

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1584 Session of
1989

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D. F. CLARK, TANGRETTI, NAHILL, GIGLIOTTI, MELIO, CIVERA AND
BELARDI, MAY 31, 1989

REFERRED TO COMMITTEE ON MILITARY AND VETERANS AFFAIRS,
MAY 31, 1989

AN ACT

1 Establishing the State Veterans Commission and providing for its
2 administration, powers and duties; providing for advisory
3 councils for veterans' homes; providing for disabled
4 veterans' pensions and benefits; providing for veterans'
5 emergency assistance; establishing the educational gratuity
6 program and providing educational benefits to veterans'
7 children; providing for real estate tax exemptions for
8 disabled veterans; providing for veterans' preference in
9 public employment; providing for free acknowledgments and
10 oaths in connection with veterans' benefits; making transfers
11 from the Department of Military Affairs to the State Veterans
12 Commission; and making repeals.

13 Pennsylvania has historically provided for its veterans: the
14 men and women who answered when called, who paid the high cost
15 of freedom, and then came home to build a nation and our
16 Commonwealth.

17 In many ways, the Commonwealth has responded to the needs of
18 our veterans. However, with the fourth-largest population of
19 veterans in the nation, we believe a single agency devoted

1 solely to veterans would be more responsive to their needs.
2 Therefore, it is the intent of the General Assembly of the
3 Commonwealth of Pennsylvania to establish an independent State
4 Veterans Commission under the Office of the Governor to focus
5 on, as well as bring about greater efficiency in serving, the
6 needs of our veterans, their families and survivors.

7 TABLE OF CONTENTS

8 Chapter 1. General Provisions

9 Section 101. Short title.

10 Section 102. Definitions.

11 Section 103. State Veterans Commission established.

12 Section 104. Powers and duties in general.

13 Section 105. Commissioner of Veterans' Affairs.

14 Chapter 3. Advisory Councils for Veterans' Homes

15 Section 301. Establishment of advisory councils.

16 Section 302. Term of office and officers.

17 Section 303. Removal for cause.

18 Section 304. Quorum and time of meetings.

19 Section 305. Expenses.

20 Section 306. Power and duty of advisory councils.

21 Chapter 5. Disabled Veterans' Pensions and Benefits

22 Section 501. Blind veteran's pension.

23 Section 502. Paralyzed veteran's pension.

24 Chapter 7. Veterans' Emergency Assistance

25 Section 701. Definitions.

26 Section 702. Purpose.

27 Section 703. Eligibility.

28 Section 704. Amounts of assistance.

29 Section 705. Reconsideration.

30 Section 706. Appeals.

1 Chapter 9. Educational Gratuity Program
2 Section 901. Definitions.
3 Section 902. Educational gratuity payments.
4 Section 903. Eligibility and qualification requirements.
5 Chapter 11. Disabled Veterans' Real Estate Tax Exemption
6 Section 1101. Definitions.
7 Section 1102. Exemption.
8 Section 1103. Duty of county board of assessment and revision
9 of taxes.
10 Section 1104. Duty of commission.
11 Section 1105. Reconsideration.
12 Section 1106. Appeals.
13 Section 1107. Limitation on sale of exempt real estate.
14 Chapter 13. Veterans' Preference
15 Section 1301. Veteran defined.
16 Section 1302. Credits in civil service examinations.
17 Section 1303. Additional points in grading civil service
18 examinations.
19 Section 1304. Preference in appointment.
20 Section 1305. Lack of training, age or physical impairment.
21 Section 1306. Preferential rating provision in public works
22 specifications.
23 Section 1307. Computation of seniority for reduction in force.
24 Section 1308. Preference of widows and wives.
25 Section 1309. Law exclusive.
26 Chapter 15. Miscellaneous Provisions
27 Section 1501. Taking acknowledgments and administering oaths
28 without charge.
29 Section 1502. Terms of office of current commission members.
30 Section 1503. Continuation of current rules and regulations.

1 Section 1504. Powers and duties relating to advisory councils
2 for veterans' homes.

3 Section 1505. Transfers.

4 Section 1506. Repeals.

5 Section 1507. Effective date.

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

8 CHAPTER 1

9 GENERAL PROVISIONS

10 Section 101. Short title.

11 This act shall be known and may be cited as the State
12 Veterans Commission Act.

13 Section 102. Definitions.

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

17 "Commission." The State Veterans Commission established
18 pursuant to section 103.

