
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 28

Session of
2005

INTRODUCED BY KASUNIC, COSTA, O'PAKE, TARTAGLIONE, LEMMOND,
LAVALLE, KITCHEN, RAFFERTY, STOUT, ORIE, WAGNER, MUSTO AND
RHOADES, JANUARY 13, 2005

REFERRED TO STATE GOVERNMENT, JANUARY 13, 2005

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; establishing the Department of
4 Veterans Affairs, the bureaus within the department and the
5 State Veterans Commission; providing for the powers and
6 duties of the Department of Veterans Affairs and its bureaus;
7 and making conforming amendments and editorial changes.

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

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

12 § 102. Definitions.

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

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

20 "Department." The Department of Military [and Veterans]

1 Affairs of the Commonwealth.

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

6 "National Guard of the United States." The Army National
7 Guard of the United States and the Air National Guard of the
8 United States.

9 "Officer." Commissioned or warrant officer.

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

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

17 "Pennsylvania military forces." The land, air and sea
18 military units organized for the internal security of this
19 Commonwealth.

20 "Pennsylvania National Guard." The Pennsylvania Army
21 National Guard and the Pennsylvania Air National Guard.

22 Section 2. Chapter 17 of Title 51 is repealed.

23 Section 3. Title 51 is amended by adding a chapter to read:

24 CHAPTER 18

25 DEPARTMENT OF VETERANS AFFAIRS

26 Sec.

27 1801. Definitions.

28 1802. Department of Veterans Affairs.

29 1803. Secretary of Veterans Affairs.

30 1804. Deputy secretaries.

- 1 1805. Bureaus and commissions.
- 2 1806. Powers and duties of department.
- 3 1807. Bureau of Veterans Homes.
- 4 1808. Bureau of Veterans Programs, Benefits and Claims.
- 5 1809. Bureau of Administration and Personnel.
- 6 1810. State Veterans Commission.
- 7 1811. Veterans home hall of fame.
- 8 1812. Application of Administrative Code.
- 9 § 1801. Definitions.

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

13 "Commission." The State Veterans Commission established
14 under this chapter.

15 "Department." The Department of Veterans Affairs of the
16 Commonwealth established under this chapter.

17 "Secretary." The Secretary of Veterans Affairs of the
18 Commonwealth.

19 § 1802. Department of Veterans Affairs.

20 The Department of Veterans Affairs is hereby established as
21 an administrative department within the Executive Department of
22 the Commonwealth and is vested with the power and authority as
23 set forth in this chapter.

24 § 1803. Secretary of Veterans Affairs.

25 (a) Appointment.--The Governor shall nominate in accordance
26 with the provisions of the Constitution of Pennsylvania and, by
27 and with the advice and consent of a majority of the members
28 elected to the Senate, appoint a Secretary of Veterans Affairs.

29 (b) Qualifications.--No person shall be nominated under
30 subsection (a) unless the person is a veteran.

1 (c) Term.--The Secretary of Veterans Affairs shall serve a
2 four-year term and until a successor shall have been appointed
3 and qualified.

4 (d) Vacancy.--If the office of Secretary of Veterans Affairs
5 shall become vacant, the Governor shall fill the vacancy in
6 accordance with the provisions of the Constitution of
7 Pennsylvania and subsection (a).

8 § 1804. Deputy secretaries.

9 The secretary shall appoint three deputy secretaries, who
10 shall serve at the pleasure of the secretary, to assist the
11 secretary in the administration and operation of the department
12 as follows:

13 (1) Deputy Secretary for Veterans Homes.

14 (2) Deputy Secretary for Veterans Programs, Benefits and
15 Claims.

16 (3) Deputy Secretary for Veterans Administration and
17 Personnel.

18 § 1805. Bureaus and commissions.

19 The following bureaus and commissions are created within the
20 department:

21 (1) The Bureau of Veterans Homes.

22 (2) The Bureau of Veterans Programs, Benefits and
23 Claims.

24 (3) The Bureau of Administration and Personnel.

25 (4) The State Veterans Commission.

26 § 1806. Powers and duties of department.

27 The department shall have the following powers and duties:

28 (1) To administer the laws providing for the payment of
29 pensions and relief, for the marking of graves of the
30 veterans and for the selection, acquisition and maintenance

1 of a State military cemetery.

