

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 28

Session of
2007

INTRODUCED BY KASUNIC, KITCHEN, STACK, WASHINGTON, O'PAKE,
COSTA, LAVALLE, BOSCOLA, FONTANA, TARTAGLIONE, RAFFERTY,
MUSTO, ORIE, STOUT, RHOADES, WOZNIAK, LOGAN AND BROWNE,
FEBRUARY 5, 2007

REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,
FEBRUARY 5, 2007

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.

1 "Department." The Department of [Military and] Veterans
2 Affairs of the Commonwealth.

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

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

10 "Officer." Commissioned or warrant officer.

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

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

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

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

23 Section 2. Chapter 17 of Title 51 is repealed:

24 [CHAPTER 17

25 STATE VETERANS' COMMISSION

26 AND DEPUTY ADJUTANT GENERAL

27 FOR VETERANS' AFFAIRS

28 Subchapter

29 A. State Veterans' Commission

30 B. Deputy Adjutant General for Veterans' Affairs

1 SUBCHAPTER A

2 STATE VETERANS' COMMISSION

3 Sec.

4 1701. Definitions.

5 1702. State Veterans' Commission.

6 1703. General powers and duties.

7 1704. Specific powers and duties.

8 1705. Veterans' home hall of fame.

9 § 1701. 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 by
14 this chapter.

15 § 1702. State Veterans' Commission.

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

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

20 (1) The Adjutant General, ex officio, or his designee.

21 (2) The State commander, commandant or head, or his
22 designee, of each of the following named veterans'
23 organizations:

24 (i) The American Legion.

25 (ii) AMVETS.

26 (iii) Blinded Veterans Association.

27 (iv) Catholic War Veterans of the United States of
28 America.

29 (v) Disabled American Veterans.

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

(vii) Marine Corps League.

(viii) Military Order of the Purple Heart.

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

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

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

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

(xiii) The Vietnam Veterans of America, Inc.

(xiv) American Ex-Prisoners of War.

(xv) Keystone Paralyzed Veterans Association.

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

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

(c) Officers.--The commission shall annually elect a
chairman and vice chairman at the first meeting of the
commission after October 1. The Deputy Adjutant General for
Veterans' Affairs shall serve as the executive secretary to the
commission.

1 (d) Compensation and expenses.--Members of the commission
2 shall receive no compensation for their services but shall
3 receive reimbursement for their necessary and proper expenses
4 for attendance at meetings.

5 (e) Meetings and quorum.--The commission shall meet upon the
6 call of the chairman or the Adjutant General. Nine members of
7 the commission shall constitute a quorum.

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

13 § 1703. General powers and duties.

14 The commission shall advise the Adjutant General and the
15 department on all matters pertaining to the status, welfare,
16 benefits, employment and support of veterans and veterans'
17 programs in this Commonwealth and shall perform such other
18 functions as are provided by law.

19 § 1704. Specific powers and duties.

20 The commission shall have the following powers and duties:

21 (1) Advise the Adjutant General upon such matters as the
22 Adjutant General may bring before it.

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

29 (3) Investigate and recommend to the Governor
30 legislation for submission to the General Assembly concerning

1 veterans and their activities.

2 (4) Oversee veterans' emergency assistance payments
3 under Chapter 85 (relating to veterans' emergency
4 assistance).

5 (5) Certify educational gratuity payments for eligible
6 children under Chapter 87 (relating to educational gratuity
7 program).

8 (6) Determine eligibility of veteran applicants for real
9 property tax exemptions under Chapter 89 (relating to
10 disabled veterans' real estate tax exemption).

11 (7) Promulgate rules and regulations governing all
12 actions of the commission under paragraphs (4), (5) and (6).

13 § 1705. Veterans' home hall of fame.

14 (a) General rule.--Each veterans' home operated by the
15 Commonwealth shall establish and dedicate a hall of fame to
16 recognize and honor the military achievements of outstanding
17 veterans who have completed honorable, active duty military
18 service and who reside or resided in the geographic region
19 served by the veterans' home. The area or space in the veterans'
20 home dedicated to the hall of fame may be used for other
21 purposes.

