and control of the Governor, exercise powers and perform duties conferred or imposed upon him by law and perform such other duties as may be required by the Governor *and the Secretary of Veterans and Defense Affairs*.

§ 2.2-2000.1. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Active military, naval, or air service members" means military service members who perform full-time duty in the *Armed Forces of the United States*, or a reserve component thereof, including the *National Guard*.

"Commissioner" means the *Commissioner of the Department of Veterans Services* appointed pursuant to § 2.2-2000.

"Department" means the *Department of Veterans Services* established pursuant to § 2.2-2000.

"Service-connected" means, with respect to disability, that such disability was incurred or aggravated in the line of duty in the *active military, naval, or air service*.

"Service disabled veteran" means a veteran who (i) served in the *active military, naval, or air service*, (ii) was discharged or released under conditions other than dishonorable, and (iii) has a *service-connected disability rating* fixed by the *U.S. Department of Veterans Affairs*.

"Service disabled veteran-owned business" means a business concern that is at least 51 percent owned by one or more *service disabled veterans* or, in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more individuals who are *service disabled veterans* and both the management and daily business operations are controlled by one or more individuals who are *service disabled veterans*.

"Veteran" means an individual who has served in the *active military, naval, or air service* and who was discharged or released therefrom under conditions other than dishonorable.

§ 2.2-2001. Administrative responsibilities of the Department; annual report.

A. The Department shall be responsible to the *Secretary of Veterans and Defense Affairs on behalf of the Governor* for the establishment, operation, administration, and maintenance of offices and programs related to services for Virginia-domiciled veterans of the ~~armed forces~~ *Armed Forces* of the United States and their eligible spouses, orphans, and dependents. Such services shall include, but not be limited to, benefits claims processing and all medical care centers and cemeteries for veterans owned and operated by the Commonwealth.

Subject to the availability of sufficient nongeneral fund revenues, including, but not limited to, private donations and federal funds, the Department shall work in concert with applicable ~~State~~ *state* and ~~Federal~~ *federal* agencies to develop and deploy an automated system for the electronic preparation of veterans' disability claims that ensures the collection of the necessary information to expedite processing of Virginia veterans' disability claims. The Department's development and deployment work shall be appropriately phased to minimize risk and shall include an initial replacement of the Department's existing case management technology, which replacement is required to support highly sophisticated

59 electronic claims preparation. The Commissioner shall ensure that the system is efficient and statutorily
60 compliant.

61 B. From such funds as may be appropriated or otherwise received for such purpose, the Department
62 shall provide burial vaults at cost to eligible veterans and their family members interred at state-operated
63 veterans cemeteries.

64 C. The Department shall establish guidelines for the determination of eligibility for
65 Virginia-domiciled veterans and their spouses, orphans, and dependents for participation in programs and
66 benefits administered by the Department. Such guidelines shall meet the intent of the federal statutes and
67 regulations pertaining to the administration of federal programs supporting U.S. Armed Forces veterans
68 and their spouses, orphans, and dependents.

69 D. The Department shall adopt reasonable regulations to implement a program to certify, upon
70 request of the small business owner, that he holds a "service disabled veteran" status.

71 E. As used in this chapter, unless the context requires otherwise:

72 "~~Active military, naval, or air service members~~" means military service members who perform
73 full-time duty in the armed forces of the United States, or a reserve component thereof, including the
74 National Guard.

75 "~~Service-connected~~" means, with respect to disability that such disability was incurred or aggravated
76 in the line of duty in the active military, naval, or air service.

77 "~~Service disabled veteran~~" means a veteran who (i) served on active duty in the United States
78 military ground, naval, or air service, (ii) was discharged or released under conditions other than
79 dishonorable, and (iii) has a ~~service-connected~~ disability rating fixed by the United States Department of
80 Veterans Affairs.

81 "~~Service disabled veteran business~~" means a business concern that is at least 51 percent owned by
82 one or more service disabled veterans or, in the case of a corporation, partnership, or limited liability
83 company or other entity, at least 51 percent of the equity ownership interest in the corporation,
84 partnership, or limited liability company or other entity is owned by one or more individuals who are
85 service disabled veterans and both the management and daily business operations are controlled by one
86 or more individuals who are service disabled veterans.

87 "~~Veteran~~" means an individual who has served in the active military, naval or air service, and who
88 was discharged or released therefrom under conditions other than dishonorable.