2 (2) To investigate and compile data concerning veterans
3 of the armed forces of the United States, and all State and
4 municipal activities relating to veterans.

5 (3) To administer veterans pensions and benefits under
6 Chapter 77 (relating to veterans' pensions and benefits).

7 (4) To administer the Veterans Emergency Assistance
8 Program established under Chapter 85 (relating to veterans'
9 emergency assistance).

10 (5) To administer the Educational Gratuity Program
11 established under Chapter 87 (relating to Educational
12 Gratuity Program).

13 (6) To administer the disabled veterans real estate tax
14 exemption under Chapter 89 (relating to disabled veterans'
15 real estate tax exemption.)

16 (7) To recommend to the Governor new legislation and
17 amendments to existing statutes concerning veterans and their
18 activities, for submission to the General Assembly.

19 (8) To cooperate with all departments and agencies of
20 the Commonwealth in the interest of veterans welfare.

21 (9) To aid in filing and prosecuting all claims of the
22 Commonwealth's veterans and dependents of veterans under
23 Federal or State statutes.

24 (10) To aid in the employment and reemployment of all
25 veterans honorably discharged from the armed forces of the
26 United States or their auxiliaries.

27 (11) To aid in securing hospitalization, for any veteran
28 requiring medical care, that may be provided by a Federal or
29 State mental or medical or surgical facility specifically
30 provided for veterans or in any other public hospital.

1 (12) To aid in the rehabilitation of injured, wounded or
2 compensable veterans, or other veterans, in educational
3 institutions or vocational training institutions to which
4 they may be eligible by statute.

5 (13) To cooperate with and advise the Department of
6 Education with respect to the establishment of vocational
7 training programs, particularly programs suited to war
8 casualties, for either day or evening instruction, or both.

9 (14) To administer relief provided by the Commonwealth
10 for veterans and dependents of veterans.

11 (15) To administer the distribution of any compensation
12 to veterans or dependents of veterans that has been or may be
13 granted by the Commonwealth.

14 (16) To investigate the work of other departments of the
15 Commonwealth administering laws affecting veterans or
16 veterans orphans.

17 (17) To investigate, compile and maintain complete and
18 accurate data concerning veterans of the armed forces of the
19 United States and all State and municipal activities relating
20 thereto.

21 (18) To compile from the records transmitted from the
22 various counties of this Commonwealth, a record of the burial
23 places within this Commonwealth of deceased service persons,
24 including such information as the secretary deems necessary
25 and appropriate.

26 (19) To establish an information center, and to
27 disseminate regularly to chapters, camps and posts of
28 veterans organizations throughout this Commonwealth, such
29 information as the secretary shall determine, and to transmit
30 to the public press and other media of public information,

1 information relative to veterans as may be of public
2 interest.

3 (20) To submit biannually to the Governor, a report of
4 State activities on behalf of veterans.

5 (21) To perform other duties in connection with veterans
6 that may be referred to the secretary by other departments or
7 agencies of the Commonwealth, and to be a clearinghouse for
8 all problems related to Pennsylvania veterans and their
9 dependents.

10 (22) To appoint an executive secretary to the
11 commission.

12 § 1807. Bureau of Veterans Homes.

13 (a) Establishment.--The Bureau of Veterans Homes is hereby
14 established as a bureau within the department.

15 (b) Powers and duties.--In addition to the powers and duties
16 conferred under this chapter, the Deputy Secretary for Veterans
17 Homes shall, with the approval of the secretary, have the power
18 and duty to:

19 (1) Oversee the bureau and make recommendations to the
20 secretary regarding the maintenance and operation of veterans
21 homes throughout this Commonwealth.

22 (2) Appoint a director to administer each veterans home.
23 Each director shall be qualified and licensed in this
24 Commonwealth as a nursing home administrator. Each director
25 shall appoint such officers and employees as may be necessary
26 and fix their salaries in conformity with the standards
27 established by the Executive Board.

28 (3) Accept gifts, grants or payments for the use of each
29 veterans home, except that the department may expend Federal
30 funds to the extent they are appropriated to the department

1 by the General Assembly.