19 "Commissioner." The Commissioner of Veterans' Affairs.

20 Section 103. State Veterans Commission established.

21 (a) Establishment.--There is hereby established, under the
22 jurisdiction of the Governor, a commission to be known as the
23 State Veterans Commission.

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

25 (1) The commissioner, or his designee.

26 (2) A representative, who shall be a veteran, of each of
27 the following organizations:

28 (i) The American Legion.

29 (ii) AMVETS.

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

(x) Vietnam Veterans of America, Inc.

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

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

(xiii) State Association of County Directors of Veterans' Affairs.

(3) A former prisoner-of-war.

(4) A paralyzed veteran.

(5) A female veteran.

(6) Two members of the House of Representatives appointed by the Speaker of the House of Representatives, one from the majority party and one from the minority party, who shall serve during their terms of office.

(7) Two members of the Senate appointed by the President pro tempore of the Senate, one from the majority party and one from the minority party, who shall serve during their terms of office.

(c) Terms.--The members enumerated in paragraphs 2 through 5 shall serve an initial term as follows: six members for three years, five members for two years and five members for one year. Thereafter, all terms shall be for three years or until a successor has been appointed.

1 (d) Officers.--The commission shall annually elect a
2 chairman and vice chairman at the first meeting of the
3 commission after September 1. The commissioner shall appoint an
4 individual to serve as the executive secretary to the
5 commission.

6 (e) Compensation and expenses.--Members of the commission
7 shall receive no compensation for their services but shall
8 receive reimbursement for their necessary and proper expenses
9 for attendance at meetings.

10 (f) Meetings and quorum.--The commission shall meet at least
11 monthly and upon the call of the chairman or the commissioner.
12 Eleven members of the commission shall constitute a quorum.

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

18 Section 104. Powers and duties in general.

19 The commission shall exercise the following powers and duties
20 through the commissioner to:

21 (1) Administer the laws providing for the payment of
22 pensions and relief and for the marking of graves of
23 veterans.

24 (2) Investigate and compile data concerning veterans of
25 the armed forces of the United States, and all State and
26 municipal activities relating thereto, and to recommend to
27 the Governor legislation for submission to the General
28 Assembly concerning veterans, their activities and needs.

29 (3) Expend funds, including appropriations, for the
30 purpose of providing the necessities of life, and to

1 otherwise assist such Pennsylvania veterans of any war or
2 armed conflict, or the widows and infant children or
3 dependents of such veterans, who are sick, disabled or
4 indigent and who are without means for planning and providing
5 for the rehabilitation and care of veterans. Such
6 expenditures shall be made for the stated purposes by the
7 issuance of checks in direct payment to the veteran, widow or
8 proper representative of infant children or dependents in
9 accordance with rules, regulations and standards established
10 by the commission.

11 (4) Advise the commissioner upon such matters as the
12 commission may bring before it.

13 (5) Determine eligibility of applicants for blind or
14 paralyzed veterans' pensions under Chapter 5.

15 (6) Oversee veterans' emergency assistance payments
16 under Chapter 7.

17 (7) Certify educational gratuity payments for eligible
18 children under Chapter 9.

19 (8) Determine eligibility of applicants for disabled
20 veterans' real estate tax exemptions under Chapter 11.

21 (9) Promulgate rules and regulations governing the
22 actions of the commission under paragraphs (5), (6), (7) and
23 (8).

24 (10) Establish, maintain and operate the Pennsylvania
25 Veterans' Homes and make such bylaws, rules and regulations
26 for the management, direction and control of property of the
27 homes.

28 (i) Appoint to administer each home a director who
29 shall be a veteran and licensed in this Commonwealth as a
30 nursing home administrator. Each director shall appoint

1 such personnel as may be necessary and fix salaries in
2 conformity with standards established by the Executive
3 Board of the Commonwealth.

4 (ii) Accept gifts, grants or payments for the use of
5 each home, provided that the commission shall receive and
6 accept Federal funds only to the extent they are
7 appropriated to the commission by the General Assembly.

8 (iii) Establish a schedule of fees to be charged to
9 residents. The fees shall be based on the level of
10 service or care required and the ability of the resident
11 to pay.