89 *The Department shall submit an annual report through the Secretary of Veterans and Defense Affairs*
90 *to the Governor and the General Assembly on or before December 1 of each year and other reports to*
91 *the Secretary as required by the Secretary. The annual report to the Governor and the General*
92 *Assembly shall be submitted for publication as a report document as provided in the procedures of the*
93 *Division of Legislative Automated Systems for the processing of legislative documents and reports and*
94 *shall be posted on the General Assembly's website.*

95 **§ 2.2-2001.1. Program for mental health and rehabilitative services.**

96 A. The Department, in cooperation with the Department of Behavioral Health and Developmental
97 Services and the Department for Aging and Rehabilitative Services, shall establish a program to monitor
98 and coordinate mental health and rehabilitative services support for Virginia veterans and members of
99 the Virginia National Guard and Virginia residents in the Armed Forces Reserves not in active federal
100 service. The program shall also support family members affected by covered military members' service
101 and deployments. The purpose of the program is to, in a cost-effective manner, refer veterans to mental
102 health, physical rehabilitation, and other services as needed to help them achieve individually identified
103 goals and to periodically monitor their progress toward achieving those goals.

104 B. The program shall, subject to the availability of public and private funds appropriated for such
105 purposes, (i) build awareness of veterans' service needs and the availability of the program through
106 marketing, outreach, training for first responders, service providers, and others; (ii) collaborate with
107 relevant agencies of the Commonwealth, localities, and service providers; (iii) develop and implement a
108 consistent method of determining how many veterans in the Commonwealth are in need of mental
109 health, physical rehabilitation, or other services currently or may be in need of such services in the
110 future; (iv) work with veterans to develop a coordinated resources plan that identifies appropriate service
111 providers to meet the veteran's service needs; (v) refer veterans to appropriate and available providers on
112 the basis of needs identified in the coordinated resources plan; and (vi) monitor progress toward
113 individually identified goals in accordance with the coordinated resource plan.

114 Coordinated resources plans shall be developed and veterans shall be referred to necessary services in
115 a timely manner. The program shall prioritize veterans served on the basis of the immediacy and
116 severity of service needs and the likelihood that those needs are attributable to the veteran's military
117 service or combat experience.

118 C. The program shall cooperate with localities that may establish special treatment procedures for
119 veterans and active military service members such as authorized by §§ 9.1-173 and 9.1-174. To facilitate
120 local involvement and flexibility in responding to the problem of crime in local communities and to

121 effectively treat, counsel, rehabilitate, and supervise veterans and active military service members who
122 are offenders or defendants in the criminal justice system and who need access to proper treatment for
123 mental illness including major depression, alcohol or drug abuse, post traumatic stress disorder,
124 traumatic brain injury or a combination of these, any city, county, or combination thereof, may develop,
125 establish, and maintain policies, procedures, and treatment services for all such offenders who are
126 convicted and sentenced for misdemeanors or felonies that are not felony acts of violence, as defined in
127 § 19.2-297.1. Such policies, procedures, and treatment services shall be designed to provide:

- 128 1. Coordination of treatment and counseling services available to the criminal justice system case
- 129 processing;
- 130 2. Enhanced public safety through offender supervision, counseling, and treatment;
- 131 3. Prompt identification and placement of eligible participants;
- 132 4. Access to a continuum of treatment, rehabilitation, and counseling services in collaboration with
- 133 such care providers as are willing and able to provide the services needed;
- 134 5. Where appropriate, verified participant abstinence through frequent alcohol and other drug testing;
- 135 6. Prompt response to participants' noncompliance with program requirements;
- 136 7. Ongoing monitoring and evaluation of program effectiveness and efficiency;
- 137 8. Ongoing education and training in support of program effectiveness and efficiency;
- 138 9. Ongoing collaboration among public agencies, community-based organizations and the U.S.
- 139 Department of Veterans Affairs health care networks, the Veterans Benefits Administration, volunteer
- 140 veteran mentors, and veterans and military family support organizations; and
- 141 10. The creation of a veterans and military service members' advisory council to provide input on the
- 142 operations of such programs. The council shall include individuals responsible for the criminal justice
- 143 procedures program along with veterans and, if available, active military service members.

144 D. The ~~program~~ Department shall report annually *program results* to the *Secretary of Veterans and*
145 *Defense Affairs*, the Governor, and the General Assembly. *The report shall include the number of*
146 *veterans, members of the Virginia National Guard and Virginia residents in the Armed Forces Reserves*
147 *not in active federal service, and family members affected by covered military members' service and*
148 *deployments for whom coordinated resources plans are developed and who are referred for services;*
149 *information about services provided to veterans, members of the Virginia National Guard, members of*
150 *the Armed Forces Reserves not in active federal service, and family members, including information*
151 *about the types of services provided and the quality of those services; and the number of veterans,*
152 *members of the Virginia National Guard, members of the Armed Forces Reserves not in active federal*
153 *service, and family members identified by the program as in need of services but not referred for*
154 *services.*