2 (4) Establish a schedule of fees to be charged
3 residents. The fees shall be based on the level of service or
4 care required and the ability of the resident to pay. The
5 department shall establish the level of service to be
6 provided in accordance with the Federal Department of
7 Veterans Affairs standards of nursing and domiciliary care.

8 (c) Advisory councils for veterans homes.--

9 (1) There is hereby established an advisory council for
10 each veterans home operated by the department. Each advisory
11 council shall consist of 15 members and the secretary, who
12 shall serve ex officio. Twelve of the members shall be
13 appointed by the Governor from a list of nominations
14 submitted to the secretary by the Pennsylvania War Veterans'
15 Council. The president pro tempore of the Senate and the
16 Speaker of the House of Representatives shall each appoint
17 one member from their respective legislative chamber to serve
18 on each council. The remaining member on the advisory council
19 shall be selected by the residents of the veterans homes.

20 (2) Each member of the councils appointed from the
21 General Assembly shall serve for the duration of that session
22 of the General Assembly. The eight members appointed by the
23 Governor shall serve a term of three years, provided that the
24 initial eight members selected by the Governor shall serve as
25 follows: three members for one year, three members for two
26 years and two members for three years as designated by the
27 Governor. Each council shall organize as soon as possible and
28 shall annually elect a president, vice president and
29 secretary.

30 (3) The members appointed by the Governor may be removed

1 by the Governor for cause.

2 (4) Six members of the council shall constitute a quorum
3 for the purpose of conducting the business of the council.
4 Each council shall meet at least quarterly and at other times
5 at the call of the president.

6 (5) Members of each council shall receive no
7 compensation for their services but shall receive
8 reimbursement for their necessary and proper expenses for
9 attendance at meetings.

10 (6) Each council shall advise the secretary as to the
11 management, operation and the adequacy of facilities and
12 services at their respective homes.

13 § 1808. Bureau of Veterans Programs, Benefits and Claims.

14 (a) Establishment.--The Bureau of Veterans Programs,
15 Benefits and Claims is hereby established as a bureau within the
16 department. The bureau shall administer all veterans programs,
17 except veterans homes, providing for the administration of all
18 benefits granted to veterans under the laws of this
19 Commonwealth.

20 (b) Powers and duties.--In addition to the powers and duties
21 conferred under this chapter, the Deputy Secretary for Veterans
22 Programs, Benefits and Claims shall have the power and duty to:

23 (1) Oversee the Bureau of Veterans Programs, Benefits
24 and Claims and assist veterans and their dependents in making
25 claims under Federal or State law.

26 (2) Make recommendations to the secretary regarding the
27 administration of veterans programs of the Commonwealth.

28 (3) Oversee the Scotland School for Veterans' Children.

29 § 1809. Bureau of Administration and Personnel.

30 (a) Establishment.--The Bureau of Administration and

1 Personnel is hereby established as a bureau within the
2 department. The bureau shall be responsible for all matters
3 relating to the administration of the department.

4 (b) Powers and duties.--The Deputy Secretary for
5 Administration and Personnel shall have the following powers and
6 duties:

7 (1) Oversee the Bureau of Administration and Personnel.

8 (2) Oversee department personnel.

9 (3) Administer the day-to-day operations of the
10 department.

11 (4) Manage the fiscal affairs of the department.

12 (5) Formulate a proposed budget, which shall be approved
13 by the secretary, for submission to the Governor.

14 (6) Make recommendations to the secretary regarding the
15 operations of the department.

16 § 1810. State Veterans Commission.

17 (a) Establishment.--There is hereby established within the
18 department an advisory commission to be known as the State
19 Veterans Commission.

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

21 (1) The secretary, ex officio, or his designee.

22 (2) The Adjutant General or his designee.

23 (3) The State commander, commandant or head, or his
24 designee, of each of the following named veterans
25 organizations:

26 (i) The American Legion.

27 (ii) AMVETS.

28 (iii) Blinded Veterans Association.

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

1 (v) Disabled American Veterans.

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

3 (vii) Marine Corps League.

4 (viii) Military Order of the Purple Heart.

5 (ix) State Association of County Directors of
6 Veterans Affairs.