12 (iv) Establish the level of service to be provided
13 in accordance with standards of nursing and domiciliary
14 care of the United States Department of Veterans Affairs.

15 Section 105. Commissioner of Veterans' Affairs.

16 The Commissioner of Veterans' Affairs shall be a veteran,
17 appointed by the Governor with the advice and consent of a
18 majority of the members elected to the Senate, and shall have
19 the specific duty to:

20 (1) Recommend to the commission new legislation and
21 amendments to existing statutes concerning veterans and their
22 activities for consideration by the General Assembly.

23 (2) Coordinate with all departments and agencies of the
24 Commonwealth in pursuing the interests of veterans.

25 (3) Aid in filing and prosecuting all claims of this
26 Commonwealth's veterans and dependents of veterans under
27 Federal or State statutes.

28 (4) Aid in the employment and reemployment of all
29 veterans that have been honorably discharged from the armed
30 forces of the United States.

1 (5) Appoint a Deputy Commissioner for Veterans' Homes,
2 who shall be a veteran and licensed in this Commonwealth as a
3 nursing home administrator.

4 (6) Aid in securing for any veteran requiring such care
5 hospitalization and nursing care provided by a Federal or
6 State medical or nursing care facility providing care for
7 veterans.

8 (7) Aid in the rehabilitation of injured and other
9 veterans in educational institutions or vocational training
10 institutions which they may be eligible to attend.

11 (8) Cooperate with and advise the Department of
12 Education with respect to the establishment of vocational
13 training programs particularly suited to disabled veterans.

14 (9) Administer relief provided by the Commonwealth for
15 veterans and dependents of veterans.

16 (10) Administer the distribution of any compensation to
17 veterans or dependents of veterans which has been or may be
18 granted by the Commonwealth.

19 (11) Coordinate the work of other departments of the
20 Commonwealth administering laws affecting veterans or their
21 dependents.

22 (12) Investigate, compile and maintain complete and
23 accurate data concerning veterans of the armed forces of the
24 United States and all State and municipal activities relating
25 thereto.

26 (13) Compile from the records transmitted by the county
27 commissioners of each county a record of the burial places
28 within this Commonwealth of deceased service persons, their
29 rank, division, length of service, name and location of
30 cemetery, and the location of their graves and character of

1 headstones or other markers, if any, and such other
2 information deemed desirable.

3 (14) Establish, as required, information centers to
4 disseminate regularly to chapters, camps and posts of
5 veterans' organizations throughout this Commonwealth such
6 information as the commissioner shall determine, and to
7 transmit to the public press and other media of public
8 information such information relative to veterans as should
9 be of public interest.

10 (15) Submit biannually to the commission a report of
11 Commonwealth activities on behalf of veterans.

12 (16) Perform such other duties in connection with
13 veterans that may be referred to him by other departments or
14 agencies of the Commonwealth, and to be a clearinghouse for
15 all veterans' problems.

16 (17) Serve as an ex officio member of the Scotland
17 School for Veterans' Children Board of Trustees.

18 CHAPTER 3

19 ADVISORY COUNCILS FOR VETERANS' HOMES

20 Section 301. Establishment of advisory councils.

21 There is hereby established an advisory council for each
22 veterans' home operated by the Commonwealth. Each advisory
23 council shall consist of 11 members and the commissioner, who
24 shall serve ex officio. Eight of the members shall be appointed
25 by the Governor from a list of nominations submitted to the
26 commissioner by the commission. The Speaker of the House of
27 Representatives and the President pro tempore of the Senate
28 shall each appoint one member from their respective houses to
29 serve on each council. The remaining member on the advisory
30 council shall be selected by the residents of the veterans'

1 home.

2 Section 302. Term of office and officers.

3 Each member of a council appointed from the General Assembly
4 shall serve for the duration of that General Assembly. The eight
5 members appointed by the Governor shall serve a term of three
6 years, provided that the initial eight members selected by the
7 Governor shall serve as follows: three members for one year,
8 three members for two years and two members for three years, as
9 designated by the Governor. Each council shall organize as soon
10 as possible and shall annually elect a president, vice president
11 and secretary.