22 (b) Selection of inductees.--The advisory council for each
23 veterans' home shall, consistent with the guidelines established
24 by the commission in subsection (c), nominate eligible veterans
25 for induction into the hall of fame by the commission and
26 perform such other duties relating to the hall of fame as
27 approved by the commission. Any Medal of Honor recipient shall
28 be automatically inducted into the hall of fame.

29 (c) Oversight.--The commission shall develop guidelines for
30 the halls of fame. The guidelines shall include, but not be

1 limited to:

2 (1) Eligibility criteria for qualified candidates.

3 (2) Procedures for nomination of candidates and
4 selection of inductees.

5 (3) Ceremonies to officially honor the inductees.

6 (4) Manner of recognizing or presenting the inductees in
7 the halls of fame.

8 (5) Maintenance of the halls of fame.

9 (6) Duties of the advisory councils of the veterans'
10 homes relating to the halls of fame.

11 (d) Documentation.--Each eligible veteran or his or her
12 representative shall be responsible for obtaining the
13 documentation necessary to establish his or her eligibility from
14 the National Archives in Washington, D.C., or the National
15 Personnel Record Center in St. Louis, Missouri.

16 (e) Centralized list.--The State Veterans' Commission shall
17 keep a centralized list of all hall of fame inductees from all
18 regional veterans' homes.

19 SUBCHAPTER B

20 DEPUTY ADJUTANT GENERAL

21 FOR VETERANS' AFFAIRS

22 Sec.

23 1711. Qualifications and status.

24 1712. Specific duties.

25 § 1711. Qualifications and status.

26 (a) Deputy Adjutants General.--In addition to such other
27 Deputy Adjutants General as may be named in the department,
28 there shall be a Deputy Adjutant General for Veterans' Affairs,
29 who shall perform the duties under section 1712 (relating to
30 specific duties) and such other duties as the Adjutant General

1 may assign.

2 (b) Appointment.--The Deputy Adjutant General for Veterans'
3 Affairs shall be selected and appointed as other Deputy
4 Adjutants General are selected and appointed. He shall be a
5 veteran and an active member of at least one of the veterans'
6 organizations listed under section 1702(b) (relating to State
7 Veterans' Commission).

8 (c) Compensation.--The compensation of the Deputy Adjutant
9 General for Veterans' Affairs shall be as established by law.

10 (d) Status.--The Deputy Adjutant General for Veterans'
11 Affairs shall be accorded all the rights, emoluments and
12 privileges, except pay and allowances, of a brigadier general in
13 the Pennsylvania Guard and shall be addressed as "General."

14 § 1712. Specific duties.

15 In addition to such other duties as may be provided by law or
16 as assigned by the Adjutant General, the Deputy Adjutant General
17 for Veterans' Affairs shall have the following specific duties:

18 (1) To recommend to the Adjutant General and the
19 Governor, with the advice of the State Veterans' Commission,
20 new legislation and amendments to existing statutes
21 concerning veterans and their activities for consideration by
22 the General Assembly.

23 (2) To cooperate with all Federal and State departments
24 and agencies in the interest of veterans.

25 (3) To aid in filing and prosecuting claims of
26 Pennsylvania's veterans and their dependents under Federal or
27 State laws or regulations.

28 (4) To aid veterans in seeking employment or
29 reemployment after their honorable discharge from the armed
30 forces of the United States.

1 (5) To aid veterans requiring medical care in securing
2 hospitalization provided by a Federal or State medical or
3 care facility.

4 (6) To aid in the rehabilitation of injured, wounded or
5 compensable veterans in educational institutions or
6 vocational training institutions for which they may be
7 eligible by law.

8 (7) To cooperate with and advise the Department of
9 Education with respect to vocational training programs for
10 veterans, particularly programs suited to casualties.

11 (8) To administer relief provided by the Commonwealth
12 for veterans and their dependents.

13 (9) To administer the distribution under the direction
14 of the Adjutant General of any compensation to veterans or
15 their dependents that has been or may be granted by the
16 Commonwealth.

17 (10) To investigate the work of other State agencies in
18 administering laws affecting veterans and their dependents.

19 (11) To investigate, compile and maintain complete and
20 accurate data concerning veterans of the armed forces of the
21 United States and all State and municipal activities related
22 thereto.