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

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

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

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

13 (xiv) American Ex-Prisoners of War.

14 (xv) Keystone Paralyzed Veterans Association.

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

24 (5) The State Adjutants of the American Legion, the
25 Disabled American Veterans (DAV) and the Veterans of Foreign
26 Wars (VFW) and the Executive Director of AMVETS as nonvoting
27 members.

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. Nine members of
9 the commission shall constitute a quorum.

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

15 (g) General powers and duties.--The commission shall advise
16 the secretary and the department on all matters pertaining to
17 the status, welfare, benefits, employment and support of
18 veterans and veterans programs in this Commonwealth and shall
19 perform such other functions as are provided by law.

20 (h) Specific powers and duties.--The commission shall have
21 the following powers and duties:

22 (1) Advise the secretary upon such matters as the
23 secretary may bring before it.

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

30 (3) Investigate and recommend to the secretary

1 legislation for submission to the General Assembly concerning
2 veterans and their activities.

3 § 1811. Veterans home hall of fame.

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

12 (b) Selection of inductees.--The advisory council for each
13 veterans home shall, consistent with the guidelines established
14 by the commission in subsection (c), nominate eligible veterans
15 for induction into the hall of fame by the commission and
16 perform such other duties relating to the hall of fame as
17 approved by the commission. Any Medal of Honor recipient shall
18 be automatically inducted into the hall of fame.

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

22 (1) Eligibility criteria for qualified candidates.

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

25 (3) Ceremonies to officially honor the inductees.

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

28 (5) Maintenance of the halls of fame.

29 (6) Duties of the advisory councils of the veterans
30 homes relating to the halls of fame.

1 (d) Documentation.--Each eligible veteran or his or her
2 representative shall be responsible for obtaining the
3 documentation necessary to establish his or her eligibility from
4 the National Archives in Washington, DC, or the National
5 Personnel Record Center in St. Louis, Missouri.

6 (e) Centralized list.--The State Veterans Commission shall
7 keep a centralized list of all hall of fame inductees from all
8 regional veterans homes.

9 § 1812. Application of Administrative Code.

10 Except as otherwise provided by law, the department shall be
11 subject to all the provisions of the act of April 9, 1929
12 (P.L.177, No.175), known as The Administrative Code of 1929,
13 which apply generally to administrative departments.

14 Section 4. Sections 3201, 7701, 7702, 8501, 8504(b), 8505,
15 8701, 8702(a) and (b), 8703(b) and (c), 8901, 8902, 8903, 8904,
16 8905, 9102(a) and (b) and 9301(a) of Title 51 are amended to
17 read:

18 § 3201. Definitions.

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

22 "Agency." The Pennsylvania Higher Education Assistance
23 Agency.

24 "Approved institution of higher learning." An educational
25 institution offering a post-secondary program of education
26 located in this Commonwealth and approved by the Pennsylvania
27 Higher Education Assistance Agency.

28 "Approved program of education." A degree- or certificate-
29 granting curriculum or course of study to be pursued on a full-
30 time or part-time basis or its equivalent as determined by the

1 Pennsylvania Higher Education Assistance Agency, at an approved
2 institution of higher learning.

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

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

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

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 § 7701. Blind veteran's pension.

28 (a) Definition.--As used in this section the term "blind
29 veteran" shall mean any person who served in the military or
30 naval forces of the United States, or any woman's organization

1 officially connected therewith, at any time, and who gave the
2 Commonwealth of Pennsylvania, as his or her place of residence
3 at the time of entering the military or naval forces of the
4 United States, and who while performing duties connected with
5 such service suffered an injury or incurred a disease which
6 resulted in blindness to the extent that he or she has 3/60 or
7 10/200 or less normal vision. The term "blind veteran" shall not
8 include any person separated from the military or naval forces
9 of the United States, or any woman's organization officially
10 connected therewith, under other than honorable conditions.

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

20 § 7702. Paralyzed veteran's pension.

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

29 (b) Regulations.--The [Adjutant General] department shall
30 promulgate such regulations as may be necessary to implement

1 this program.

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

14 § 8501. Definitions.

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

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 Department of Veterans Affairs).