12 Section 303. Removal for cause.

13 The members appointed by the Governor may be removed by the
14 Governor for cause.

15 Section 304. Quorum and time of meetings.

16 Six members of a council shall constitute a quorum for the
17 purpose of conducting the business of the council. Each advisory
18 council shall meet at least quarterly and at other times at the
19 call of the president.

20 Section 305. Expenses.

21 Members of each advisory council shall receive no
22 compensation for their services but shall receive reimbursement
23 for their necessary and proper expenses for attendance at
24 meetings.

25 Section 306. Power and duty of advisory councils.

26 Each veterans' home advisory council shall advise the
27 commission as to the management, the operation and the adequacy
28 of facilities and services at their respective home.

29 CHAPTER 5

30 DISABLED VETERANS' PENSIONS AND BENEFITS

1 Section 501. Blind veteran's pension.

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

15 (b) Amount and eligibility.--In addition to any other
16 assistance provided by the Commonwealth and in addition to any
17 compensation provided by the Federal Government, every blind
18 veteran shall be paid a pension of \$100 per month. Applications
19 for such pensions shall be made to and in the form prescribed by
20 the commission. The commission shall have the power, and it
21 shall be its duty, to determine the eligibility of every
22 applicant for a pension, and its decision in the matter shall be
23 final.

24 (c) Reconsideration.--A request for reconsideration may be
25 addressed to the commissioner. Reconsideration means that the
26 commissioner will review an application along with any new or
27 additional information the applicant wishes the commissioner to
28 consider. The request should be sent to the commissioner within
29 30 days of the original decision.

30 (d) Appeals.--Any person aggrieved by a decision of the

1 commissioner may appeal in writing to the commission in the
2 manner provided in 1 Pa. Code Part II (relating to general rules
3 of administrative practice and procedure). The chairman of the
4 commission will appoint a presiding official to hear the appeal
5 and to prepare and file a report in the manner provided by
6 applicable regulations. After consideration of the report and
7 any exceptions filed by the parties, the chairman of the
8 commission will issue the final administrative adjudication of
9 the commission.

10 Section 502. Paralyzed veteran's pension.

11 (a) 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 paralyzed
14 veteran shall be paid a pension of \$100 per month. Applications
15 for the pensions shall be made to and in the form prescribed by
16 the commission. The commission shall determine the eligibility
17 of every applicant for a pension, and its decision in the matter
18 shall be final.

19 (b) Reconsideration.--A request for reconsideration may be
20 addressed to the commissioner. Reconsideration means that the
21 commissioner will review an application along with any new or
22 additional information the applicant wishes the commissioner to
23 consider. The request should be sent to the commissioner within
24 30 days of the original decision.

25 (c) Appeals.--Any person aggrieved by a decision of the
26 commissioner may appeal in writing to the commission in the
27 manner provided in 1 Pa. Code Part II (relating to general rules
28 of administrative practice and procedure). The chairman of the
29 commission will appoint a presiding official to hear the appeal
30 and to prepare and file a report in the manner provided by

1 applicable regulations. After consideration of the report and
2 any exceptions filed by the parties, the chairman of the
3 commission will issue the final administrative adjudication of
4 the commission.

5 (d) Definition.--As used in this section, the term
6 "paralyzed veteran" means any person who served in the military
7 or naval forces of the United States, or any women's
8 organization officially connected therewith, during an
9 established war or armed conflict service dates, and who gave
10 this Commonwealth as his place of residence at the time of
11 entering the military or naval forces of the United States and
12 is currently a resident of this Commonwealth and who, while
13 performing duties connected with that service, suffered an
14 injury or incurred a disease which resulted in the loss or loss
15 of use of two or more extremities. The term does not include any
16 person separated from the military or naval forces of the United
17 States, or any women's organization officially connected
18 therewith, under other than honorable conditions. The term
19 includes persons who have been paralyzed as a result of
20 peacetime combat-related actions as defined by the commission.
21 The commission shall, by regulation, establish criteria to
22 determine eligibility based on participation in a peacetime
23 combat-related situation, which shall include, but not be
24 limited to, hostile fire or terrorist attack.

25 CHAPTER 7

26 VETERANS' EMERGENCY ASSISTANCE

27 Section 701. Definitions.

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

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

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

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

8 (3) as a result of peacetime hostile fire or terrorist
9 attack as determined by the commission, was killed or
10 suffered a service-connected disability as certified by the
11 United States Department of Veterans Affairs and, if
12 surviving, was honorably discharged from the armed forces.