23 (12) To compile from the records transmitted from the
24 various counties of this Commonwealth a record of the burial
25 places in this Commonwealth of deceased veterans, including
26 such information as the Deputy Adjutant General for Veterans'
27 Affairs or his designee deems necessary and appropriate.

28 (13) To disseminate information concerning
29 Pennsylvania's veterans and Pennsylvania's veterans' programs
30 to veterans' organizations, to the public press and other

media and to the general public.

(14) To biannually submit, through the Adjutant General, to the Governor a report of State activities on behalf of veterans.

(15) To serve as a clearinghouse for all problems or issues related to Pennsylvania's veterans and their dependents.

(16) To serve as Executive Secretary of the State Veterans' Commission.]

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

CHAPTER 18

DEPARTMENT OF VETERANS AFFAIRS

Sec.

1801. Definitions.

1802. Department of Veterans Affairs.

1803. Secretary of Veterans Affairs.

1804. Deputy secretaries.

1805. Bureaus and commissions.

1806. Powers and duties of department.

1807. Bureau of Veterans Homes.

1808. Bureau of Veterans Programs, Benefits and Claims.

1809. Bureau of Administration and Personnel.

1810. State Veterans Commission.

1811. Veterans home hall of fame.

1812. Application of Administrative Code.

§ 1801. 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:

"Commission." The State Veterans Commission established

1 under this chapter.

2 "Department." The Department of Veterans Affairs of the
3 Commonwealth established under this chapter.

4 "Secretary." The Secretary of Veterans Affairs of the
5 Commonwealth.

6 § 1802. Department of Veterans Affairs.

7 The Department of Veterans Affairs is hereby established as
8 an administrative department within the Executive Department of
9 the Commonwealth and is vested with the power and authority as
10 set forth in this chapter.

11 § 1803. Secretary of Veterans Affairs.

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

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

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

21 (d) Vacancy.--If the office of Secretary of Veterans Affairs
22 shall become vacant, the Governor shall fill the vacancy in
23 accordance with the provisions of the Constitution of
24 Pennsylvania and subsection (a).

25 § 1804. Deputy secretaries.

26 The secretary shall appoint three deputy secretaries, who
27 shall serve at the pleasure of the secretary, to assist the
28 secretary in the administration and operation of the department
29 as follows:

30 (1) Deputy Secretary for Veterans Homes.

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

3 (3) Deputy Secretary for Veterans Administration and
4 Personnel.

5 § 1805. Bureaus and commissions.

6 The following bureaus and commissions are created within the
7 department:

8 (1) The Bureau of Veterans Homes.

9 (2) The Bureau of Veterans Programs, Benefits and
10 Claims.

11 (3) The Bureau of Administration and Personnel.

12 (4) The State Veterans Commission.

13 § 1806. Powers and duties of department.

14 The department shall have the following powers and duties:

15 (1) To administer the laws providing for the payment of
16 pensions and relief, for the marking of graves of the
17 veterans and for the selection, acquisition and maintenance
18 of a State military cemetery.

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

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

24 (4) To administer the Veterans' Emergency Assistance
25 Program established under Chapter 85 (relating to veterans'
26 emergency assistance).

27 (5) To administer the Educational Gratuity Program
28 established under Chapter 87 (relating to Educational
29 Gratuity Program).

30 (6) To administer the disabled veterans real estate tax

1 exemption under Chapter 89 (relating to disabled veterans'
2 real estate tax exemption).

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

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

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

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

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

18 (12) To aid in the rehabilitation of injured, wounded or
19 compensable veterans, or other veterans, in educational
20 institutions or vocational training institutions to which
21 they may be eligible by statute.

22 (13) To cooperate with and advise the Department of
23 Education with respect to the establishment of vocational
24 training programs, particularly programs suited to war
25 casualties, for either day or evening instruction, or both.

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

28 (15) To administer the distribution of any compensation
29 to veterans or dependents of veterans that has been or may be
30 granted by the Commonwealth.

1 (16) To investigate the work of other departments of the
2 Commonwealth administering laws affecting veterans or
3 veterans orphans.

4 (17) To investigate, compile and maintain complete and
5 accurate data concerning veterans of the armed forces of the
6 United States and all State and municipal activities relating
7 thereto.