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

26 (1) served during a period of war or armed conflict and
27 was honorably discharged from the armed forces;

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

30 (3) as a result of peacetime hostile fire or terrorist

1 attack as determined by the department, was killed or
2 suffered a service-connected disability as certified by the
3 United States Veterans' Administration and, if surviving, was
4 honorably discharged from the armed forces.

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

8 "Surviving dependents." The following are considered
9 surviving dependents of a deceased eligible veteran:

10 (1) The unmarried surviving spouse of the deceased
11 eligible veteran.

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

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

25 § 8504. Amounts of assistance.

26 * * *

27 (b) Standards.--Subject to the limitation set forth in
28 subsection (a), [the State Veterans' Commission shall recommend]
29 the department shall establish uniform and equitable standards
30 for the amounts of veterans' emergency assistance.

1 * * *

2 § 8505. Appeals.

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

7 § 8701. Definitions.

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

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

13 "Department." The Department of Veterans Affairs of the
14 Commonwealth established under section 1802 (relating to
15 Department of Veterans Affairs).

16 "Educational institution." Any college or university of the
17 State System of Higher Education, a State-aided educational or
18 training institution of a secondary or college grade or other
19 institution of higher education, a business school, a trade
20 school, a hospital school providing training for nurses, an
21 institution providing courses in beauty culture, art, radio or
22 undertaking or embalming, or such other educational training
23 within this Commonwealth approved by the commission.

24 "Eligible disabled or deceased veteran." A person who served
25 in the military or naval forces of the United States, or a
26 women's organization officially connected therewith, who:

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

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

3 (3) was honorably discharged from the military or naval
4 forces of the United States and certified by the United
5 States Veterans' Administration as a 100% disabled veteran as
6 a result of service during a period of war or armed conflict
7 or as a result of hostile fire or terrorist attack (as
8 determined by the Department of Military Affairs) during
9 peacetime; or

10 (4) was honorably discharged from the military or naval
11 forces of the United States and died as a result of a
12 service-connected disability (as certified by the United
13 States Veterans' Administration) incurred during a period of
14 war or armed conflict or as a result of peacetime hostile
15 fire or terrorist attack (as determined by the Department of
16 Military Affairs).

17 "Qualified child." Any child meeting the requirements of
18 section 8703 (relating to eligibility and qualification
19 requirements).

20 § 8702. Educational gratuity payments.

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

29 (b) Records.--The [commission] department shall attach the
30 proof submitted under subsection (a) to the requisition prepared

1 for payment out of appropriations made by the General Assembly
2 for purposes of the educational gratuity payments.

3 * * *

4 § 8703. Eligibility and qualification requirements.

5 * * *

6 (b) Qualification determination.--The [commission]
7 department shall determine qualified applicants based on the
8 following requirements:

9 (1) The applicant meets the requirements of subsection
10 (a).

11 (2) The applicant is attending an approved educational
12 institution.

13 (3) The applicant demonstrates a financial need for the
14 educational gratuity.

15 (c) Appeal.--Any aggrieved applicant may appeal the decision
16 of the [commission to the Adjutant General] department under the
17 provisions of Title 2 (relating to administrative law and
18 procedure).

19 § 8901. Definitions.

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

23 "Blind." Visual acuity of three-sixtieths or ten two-
24 hundredths, or less normal vision.

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

27 "Department." The Department of Veterans Affairs of the
28 Commonwealth established under section 1802 (relating to
29 Department of Veterans Affairs).

30 "Paraplegic." The bilateral paralysis of the upper or lower

1 extremities of the body.

2 § 8902. Exemption.

3 (a) General rule.--Any citizen or resident of this
4 Commonwealth shall be exempt from the payment of all real estate
5 taxes levied upon any building, including the land upon which it
6 stands, occupied by that person as a principal dwelling, if all
7 of the following requirements are met:

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

12 (2) As a result of such military service, that person is
13 blind or paraplegic or has sustained the loss of two or more
14 limbs, or has a service-connected disability declared by the
15 United States Veterans Administration or its successors to be
16 a total or 100% permanent disability.

17 (3) The dwelling is owned by that person solely or as an
18 estate by the entirety.

19 (4) The need for the exemption from the payment of real
20 estate taxes has been determined by the [State Veterans'
21 Commission] department.