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

16 "Surviving dependents." The following are considered
17 surviving dependents of a deceased eligible veteran:

18 (1) The unmarried surviving spouse of the deceased
19 eligible veteran.

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

28 (3) If the eligible veteran is not survived by a spouse
29 or dependent children, the surviving parents of the eligible
30 veteran, provided that, on the date of the eligible veteran's

1 death, they were dependent on the veteran for more than 50%
2 of the cost of their support.

3 Section 702. Purpose.

4 The Veterans' Emergency Assistance Program is established to
5 provide temporary financial assistance to eligible veterans,
6 their unmarried surviving spouses and surviving dependents when
7 they face a financial emergency and need assistance to provide
8 themselves with the necessities of life.

9 Section 703. Eligibility.

10 In order to qualify for the Veterans' Emergency Assistance
11 Program, applicants must demonstrate that:

12 (1) They are eligible veterans or surviving dependents
13 of eligible veterans.

14 (2) They are domiciliaries of Pennsylvania who
15 permanently reside exclusively in this Commonwealth.

16 (3) They are not receiving monetary assistance payable
17 under the act of June 13, 1967 (P.L.31, No.21), known as the
18 Public Welfare Code.

19 (4) They suffered a sudden or unexpected loss of income
20 or other source of support such that they have a direct and
21 immediate demonstrable financial need for assistance in order
22 to provide themselves and their families with food, shelter,
23 clothing, required medical care and other necessities of
24 life.

25 Section 704. Amounts of assistance.

26 (a) Maximum amount.--In no event shall veterans' emergency
27 assistance payments exceed the maximum assistance payable for a
28 family of the same size under the act of June 13, 1967 (P.L.31,
29 No.21), known as the Public Welfare Code.

30 (b) Standards.--Subject to the limitation set forth in

1 subsection (a), the commission shall recommend uniform and
2 equitable standards for the amounts of veterans' emergency
3 assistance.

4 (c) Restrictions.--No person shall be eligible to receive
5 veterans' emergency assistance for more than three months in any
6 12-month period.

7 (d) Method; adjustments.--Veterans' emergency assistance
8 shall be paid monthly, and no payments shall be made in the form
9 of relief orders. The commission may adjust the amounts of
10 assistance paid under this program so that total payments do not
11 exceed the amount of the appropriation.

12 Section 705. Reconsideration.

13 A request for reconsideration may be addressed to the
14 commissioner. Reconsideration means that the commissioner will
15 review an application along with any new or additional
16 information the applicant wishes the commissioner to consider.
17 The request should be sent to the commissioner within 30 days of
18 the original decision.

19 Section 706. Appeals.

20 Any person aggrieved by a decision of the commissioner may
21 appeal in writing to the commission in the manner provided in 1
22 Pa. Code Part II (relating to general rules of administrative
23 practice and procedure). The chairman of the commission will
24 appoint a presiding official to hear the appeal and to prepare
25 and file a report in the manner provided by applicable
26 regulations. After consideration of the report and any
27 exceptions filed by the parties, the chairman of the commission
28 will issue the final administrative adjudication of the
29 commission.

EDUCATIONAL GRATUITY PROGRAM

Section 901. 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:

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

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

(1) was killed in action or died as a result of wounds incurred during a period of war or armed conflict or as a result of hostile fire or terrorist attack during peacetime (as determined by the commission);

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

(3) gave the Commonwealth as his place of residence upon entering the military or naval forces of the United States;

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

(5) was honorably discharged from the military or naval forces of the United States and died as a result of a service-connected disability (as certified by the United States Department of Veterans Affairs) incurred during a period of war or armed conflict or as a result of peacetime hostile fire or terrorist attack (as determined by the commission).

"Qualified child." Any child meeting the requirements of section 903.

Section 902. Educational gratuity payments.

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

(b) Records.--The commission shall attach the proof submitted under subsection (a) to the requisition prepared for payment out of appropriations made by the General Assembly for purposes of the educational gratuity payments.