8 (18) To compile from the records transmitted from the
9 various counties of this Commonwealth, a record of the burial
10 places within this Commonwealth of deceased service persons,
11 including such information as the secretary deems necessary
12 and appropriate.

13 (19) To establish an information center, and to
14 disseminate regularly to chapters, camps and posts of
15 veterans organizations throughout this Commonwealth, such
16 information as the secretary shall determine, and to transmit
17 to the public press and other media of public information,
18 information relative to veterans as may be of public
19 interest.

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

22 (21) To perform other duties in connection with veterans
23 that may be referred to the secretary by other departments or
24 agencies of the Commonwealth, and to be a clearinghouse for
25 all problems related to Pennsylvania veterans and their
26 dependents.

27 (22) To appoint an executive secretary to the
28 commission.

29 § 1807. Bureau of Veterans Homes.

30 (a) Establishment.--The Bureau of Veterans Homes is hereby

1 established as a bureau within the department.

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

6 (1) Oversee the bureau and make recommendations to the
7 secretary regarding the maintenance and operation of veterans
8 homes throughout this Commonwealth.

9 (2) Appoint a director to administer each veterans home.
10 Each director shall be qualified and licensed in this
11 Commonwealth as a nursing home administrator. Each director
12 shall appoint such officers and employees as may be necessary
13 and fix their salaries in conformity with the standards
14 established by the Executive Board.

15 (3) Accept gifts, grants or payments for the use of each
16 veterans home, except that the department may expend Federal
17 funds to the extent they are appropriated to the department
18 by the General Assembly.

19 (4) Establish a schedule of fees to be charged
20 residents. The fees shall be based on the level of service or
21 care required and the ability of the resident to pay. The
22 department shall establish the level of service to be
23 provided in accordance with the Federal Department of
24 Veterans Affairs standards of nursing and domiciliary care.

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

26 (1) There is hereby established an advisory council for
27 each veterans home operated by the department. Each advisory
28 council shall consist of 15 members and the secretary, who
29 shall serve ex officio. Twelve of the members shall be
30 appointed by the Governor from a list of nominations

1 submitted to the secretary by the Pennsylvania War Veterans
2 Council. The president pro tempore of the Senate and the
3 Speaker of the House of Representatives shall each appoint
4 one member from their respective legislative chamber to serve
5 on each council. The remaining member on the advisory council
6 shall be selected by the residents of the veterans homes.

7 (2) Each member of the councils appointed from the
8 General Assembly shall serve for the duration of that session
9 of the General Assembly. The eight members appointed by the
10 Governor shall serve a term of three years, provided that the
11 initial eight members selected by the Governor shall serve as
12 follows: three members for one year, three members for two
13 years and two members for three years as designated by the
14 Governor. Each council shall organize as soon as possible and
15 shall annually elect a president, vice president and
16 secretary.

17 (3) The members appointed by the Governor may be removed
18 by the Governor for cause.

19 (4) Six members of the council shall constitute a quorum
20 for the purpose of conducting the business of the council.
21 Each council shall meet at least quarterly and at other times
22 at the call of the president.

23 (5) Members of each council shall receive no
24 compensation for their services but shall receive
25 reimbursement for their necessary and proper expenses for
26 attendance at meetings.

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

30 § 1808. Bureau of Veterans Programs, Benefits and Claims.

1 (a) Establishment.--The Bureau of Veterans Programs,
2 Benefits and Claims is hereby established as a bureau within the
3 department. The bureau shall administer all veterans programs,
4 except veterans homes, providing for the administration of all
5 benefits granted to veterans under the laws of this
6 Commonwealth.

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

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

13 (2) Make recommendations to the secretary regarding the
14 administration of veterans programs of the Commonwealth.

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

16 § 1809. Bureau of Administration and Personnel.

17 (a) Establishment.--The Bureau of Administration and
18 Personnel is hereby established as a bureau within the
19 department. The bureau shall be responsible for all matters
20 relating to the administration of the department.

21 (b) Powers and duties.--The Deputy Secretary for
22 Administration and Personnel shall have the following powers and
23 duties:

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

25 (2) Oversee department personnel.

26 (3) Administer the day-to-day operations of the
27 department.