22 (b) Extension of exemption.--The exemption provided in
23 subsection (a) shall be extended to the unmarried surviving
24 spouse upon the death of the eligible veteran provided that the
25 [State Veterans' Commission] department determines that such
26 spouse is in need of an exemption.

27 § 8903. Duty of board.

28 When the conditions specified in section 8902 (relating to
29 exemption) are determined to exist by the board for the
30 assessment and revision of taxes, or by a similar board for the

1 assessment of taxes, and upon the receipt by that board of a
2 certification of need for the tax exemption from the
3 [commission] department, the board shall grant the tax exemption
4 prescribed by section 8902. Notification of the granting of the
5 tax exemption by the board shall be forwarded to the person who
6 has received the exemption from the payment of real estate taxes
7 and to the tax-levying bodies and tax collectors of all
8 political subdivisions imposing taxes upon the dwelling of the
9 person granted the exemption from payment of real estate taxes.
10 § 8904. Duty of [commission] department.

11 The [commission] department shall:

12 (1) Fix uniform and equitable standards for determining
13 the need for exemption from the payment of real estate taxes
14 granted by this act.

15 (2) After submission of proof of need by the applicant
16 for the exemption from payment of real estate taxes,
17 determine the need of the applicant.

18 (3) Review at least once every two years all
19 determinations of need for exemptions from the payment of
20 real estate taxes which have been granted in order to
21 determine any changes in the economic status of applicants
22 bearing upon the question of need.

23 (4) Certify the name and address and the need for
24 exemption from payment of real estate taxes, or termination
25 of such need, to the board for the assessment and revision of
26 taxes, or similar board for the assessment of taxes, having
27 jurisdiction of the assessment of the real property owned
28 solely or as an estate by the entirety and occupied as a
29 residence by the person seeking the tax exemption granted by
30 this chapter.

1 § 8905. Appeals.

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

6 § 9102. Affidavits and acknowledgments by designated officers.

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

1 from the Department of Veterans Affairs, and the State Director
2 of Selective Service is authorized to designate one or more
3 persons from the Pennsylvania Selective Service System.

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

26 * * *

27 § 9301. Reports of annual conventions.

28 (a) Printing and distribution by Commonwealth.--Whenever the
29 department commanders of the Grand Army of the Republic, the
30 United Spanish War Veterans, the Veterans of Foreign Wars of the

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

18 * * *

19 Section 5. Except as otherwise expressly provided by law,
20 the department shall be subject to all the provisions of the act
21 of April 9, 1929 (P.L.177, No.175), known as The Administrative
22 Code of 1929, which apply generally to administrative
23 departments.

24 Section 6. The Department of Military and Veterans Affairs
25 is designated as the Department of Military Affairs. Contracts,
26 deeds and official actions by the department shall not be
27 affected by the use of the designation by the department as the
28 Department of Military and Veterans Affairs. The department may
29 continue to use the name Department of Military and Veterans
30 Affairs on stationery or any official documents until existing

1 supplies are exhausted. The department may substitute the title
2 Department of Military Affairs for the Department of Military
3 and Veterans Affairs on its documents and materials on such
4 schedule as it deems appropriate.

5 Section 7. (a) All personnel, allocations, appropriations,
6 agreements, leases, claims, demands and causes of action of any
7 nature whether or not subject to litigation on the date of this
8 act, equipment, files, records, classified data files, plans,
9 maps, air photographs and all other materials which are used,
10 employed or expended in connection with the duties, powers or
11 functions of the Department of Military and Veterans Affairs
12 relating to veterans' affairs are hereby transferred by this act
13 to the Department of Veterans Affairs with the same force and
14 effect as if the appropriations had been made to and said items
15 had been the property of the Department of Veterans Affairs in
16 the first instance and if said contracts, agreements, leases and
17 obligations had been incurred or entered into by the Department
18 of Veterans Affairs.

19 (b) All personnel transferred to the Department of Veterans
20 Affairs from other State departments and agencies pursuant to
21 this act shall retain any civil service or other employment
22 status assigned to said personnel in those departments or
23 agencies prior to the effective date of this act.

24 Section 8. This act shall take effect in 60 days.