(c) Duration of payments.--Whenever a qualified child is completing an educational or training course and becomes 23 years of age before completing the course, the educational gratuity payment may be paid until the course is completed. No educational gratuity payments may be made for any qualified child for a period longer than four scholastic years, provided, however, that the commission may adjust the payments per term or semester per child so that the total payments do not exceed the

1 amount of the appropriation.

2 Section 903. Eligibility and qualification requirements.

3 (a) Eligibility standards.--The following requirements shall
4 be used to determine the eligibility of applicants for
5 educational gratuity payments. The applicant shall be:

6 (1) Not less than 16 years of age nor more than 23 years
7 of age.

8 (2) The child of an eligible disabled or deceased
9 veteran.

10 (3) A resident of this Commonwealth for a period of five
11 years immediately preceding the date the application was
12 filed.

13 (b) Qualification determination.--The commission shall
14 determine qualified applicants based on the following
15 requirements:

16 (1) The applicant meets the requirements of subsection
17 (a).

18 (2) The applicant is attending an approved educational
19 institution.

20 (3) The applicant demonstrates a financial need for the
21 educational gratuity.

22 (c) Reconsideration.--A request for reconsideration may be
23 addressed to the commissioner. Reconsideration means that the
24 commissioner will review an application along with any new or
25 additional information the applicant wishes the commissioner to
26 consider. The request should be sent to the commissioner within
27 30 days of the original decision.

28 (d) Appeals.--Any person aggrieved by a decision of the
29 commissioner may appeal in writing to the commission in the
30 manner provided in 1 Pa. Code Part II (relating to general rules

1 of administrative practice and procedure). The chairman of the
2 commission will appoint a presiding official to hear the appeal
3 and to prepare and file a report in the manner provided by
4 applicable regulations. After consideration of the report and
5 any exceptions filed by the parties, the chairman of the
6 commission will issue the final administrative adjudication of
7 the commission.

8 CHAPTER 11

9 DISABLED VETERANS' REAL ESTATE TAX EXEMPTION

10 Section 1101. Definitions.

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

14 "Blind." Visual acuity of 3/60 or 10/200 or less normal
15 vision.

16 "Paraplegic." The bilateral paralysis of the upper or lower
17 extremities of the body.

18 Section 1102. Exemption.

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

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

28 (2) As a result of such military service, that person is
29 blind or paraplegic or has sustained the loss of two or more
30 limbs, or has a service-connected disability declared by the

1 United States Department of Veterans Affairs to be a total or
2 100% permanent disability.

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

5 (4) The need for the exemption from the payment of real
6 estate taxes has been determined by the commission.

7 (b) Extension of exemption.--The exemption provided in
8 subsection (a) shall be extended to the unmarried surviving
9 spouse upon the death of the eligible veteran, including those
10 killed in action, provided that the commission determines that
11 such spouse is in need of an exemption.

12 Section 1103. Duty of county board of assessment and revision
13 of taxes.

14 When the conditions specified in section 1102 are determined
15 to exist by the board for the assessment and revision of taxes,
16 or by a similar board for the assessment of taxes, and upon the
17 receipt by that board of a certification of need for the tax
18 exemption from the commission, the board shall grant the tax
19 exemption prescribed by section 1102. Notification of the
20 granting of the tax exemption by the board shall be forwarded to
21 the person who has received the exemption from the payment of
22 real estate taxes and to the tax-levying bodies and tax
23 collectors of all political subdivisions imposing taxes upon the
24 dwelling of the person granted the exemption from payment of
25 real estate taxes.

26 Section 1104. Duty of commission.

27 The commission shall:

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

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

4 (3) Review, at least once every two years, all
5 determinations of need for exemptions from the payment of
6 real estate taxes which have been granted in order to
7 determine any changes in the economic status of applicants
8 bearing upon the question of need.

9 (4) Certify the name and address and the need for
10 exemption from payment of real estate taxes, or termination
11 of such need, to the board for the assessment and revision of
12 taxes, or similar board for the assessment of taxes, having
13 jurisdiction of the assessment of the real property owned
14 solely or as an estate by the entirety and occupied as a
15 residence by the person seeking the tax exemption granted by
16 this chapter.

17 Section 1105. Reconsideration.

18 A request for reconsideration may be addressed to the
19 commissioner. Reconsideration means that the commissioner will
20 review an application along with any new or additional
21 information the applicant wishes the commissioner to consider.
22 The request should be sent to the commissioner within 30 days of
23 the original decision.