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

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

1 (6) Make recommendations to the secretary regarding the
2 operations of the department.

3 § 1810. State Veterans Commission.

4 (a) Establishment.--There is hereby established within the
5 department an advisory commission to be known as the State
6 Veterans Commission.

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

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

9 (2) The Adjutant General or his designee.

10 (3) The State commander, commandant or head, or his
11 designee, of each of the following named veterans
12 organizations:

13 (i) The American Legion.

14 (ii) AMVETS.

15 (iii) Blinded Veterans Association.

16 (iv) Catholic War Veterans of the United States of
17 America.

18 (v) Disabled American Veterans.

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

20 (vii) Marine Corps League.

21 (viii) Military Order of the Purple Heart.

22 (ix) State Association of County Directors of
23 Veterans Affairs.

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

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

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

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

30 (xiv) American Ex-Prisoners of War.

1 (xv) Keystone Paralyzed Veterans Association.

2 (4) Four members at large appointed by the Governor from
3 a list provided by the Adjutant General, each of whom shall
4 be a veteran and a member in good and regular standing of a
5 Pennsylvania branch, post, lodge or club of a recognized
6 national veterans organization active in this Commonwealth.
7 At least one member shall be a female veteran, and at least
8 one member shall be a veteran of the Vietnam era. Members at
9 large shall serve a term of four years and until a successor
10 has been appointed.

11 (5) The State Adjutants of the American Legion, the
12 Disabled American Veterans (DAV) and the Veterans of Foreign
13 Wars (VFW) and the Executive Director of AMVETS as nonvoting
14 members.

15 (c) Officers.--The commission shall annually elect a
16 chairman and vice chairman at the first meeting of the
17 commission after October 1. The Deputy Adjutant General for
18 Veterans Affairs shall serve as the executive secretary to the
19 commission.

20 (d) Compensation and expenses.--Members of the commission
21 shall receive no compensation for their services but shall
22 receive reimbursement for their necessary and proper expenses
23 for attendance at meetings.

24 (e) Meetings and quorum.--The commission shall meet upon the
25 call of the chairman or the Adjutant General. Nine members of
26 the commission shall constitute a quorum.

27 (f) Declared vacancies.--The Governor, upon recommendation
28 of the Adjutant General, shall declare a vacancy to exist
29 whenever any member at large fails to attend three consecutive
30 meetings without good cause. Any declared vacancy shall be

1 filled for the unexpired term.

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

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

9 (1) Advise the secretary upon such matters as the
10 secretary may bring before it.

11 (2) Investigate the work of the department and make
12 recommendations to it regarding the department's
13 administration of the laws providing for the payment of
14 pensions and relief, for the marking of graves of veterans
15 and for the selection, acquisition and maintenance of a State
16 military cemetery.

17 (3) Investigate and recommend to the secretary
18 legislation for submission to the General Assembly concerning
19 veterans and their activities.

20 § 1811. Veterans home hall of fame.

21 (a) General rule.--Each veterans home operated by the
22 Commonwealth shall establish and dedicate a hall of fame to
23 recognize and honor the military achievements of outstanding
24 veterans who have completed honorable, active duty military
25 service and who reside or resided in the geographic region
26 served by the veterans home. The area or space in the veterans
27 home dedicated to the hall of fame may be used for other
28 purposes.

29 (b) Selection of inductees.--The advisory council for each
30 veterans home shall, consistent with the guidelines established

1 by the commission in subsection (c), nominate eligible veterans
2 for induction into the hall of fame by the commission and
3 perform such other duties relating to the hall of fame as
4 approved by the commission. Any Medal of Honor recipient shall
5 be automatically inducted into the hall of fame.

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

9 (1) Eligibility criteria for qualified candidates.

10 (2) Procedures for nomination of candidates and
11 selection of inductees.

12 (3) Ceremonies to officially honor the inductees.

13 (4) Manner of recognizing or presenting the inductees in
14 the halls of fame.

15 (5) Maintenance of the halls of fame.

16 (6) Duties of the advisory councils of the veterans
17 homes relating to the halls of fame.

