

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2296 Session of  
2005

INTRODUCED BY SEMMEL, TIGUE, STERN, BEBKO-JONES, ADOLPH,  
ARMSTRONG, BELARDI, BELFANTI, BLACKWELL, BOYD, BUNT,  
CALTAGIRONE, CAPPELLI, CAWLEY, COHEN, CORRIGAN, CRAHALLA,  
CREIGHTON, CURRY, DeWEESE, FAIRCHILD, FRANKEL, GEORGE,  
GINGRICH, GODSHALL, GOODMAN, GRUCELA, HALUSKA, HARHAI,  
HARPER, HENNESSEY, HERMAN, HESS, HUTCHINSON, KAUFFMAN,  
M. KELLER, KOTIK, LEH, MANN, MARKOSEK, MARSICO, McGEEHAN,  
McILHATTAN, MICOZZIE, R. MILLER, S. MILLER, MUNDY, MUSTIO,  
NAILOR, O'NEILL, PETRARCA, PICKETT, PYLE, RAPP, RAYMOND,  
READSHAW, REICHLEY, ROSS, RUBLEY, SATHER, SAYLOR, SCAVELLO,  
SCHRODER, SIPTROTH, B. SMITH, SOLOBAY, SONNEY, R. STEVENSON,  
T. STEVENSON, SURRA, E. Z. TAYLOR, THOMAS, YOUNGBLOOD, ZUG,  
WRIGHT, FABRIZIO AND BEYER, DECEMBER 5, 2005

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, NOVEMBER 21, 2006

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania  
2 Consolidated Statutes, further providing for ~~tuition credit~~ <—  
3 ~~for children and spouses of deceased soldiers and for~~  
4 retention of licenses of persons entering military service, <—  
5 FOR DISABLED VETERANS' REAL ESTATE TAX EXEMPTION AND FOR DUTY  
6 OF COMMISSION.

7 The General Assembly of the Commonwealth of Pennsylvania

8 hereby enacts as follows:

9 Section 1. Sections ~~3503(a)~~, 7502 and 7503 of Title 51 of <—  
10 the Pennsylvania Consolidated Statutes are amended to read:  
11 ~~§ 3503. Tuition credit for children and spouses of deceased~~ <—  
12 ~~soldiers.~~

13 ~~(a) General rule. The children and unmarried surviving~~  
14 ~~spouses of members of the Pennsylvania National Guard who were~~

1 ~~killed or die as a result of injuries received while in Federal~~  
2 ~~or State active duty shall be entitled to a 50% tuition credit~~  
3 ~~at all Pennsylvania State owned colleges or universities or~~  
4 ~~approved trade schools in this Commonwealth for a period not~~  
5 ~~exceeding eight semesters or four years, whichever is greater.~~

6 \* \* \*

7 § 7502. Retention of licenses AND CERTIFICATIONS of persons <—  
8 entering military service.

9 (a) General rule.--Any person licensed OR CERTIFIED by the <—  
10 Department of State, [or to whom a broker's license has been  
11 issued by the Department of Insurance,] Department of Labor and  
12 Industry, Department of Education, Insurance Department or, <—  
13 Department of Banking OR THE MUNICIPAL POLICE OFFICERS' <—  
14 EDUCATION AND TRAINING COMMISSION OR PURSUANT TO THE ACT OF  
15 OCTOBER 10, 1974 (P.L.705, NO.235), KNOWN AS THE LETHAL WEAPONS  
16 TRAINING ACT, to practice any profession or to work at any trade  
17 or occupation, who heretofore has or shall thereafter enlist or  
18 be inducted or drafted into the military or naval service of the  
19 United States in time of war or preparation for national defense  
20 during a national emergency, shall not thereby forfeit his or  
21 her current license or registration and shall be exempt from any  
22 continuing educational requirements OR IN-SERVICE TRAINING <—  
23 REQUIREMENTS.

24 (b) Renewal of license OR CERTIFICATION following <—  
25 discharge.--Any such person, upon presentation of a discharge  
26 from such service within one year from date thereof, and upon  
27 payment of the fee prescribed by law for the current renewal  
28 period only, shall be entitled to a renewal of his or her  
29 license, CERTIFICATION or registration in the same manner as <—  
30 though such renewal had been made prior to the expiration of his

1 or her last preceding renewal, [and] as though all intermediate  
2 renewal fees had been paid and as though all continuing  
3 education OR IN-SERVICE TRAINING requirements have been ←  
4 satisfied.

5 [§ 7503. Applicability of chapter.

6 This chapter shall apply specifically to any holder of any  
7 license or certificate granted or renewed by any professional  
8 examining board within the Department of Education. It shall  
9 also apply specifically to the holder of any license to act as a  
10 real estate or insurance broker, or salesman, and to the holder  
11 of a certificate to teach, a certificate as a school nurse, a  
12 dental hygienist, or a home and school visitor of this  
13 Commonwealth.]

14 Section 2. Title 51 is amended by adding a section to read:

15 § 7503.1. Applicability of chapter.

16 The Pennsylvania Supreme Court may extend this chapter to  
17 those licensed to practice law in this Commonwealth.

18 ~~Section 3. This act shall take effect immediately.~~ ←

19 SECTION 3. SECTIONS 8902 AND 8904 OF TITLE 51 ARE AMENDED TO ←  
20 READ:

21 § 8902. EXEMPTION.