24 Section 1106. Appeals.

25 Any person aggrieved by a decision of the commissioner may
26 appeal in writing to the commission in the manner provided in 1
27 Pa. Code Part II (relating to general rules of administrative
28 practice and procedure). The chairman of the commission will
29 appoint a presiding official to hear the appeal and to prepare
30 and file a report in the manner provided by applicable

1 regulations. After consideration of the report and any
2 exceptions filed by the parties, the chairman of the commission
3 will issue the final administrative adjudication of the
4 commission.

5 Section 1107. Limitation on sale of exempt real estate.

6 No real property solely owned, or owned as an estate by the
7 entirety, and used exclusively as a residence by any person who
8 has been granted an exemption from the payment of real estate
9 taxes pursuant to the provisions of this chapter shall be sold
10 for the nonpayment of real property taxes for which the
11 exemption from payment has been granted.

12 CHAPTER 13

13 VETERANS' PREFERENCE

14 Section 1301. Veteran defined.

15 As used in this chapter, the term "veteran" means a person
16 who served in the armed forces of the United States, or in any
17 women's organization officially connected therewith, during any
18 war or armed conflict in which the United States engaged, or who
19 so served or hereafter serves in the armed forces of the United
20 States, or in any women's organization officially connected
21 therewith, since July 27, 1953, including service in Vietnam,
22 and who has an honorable discharge from such service.

23 Section 1302. Credits in civil service examinations.

24 (a) General rule.--When any veteran shall take any civil
25 service appointment examination for a public position under the
26 Commonwealth, or under any political subdivision thereof, he
27 shall be given credit in the manner hereinafter provided for the
28 discipline and experience represented by his military training
29 and for the loyalty and public spirit demonstrated by his
30 service for the preservation of his country, as provided in this

1 chapter.

2 (b) Disclosure of rank or serial number.--No veteran taking
3 any civil service appointment examination shall be required to
4 furnish, nor shall he furnish in connection therewith, his
5 former rank or service serial number.

6 Section 1303. Additional points in grading civil service
7 examinations.

8 Whenever any veteran shall successfully pass a civil service
9 examination for a public position under the Commonwealth, or any
10 political subdivision thereof, and shall thus establish that he
11 possesses the qualifications required by law for appointment to
12 such public position, the veteran's examination shall be marked
13 or graded an additional ten points above the mark or grade
14 credited for the examination, or, if the veteran has been
15 determined to be at least 30% disabled as a result of military
16 service by the appropriate Federal agency, an additional 15
17 points above the mark or grade credited for the examination, and
18 the total mark or grade thus obtained shall represent the final
19 mark or grade of the veteran and shall determine his standing on
20 any eligible list, certified or furnished to the appointing
21 power.

22 Section 1304. Preference in appointment.

23 (a) Non-civil service.--Whenever any veteran possesses the
24 requisite qualifications and is eligible to appointment to a
25 public position where no civil service examination is required,
26 the appointing power, in making an appointment to a public
27 position, shall give preference to such veteran.

28 (b) Name on civil service list.--Whenever any veteran
29 possesses the requisite qualifications, and his name appears on
30 any eligible list, certified or furnished as the result of any

1 such civil service examination, the appointing power, in making
2 an appointment to a public position, shall give preference to
3 such veteran, notwithstanding that his name does not stand
4 highest on the eligible list.

5 (c) Name not on civil service list.--In making an
6 appointment to public office where a civil service examination
7 is required, the appointing power may give preference to any
8 veteran who has passed the required examination for appointment
9 to such position and possesses the requisite qualifications,
10 although his name does not appear on the eligible list certified
11 or furnished to the appointing power.

12 (d) Temporary appointment.--Appointment to a temporary
13 position does not preclude use of veteran's preference for a
14 permanent position.

15 Section 1305. Lack of training, age or physical impairment.

16 Lack of academic or scholastic training or experience, age,
17 loss of limb or other physical impairment which does not, in
18 fact, incapacitate any such veteran shall not be deemed to
19 disqualify him, provided he possesses the requisite
20 qualifications to satisfactorily perform all of the duties which
21 the position requires.