18 (d) Documentation.--Each eligible veteran or his or her
19 representative shall be responsible for obtaining the
20 documentation necessary to establish his or her eligibility from
21 the National Archives in Washington, DC, or the National
22 Personnel Record Center in St. Louis, Missouri.

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

26 § 1812. Application of Administrative Code.

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

1 Section 4. Sections 3201, 7701, 7702, 8501, 8504(b), 8505,
2 8701, 8702(a) and (b), 8703(b) and (c) and 8901 of Title 51 are
3 amended to read:

4 § 3201. Definitions.

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

8 "Agency." The Pennsylvania Higher Education Assistance
9 Agency.

10 "Approved institution of higher learning." An educational
11 institution offering a post-secondary program of education
12 located in this Commonwealth and approved by the Pennsylvania
13 Higher Education Assistance Agency.

14 "Approved program of education." A degree- or certificate-
15 granting curriculum or course of study to be pursued on a full-
16 time or part-time basis or its equivalent as determined by the
17 Pennsylvania Higher Education Assistance Agency, at an approved
18 institution of higher learning.

19 "Department." The Department of Military [and Veterans]
20 Affairs of the Commonwealth.

21 "Eligible member." A member of the Pennsylvania National
22 Guard who meets the criteria specified in section 3202 (relating
23 to eligibility) and who has been awarded a certificate of
24 eligibility under section 3203 (relating to certification of
25 eligibility).

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

1 "Part-time student." A student enrolled in an approved
2 institution of higher education pursuing an approved program of
3 education of less than 15 credit hours or its equivalent
4 recognized by the Pennsylvania Higher Education Assistance
5 Agency as a part-time course of study.

6 "Program." The Educational Assistance Program established in
7 this chapter.

8 "Qualified resident." An individual who has been a bona fide
9 resident of this Commonwealth prior to the time an application
10 for a grant is made. The Pennsylvania Higher Education
11 Assistance Agency shall make the final decision on whether an
12 applicant is a qualified resident.

13 § 7701. Blind veteran's pension.

14 (a) Definition.--As used in this section the term "blind
15 veteran" shall mean any person who served in the military or
16 naval forces of the United States, or any woman's organization
17 officially connected therewith, at any time, and who gave the
18 Commonwealth of Pennsylvania, as his or her place of residence
19 at the time of entering the military or naval forces of the
20 United States, and who while performing duties connected with
21 such service suffered an injury or incurred a disease which
22 resulted in blindness to the extent that he or she has 3/60 or
23 10/200 or less normal vision. The term "blind veteran" shall not
24 include any person separated from the military or naval forces
25 of the United States, or any woman's organization officially
26 connected therewith, under other than honorable conditions.

27 (b) Amount and eligibility.--In addition to any other
28 assistance provided by the Commonwealth and in addition to any
29 compensation provided by the Federal Government, every blind
30 veteran shall be paid a pension of \$150 per month. Applications

1 for such pensions shall be made to and in the form prescribed by
2 the department. The [Adjutant General] department shall have the
3 power, and it shall be [his] the department's duty to determine
4 the eligibility of every applicant for a pension, and [his] the
5 department's decision in the matter shall be final.

6 § 7702. Paralyzed veteran's pension.

7 (a) Amount and eligibility.--In addition to any other
8 assistance provided by the Commonwealth and in addition to any
9 compensation provided by the Federal Government, every paralyzed
10 veteran shall be paid a pension of \$150 per month. Applications
11 for the pensions shall be made to and in the form prescribed by
12 the department. The [Adjutant General] department shall
13 determine the eligibility of every applicant for a pension, and
14 [his] the department's decision in the matter shall be final.

15 (b) Regulations.--The [Adjutant General] department shall
16 promulgate such regulations as may be necessary to implement
17 this program.

18 (c) Definition.--As used in this section the term "paralyzed
19 veteran" means any person who served in the military or naval
20 forces of the United States, or any woman's organization
21 officially connected therewith, and who gave this Commonwealth
22 as his or her place of residence at the time of entering the
23 military or naval forces of the United States and who, while
24 performing duties connected with such service, suffered an
25 injury or incurred a disease which resulted in the loss or loss
26 of use of two or more extremities. The term does not include any
27 person separated from the military or naval forces of the United
28 States, or any woman's organization officially connected
29 therewith, under other than honorable conditions.