22 (A) GENERAL RULE.--ANY [CITIZEN OR] RESIDENT OF THIS  
23 COMMONWEALTH SHALL BE EXEMPT FROM THE PAYMENT OF ALL REAL ESTATE  
24 TAXES LEVIED UPON ANY BUILDING, INCLUDING THE LAND UPON WHICH IT  
25 STANDS, OCCUPIED BY THAT PERSON AS A PRINCIPAL DWELLING, IF ALL  
26 OF THE FOLLOWING REQUIREMENTS ARE MET:

27 (1) THAT PERSON HAS BEEN HONORABLY DISCHARGED OR  
28 RELEASED UNDER HONORABLE CIRCUMSTANCES FROM THE ARMED FORCES  
29 OF THE UNITED STATES FOR SERVICE IN ANY WAR OR ARMED CONFLICT  
30 IN WHICH THIS NATION WAS ENGAGED.

1 (2) AS A RESULT OF SUCH MILITARY SERVICE, THAT PERSON IS  
2 BLIND OR PARAPLEGIC OR HAS SUSTAINED THE LOSS OF TWO OR MORE  
3 LIMBS, OR HAS A SERVICE-CONNECTED DISABILITY DECLARED BY THE  
4 UNITED STATES VETERANS' ADMINISTRATION OR ITS SUCCESSORS TO  
5 BE A TOTAL OR 100% PERMANENT DISABILITY.

6 (3) THE DWELLING IS OWNED BY THAT PERSON SOLELY, WITH  
7 HIS OR HER SPOUSE OR AS AN ESTATE BY THE [ENTIRETY]  
8 ENTIRETIES.

9 (4) THE NEED FOR THE EXEMPTION FROM THE PAYMENT OF REAL  
10 ESTATE TAXES HAS BEEN DETERMINED BY THE STATE VETERANS'  
11 COMMISSION IN COMPLIANCE WITH THE REQUIREMENTS OF THIS  
12 CHAPTER.

13 (B) EXTENSION OF EXEMPTION.--THE EXEMPTION PROVIDED IN  
14 SUBSECTION (A) SHALL BE EXTENDED TO THE UNMARRIED SURVIVING  
15 SPOUSE UPON THE DEATH OF THE ELIGIBLE VETERAN PROVIDED THAT THE  
16 STATE VETERANS' COMMISSION DETERMINES THAT SUCH SPOUSE IS IN  
17 NEED OF AN EXEMPTION.

18 § 8904. DUTY OF COMMISSION.

19 THE COMMISSION SHALL:

20 (1) FIX UNIFORM AND EQUITABLE STANDARDS FOR DETERMINING  
21 THE NEED FOR EXEMPTION FROM THE PAYMENT OF REAL ESTATE TAXES  
22 GRANTED BY THIS ACT. IN FIXING SUCH UNIFORM AND EQUITABLE  
23 STANDARDS, THE COMMISSION SHALL APPLY A REBUTTABLE  
24 PRESUMPTION THAT AN APPLICANT WITH ANNUAL INCOME OF \$75,000  
25 OR LESS HAS A NEED FOR THE EXEMPTION. BEGINNING ON JANUARY 1,  
26 2009, AND EVERY TWO YEARS THEREAFTER, THE COMMISSION SHALL  
27 ADJUST THE ANNUAL INCOME LEVEL QUALIFYING FOR THE REBUTTABLE  
28 PRESUMPTION OF NEED BY AN AMOUNT EQUAL TO THE CHANGE IN THE  
29 CONSUMER PRICE INDEX IN THE PRECEDING TWO YEARS. THE  
30 COMMISSION SHALL PUBLISH THE ADJUSTED ANNUAL INCOME LEVEL

1 QUALIFYING FOR THE REBUTTABLE PRESUMPTION OF NEED AS A NOTICE  
2 IN THE PENNSYLVANIA BULLETIN.

3 (2) AFTER SUBMISSION OF PROOF OF NEED BY THE APPLICANT  
4 FOR THE EXEMPTION FROM PAYMENT OF REAL ESTATE TAXES,  
5 DETERMINE THE NEED OF THE APPLICANT.

6 (3) REVIEW AT LEAST ONCE EVERY [TWO] FIVE YEARS ALL  
7 DETERMINATIONS OF NEED FOR EXEMPTIONS FROM THE PAYMENT OF  
8 REAL ESTATE TAXES WHICH HAVE BEEN GRANTED IN ORDER TO  
9 DETERMINE ANY CHANGES IN THE ECONOMIC STATUS OF APPLICANTS  
10 BEARING UPON THE QUESTION OF NEED.

11 (4) CERTIFY THE NAME AND ADDRESS AND THE NEED FOR  
12 EXEMPTION FROM PAYMENT OF REAL ESTATE TAXES, OR TERMINATION  
13 OF SUCH NEED, TO THE BOARD FOR THE ASSESSMENT AND REVISION OF  
14 TAXES, OR SIMILAR BOARD FOR THE ASSESSMENT OF TAXES, HAVING  
15 JURISDICTION OF THE ASSESSMENT OF THE REAL PROPERTY OWNED  
16 SOLELY OR AS AN ESTATE BY THE ENTIRETY AND OCCUPIED AS A  
17 RESIDENCE BY THE PERSON SEEKING THE TAX EXEMPTION GRANTED BY  
18 THIS CHAPTER.

19 SECTION 4. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

20 (1) THE AMENDMENT OF 51 PA.C.S. §§ 8902 AND 8904 SHALL  
21 TAKE EFFECT IN 60 DAYS.

22 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT  
23 IMMEDIATELY.