22 Section 1306. Preferential rating provision in public works
23 specifications.

24 Whenever the Commonwealth issues specifications for the
25 construction, alteration or repair of any public works, such
26 specifications shall include a provision under which the
27 contractors and subcontractors shall agree to give a
28 preferential rating similar to that given by the Commonwealth to
29 any veteran making application for employment upon such public
30 works.

1 Section 1307. Computation of seniority for reduction in force.

2 Whenever a reduction in force is necessary in any public
3 position, or on public works of the Commonwealth and its
4 political subdivisions, and personnel are discharged according
5 to seniority, the number of years of service of any veteran
6 shall be determined by adding his total years of service in the
7 civil service or on public works to his total years of service
8 as a member of the armed forces of the United States, or in any
9 women's organization officially connected therewith, during any
10 war in which the United States engaged.

11 Section 1308. Preference of widows and wives.

12 The same preferential rating given to veterans under the
13 provisions of this chapter shall be extended to include the
14 spouses of deceased or disabled veterans.

15 Section 1309. Law exclusive.

16 This chapter shall be construed as being the exclusive law
17 applying to the Commonwealth and its political subdivisions in
18 giving preference to veterans in appointment to, or retention
19 in, public position or on public works.

20 CHAPTER 15

21 MISCELLANEOUS PROVISIONS

22 Section 1501. Taking acknowledgments and administering oaths
23 without charge.

24 It shall be the duty of any person authorized to take
25 acknowledgments and administer oaths to perform such service
26 free of charge for any veteran, surviving spouse, orphan or
27 parents of a veteran who may apply to them for the purpose of
28 making affidavit to papers for the purpose of obtaining pensions
29 and all other papers connected with and referring to the
30 military service of any veteran.

1 Section 1502. Terms of office of current commission members.

2 The members of the existing State Veterans' Commission shall
3 continue to serve until their present terms of office expire and
4 until their successors are appointed and qualified.

5 Section 1503. Continuation of current rules and regulations.

6 Each rule and regulation of the State Veterans' Commission in
7 effect on December 31, 1988, shall remain in effect until
8 repealed or amended by the commission.

9 Section 1504. Powers and duties relating to advisory councils
10 for veterans' homes.

11 All powers and duties imposed by 51 Pa.C.S. § 704 (relating
12 to advisory councils for veterans' homes) upon the Department of
13 Military Affairs are hereby transferred to the commission.

14 Section 1505. Transfers.

15 (a) General rule.--All personnel, allocations,
16 appropriations, agreements, leases, claims, demands and causes
17 of action of any nature, whether or not subject to litigation on
18 the date of this act, equipment, files, records, classified data
19 files, plans, maps, air photographs and all other materials
20 which are used, employed or expended in connection with the
21 duties, powers or functions of the Department of Military
22 Affairs relating to veterans' affairs are hereby transferred by
23 this act to the commission with the same force and effect as if
24 the appropriations had been made to and said items had been the
25 property of the commission in the first instance and as if said
26 contracts, agreements, leases and obligations had been incurred
27 or entered into by the commission.

28 (b) Retention of status.--All personnel transferred to the
29 commission from other State departments and agencies pursuant to
30 this act shall retain any civil service or other employment

1 status assigned to them in those departments or agencies prior
2 to the effective date of this act.

3 Section 1506. Repeals.

4 (a) Specific.--The following provisions of 51 Pa.C.S.
5 (relating to military affairs) are repealed to the extent
6 specified:

7 Section 704 (relating to advisory councils for veterans'
8 homes), absolutely.

9 Section 902 (relating to general powers and duties of
10 Adjutant General), insofar as it is inconsistent with this act.

11 Chapter 17 (relating to State Veterans' Commission),
12 absolutely.

13 Chapter 71 (relating to veterans' preference), absolutely.

14 Chapter 77 (relating to veterans' pensions and benefits),
15 absolutely.

16 Chapter 85 (relating to veterans' emergency assistance),
17 absolutely.

18 Chapter 87 (relating to educational gratuity program),
19 absolutely.

20 Chapter 89 (relating to disabled veterans' real estate tax
21 exemption), absolutely.

22 Chapter 91 (relating to oaths, affirmations and
23 acknowledgments), absolutely.

24 (b) General.--All other acts and parts of acts are repealed
25 insofar as they are inconsistent with this act.

26 Section 1507. Effective date.

27 This act shall take effect in 90 days.