30 § 8501. Definitions.

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

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

6 "Department." The Department of Veterans Affairs of the
7 Commonwealth established under section 1802 (relating to
8 Department of Veterans Affairs).

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

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

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

16 (3) as a result of peacetime hostile fire or terrorist
17 attack as determined by the department, was killed or
18 suffered a service-connected disability as certified by the
19 United States Veterans' Administration and, if surviving, was
20 honorably discharged from the armed forces.

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

24 "Surviving dependents." The following are considered
25 surviving dependents of a deceased eligible veteran:

26 (1) The unmarried surviving spouse of the deceased
27 eligible veteran.

28 (2) If there is no unmarried spouse of a deceased
29 eligible veteran, the unmarried minor children, children who,
30 before attaining the age of 18, became permanently incapable

1 of self-support, and children who are less than 23 years of
2 age and are pursuing a full-time course of instruction at an
3 approved educational institution, provided they were, on the
4 death of the eligible veteran, dependent on the eligible
5 veteran for more than 50% of the cost of their support.

6 (3) If the eligible veteran is not survived by a spouse
7 or dependent children, the surviving parents of the eligible
8 veteran, provided that, on the date of the eligible veteran's
9 death, they were dependent on the veteran for more than 50%
10 of the cost of their support.

11 § 8504. Amounts of assistance.

12 * * *

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

17 * * *

18 § 8505. Appeals.

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

23 § 8701. Definitions.

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

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

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

1 Department of Veterans Affairs).

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

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

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

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

19 (3) was honorably discharged from the military or naval
20 forces of the United States and certified by the United
21 States Veterans' Administration as a 100% disabled veteran as
22 a result of service during a period of war or armed conflict
23 or as a result of hostile fire or terrorist attack (as
24 determined by the Department of Military Affairs) during
25 peacetime; or

26 (4) was honorably discharged from the military or naval
27 forces of the United States and died as a result of a
28 service-connected disability (as certified by the United
29 States Veterans' Administration) incurred during a period of
30 war or armed conflict or as a result of peacetime hostile

1 fire or terrorist attack (as determined by the Department of
2 Military Affairs).

3 "Qualified child." Any child meeting the requirements of
4 section 8703 (relating to eligibility and qualification
5 requirements).

6 § 8702. Educational gratuity payments.

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

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

19 * * *

20 § 8703. Eligibility and qualification requirements.

21 * * *

22 (b) Qualification determination.--The [commission]
23 department shall determine qualified applicants based on the
24 following requirements:

25 (1) The applicant meets the requirements of subsection
26 (a).

27 (2) The applicant is attending an approved educational
28 institution.

29 (3) The applicant demonstrates a financial need for the
30 educational gratuity.

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

5 § 8901. Definitions.

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

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

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

18 Section 5. Section 8902 of Title 51, amended November 29,
19 2006, (P.L.1459, No.161), is amended to read:

20 § 8902. Exemption.

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

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

30 (2) As a result of such military service, that person is

1 blind or paraplegic or has sustained the loss of two or more
2 limbs, or has a service-connected disability declared by the
3 United States Veterans' Administration or its successors to
4 be a total or 100% permanent disability.

5 (3) The dwelling is owned by that person solely, with
6 his or her spouse or as an estate by the entirety.

7 (4) The need for the exemption from the payment of real
8 estate taxes has been determined by the [State Veterans'
9 Commission] department in compliance with the requirements of
10 this chapter.

11 (b) Extension of exemption.--The exemption provided in
12 subsection (a) shall be extended to the unmarried surviving
13 spouse upon the death of the eligible veteran provided that the
14 [State Veterans' Commission] department determines that such
15 spouse is in need of an exemption.

16 Section 6. Section 8903 of Title 51 is amended to read:

17 § 8903. Duty of board.

18 When the conditions specified in section 8902 (relating to
19 exemption) are determined to exist by the board for the
20 assessment and revision of taxes, or by a similar board for the
21 assessment of taxes, and upon the receipt by that board of a
22 certification of need for the tax exemption from the
23 [commission] department, the board shall grant the tax exemption
24 prescribed by section 8902. Notification of the granting of the
25 tax exemption by the board shall be forwarded to the person who
26 has received the exemption from the payment of real estate taxes
27 and to the tax-levying bodies and tax collectors of all
28 political subdivisions imposing taxes upon the dwelling of the
29 person granted the exemption from payment of real estate taxes.