155 **§ 2.2-2004. Additional powers and duties of Commissioner.**

156 The Commissioner shall have the following powers and duties related to veterans services:

- 157 1. Perform *an annual* cost-benefit and value analysis of (i) existing programs and services and (ii)
- 158 new programs and services before establishing and implementing them *and report the results of such*
- 159 *analysis to the Secretary of Veterans and Defense Affairs;*
- 160 2. Seek alternative funding sources for the Department's veterans service programs;
- 161 3. Cooperate with all relevant entities of the federal government, including, but not limited to, the
- 162 ~~United States~~ U.S. Department of Veterans Affairs, the ~~United States~~ U.S. Department of Housing and
- 163 Urban Development, and the ~~United States~~ U.S. Department of Labor in matters concerning veterans
- 164 benefits and services;
- 165 4. Appoint a full-time coordinator to collaborate with the Joint Leadership Council of Veterans
- 166 Service Organizations created in § 2.2-2681 on ways to provide both direct and indirect support of
- 167 ongoing veterans programs, and to determine and address future veterans needs and concerns;
- 168 5. Initiate, conduct, and issue special studies on matters pertaining to veterans needs and priorities, as
- 169 determined necessary by the Commissioner;
- 170 6. Evaluate veterans service efforts, practices, and programs of the agencies, political subdivisions or
- 171 other entities and organizations of the government of the Commonwealth and make recommendations to
- 172 the Secretary of Veterans and Defense Affairs, the Governor, and the General Assembly on ways to
- 173 increase awareness of the services available to veterans or improve veterans services;
- 174 7. Assist entities of state government and political subdivisions of the Commonwealth in enhancing
- 175 their efforts to provide services to veterans, those members of the Virginia National Guard, Virginia
- 176 residents in the Armed Forces Reserves who qualify for veteran status, and their immediate family
- 177 members, including the dissemination of relevant materials and the rendering of technical or other
- 178 advice;
- 179 8. Assist counties, cities, and towns of the Commonwealth in the development, implementation, and
- 180 review of local veterans services programs as part of the state program and establish as necessary, in
- 181 consultation with the Board of Veterans Services and the Joint Leadership Council of Veterans Service

182 Organizations, volunteer local and regional advisory committees to assist and support veterans service
183 efforts;

184 9. Review the activities, roles, and contributions of various entities and organizations to the
185 Commonwealth's veterans services programs and report on or before December 1 of each year in writing
186 to the *Secretary of Veterans and Defense Affairs*, the Governor, and the General Assembly on the status,
187 progress, and prospects of veterans services in the Commonwealth, including performance measures and
188 outcomes of veterans services programs;

189 10. Recommend to the Secretary of Veterans and Defense Affairs, the Governor, and the General
190 Assembly any corrective measures, policies, procedures, plans, and programs to make service to
191 Virginia-domiciled veterans and their eligible spouses, orphans, and dependents as efficient and effective
192 as practicable;

193 11. Design, implement, administer, and review, *in consultation with the Secretary of Veterans and*
194 *Defense Affairs*, special programs or projects needed to promote veterans services in the Commonwealth;

195 12. Integrate veterans services activities into the framework of economic development activities in
196 general;

197 13. Manage operational funds using accepted accounting principles and practices in order to provide
198 for a sum sufficient to ensure continued, uninterrupted operations;

199 14. Engage Department personnel in training and educational activities aimed at enhancing veterans
200 services;

201 15. Develop a strategic plan to ensure efficient and effective utilization of resources, programs, and
202 services;

203 16. Certify eligibility for the Virginia Military Survivors and Dependents Education Program and
204 perform other duties related to such Program as outlined in § 23.1-608; and

205 17. Establish and implement a compact with Virginia's veterans, which shall have a goal of making
206 Virginia America's most veteran-friendly state. The compact shall be established in conjunction with the
207 Board of Veterans Services and supported by the Joint Leadership Council of Veterans Service
208 Organizations and shall (i) include specific provisions for technology advances, workforce development,
209 outreach, quality of life enhancement, and other services for veterans and (ii) provide service standards
210 and goals to be attained for each specific provision in clause (i). The provisions of the compact shall be
211 reviewed and updated annually. The Commissioner shall include in the annual report required by this
212 section the progress of veterans services established in the compact.

213 **§ 2.2-4310.2. Executive branch agency's goals for participation by small businesses;**
214 **requirements.**

215 Any ~~state~~ *executive branch* agency's goals under § 2.2-4310 for participation by small businesses
216 shall include within the goals a minimum of three percent participation by service disabled ~~veteran~~
217 *veteran-owned* businesses as defined in §§ ~~2.2-2004~~ 2.2-2000.1 and 2.2-4310 when contracting for
218 information technology goods and services.

219 As used in this section, "information technology" and ~~state~~ *"executive branch agency"* mean the
220 same as those terms are defined in § 2.2-2006.