30 Section 7. Section 8904 of Title 51, amended November 29,

1 2006 (P.L.1459, No.161), is amended to read:

2 § 8904. Duty of [commission] department.

3 The [commission] department shall:

4 (1) Fix uniform and equitable standards for determining
5 the need for exemption from the payment of real estate taxes
6 granted by this act. In fixing such uniform and equitable
7 standards, the [commission] department shall apply a
8 rebuttable presumption that an applicant with annual income
9 of \$75,000 or less has a need for the exemption. Beginning on
10 January 1, 2009, and every two years thereafter, the
11 [commission] department shall adjust the annual income level
12 qualifying for the rebuttable presumption of need by an
13 amount equal to the change in the Consumer Price Index in the
14 preceding two years. The [commission] department shall
15 publish the adjusted annual income level qualifying for the
16 rebuttable presumption of need as a notice in the
17 Pennsylvania Bulletin.

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

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

26 (4) Certify the name and address and the need for
27 exemption from payment of real estate taxes, or termination
28 of such need, to the board for the assessment and revision of
29 taxes, or similar board for the assessment of taxes, having
30 jurisdiction of the assessment of the real property owned

solely or as an estate by the entirety and occupied as a residence by the person seeking the tax exemption granted by this chapter.

Section 8. Section 8905, 9102(a) and (b) and 9301(a) of Title 51 are amended to read:

§ 8905. Appeals.

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

§ 9102. Affidavits and acknowledgments by designated officers.

(a) Designation of certain officers authorized.--Each local organization of The American Red Cross, The American Legion, Veterans of World War I of the U.S.A., Inc., Veterans of Foreign Wars of the United States, Disabled American Veterans, United Spanish War Veterans, Regular Veterans Association, Director of Veterans Affairs, Jewish War Veterans of the United States, the Military Order of the Purple Heart, the Italian American War Veterans of the United States, Incorporated, and such other similar organizations now or hereafter accredited or recognized by the United States Veterans Administration, which supplies such aid and assistance to veterans or their dependents, and which gratuitously prepares forms for veterans and their dependents in connection with their affairs as such before the United States, any agency thereof, or the Commonwealth, any agency or political subdivision thereof, is hereby authorized to designate one of its officers to take affidavits or acknowledgments to such forms, as may be required by rule, regulation or otherwise by the United States, any agency thereof, or the Commonwealth, any agency or political

1 subdivision thereof, in the administration of the affairs of
2 veterans and their dependents. For the same purposes the
3 Adjutant General is authorized to designate one or more persons
4 from the Department of Military Affairs, the Secretary of
5 Veterans Affairs is authorized to designate one or more persons
6 from the Department of Veterans Affairs, and the State Director
7 of Selective Service is authorized to designate one or more
8 persons from the Pennsylvania Selective Service System.

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

1 * * *

2 § 9301. Reports of annual conventions.

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

23 * * *

24 Section 9. Except as otherwise expressly provided by law,
25 the department shall be subject to all the provisions of the act
26 of April 9, 1929 (P.L.177, No.175), known as The Administrative
27 Code of 1929, which apply generally to administrative
28 departments.

29 Section 10. The Department of Military and Veterans Affairs
30 is designated as the Department of Veterans Affairs. Contracts,

1 deeds and official actions by the department shall not be
2 affected by the use of the designation by the department as the
3 Department of Military and Veterans Affairs. The department may
4 continue to use the name Department of Military and Veterans
5 Affairs on stationery or any official documents until existing
6 supplies are exhausted. The department may substitute the title
7 Department of Veterans Affairs for the Department of Military
8 and Veterans Affairs on its documents and materials on such
9 schedule as it deems appropriate.

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

24 (b) All personnel transferred to the Department of Veterans
25 Affairs from other State departments and agencies pursuant to
26 this act shall retain any civil service or other employment
27 status assigned to said personnel in those departments or
28 agencies prior to the effective date of this act.

29 Section 12. This act shall take effect in 60 days.