

No. 92

AN ACT

SB 745

Amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, adding provisions relating to military and veterans' affairs.

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

Section 1. Title 51, act of November 25, 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated Statutes, is amended by adding a title analysis and parts to read:

TITLE 51  
MILITARY AFFAIRS

## Part

- I. Preliminary Provisions.
- II. Pennsylvania National Guard, Pennsylvania Guard and Militia.
- III. Interstate Relations.
- IV. Military Justice (Reserved).
- V. Employment Preferences and Pensions.
- VI. Miscellaneous Provisions.

PART I  
PRELIMINARY PROVISIONS

## Chapter

## 1. General Provisions

CHAPTER 1  
GENERAL PROVISIONS

## Sec.

101. Short title of title.

102. Definitions.

103. Conformity with Federal legislation.

§ 101. Short title of title.

This title shall be known and may be cited as the "Military Code."

§ 102. Definitions.

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

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

"Department." The Department of Military Affairs of the Commonwealth.

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

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

"Officer." Commissioned or warrant officer.

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

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

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

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

§ 103. Conformity with Federal legislation.

It is the intent of this title that it shall be in conformity with all acts and regulations of the United States affecting the same subjects, and all provisions of this title shall be construed to effectuate this purpose.

PART II  
PENNSYLVANIA NATIONAL GUARD, PENNSYLVANIA  
GUARD AND MILITIA

Subpart

- A. Organization
- B. Officers and Enlisted Personnel
- C. Pay, Allowances, Benefits and Medals
- D. Rights and Immunities

SUBPART A  
ORGANIZATION

Chapter

- 3. The Militia
- 5. The Governor as Commander-in-Chief
- 7. Department of Military Affairs
- 9. The Adjutant General
- 11. Pennsylvania National Guard
- 13. Pennsylvania Guard
- 15. State Armory Board

CHAPTER 3  
THE MILITIA

Sec.

301. Formation.

§ 301. Formation.

(a) Pennsylvania militia.—The militia of this Commonwealth shall consist of:

(1) all able-bodied citizens of the United States and all other able-bodied persons who have declared their intention to become citizens of the United States, residing within this Commonwealth, who are at least 17 years six months of age and, except as hereinafter provided, not more than 55 years of age; and

(2) such other persons as may, upon their own application, be enlisted or commissioned therein.

(b) Pennsylvania naval militia.—The naval militia of this Commonwealth, when organized pursuant to rules and regulations promulgated by the Governor, shall consist of those persons as may, upon their own application, be enlisted or commissioned therein.

CHAPTER 5  
THE GOVERNOR AS COMMANDER-IN-CHIEF

Sec.

501. Powers of Governor.

502. Acceptance of Federal allotment for Pennsylvania National Guard.

- 503. Training and Federal property of Pennsylvania National Guard.
- 504. Permanent location of Pennsylvania National Guard units.
- 505. Change in organization of Pennsylvania National Guard.
- 506. *Organization of Pennsylvania Guard for emergency.*
- 507. Draft from militia for emergency.
- 508. Active State duty for emergency.
- 509. Coordination with adjacent states.
- 510. Promulgation of regulations and rules.
- 511. Issuing flags, standards and guidons.
- § 501. Powers of Governor.

The Governor of this Commonwealth as Commander-in-Chief shall have the powers enumerated hereafter in this title over the Pennsylvania military forces which includes the Pennsylvania National Guard when not absent from this Commonwealth on the call or order of the United States and the Pennsylvania Guard when formed, organized and equipped under order from the Governor in conformity with this title.

- § 502. Acceptance of Federal allotment for Pennsylvania National Guard.

The Governor shall accept for the Commonwealth allotments of military personnel and equipment and their apportionment to the various arms and services proposed by the Department of Defense for the Pennsylvania National Guard as he may, in his discretion, deem proper for the Commonwealth to accept.

- § 503. Training and Federal property of Pennsylvania National Guard.

The Governor shall assume the obligation of carrying out the training requirement set forth under the applicable Federal statutes and regulations for the Pennsylvania National Guard. This training function is hereby delegated and becomes the responsibility of the normal channels of command in the Pennsylvania National Guard. The Governor shall furnish suitable shelter for personnel and suitable storage facilities for Federal property, issued for use of the Pennsylvania National Guard.

- § 504. Permanent location of Pennsylvania National Guard units.

The Governor shall establish the permanent location, within the boundaries of this Commonwealth, of any assigned, authorized organizations or units of the Pennsylvania National Guard allotted to this Commonwealth by the Department of Defense.

- § 505. *Change in organization of Pennsylvania National Guard.*

The Governor shall organize or reorganize any organization or unit of the Pennsylvania National Guard so as to conform, so far as practicable, to the structure of the armed forces of the United States.

- § 506. *Organization of Pennsylvania Guard for emergency.*

Whenever the Pennsylvania National Guard, or any part thereof, shall be called or ordered into the service of the United States, the



Governor may organize units of the Pennsylvania Guard for the internal security of this Commonwealth. The Governor shall comply with the laws of the United States for the organization, maintenance and functioning of this force. The Governor is further empowered to organize at any time a nucleus of Pennsylvania Guard personnel for the purpose of planning.

§ 507. Draft from militia for emergency.

The Governor shall have the power to order out for actual service with the Pennsylvania Guard by draft as many persons from the militia as necessity demands during a war or other emergency. The Governor is hereby authorized to form, adopt and prescribe such rules and regulations, and appoint such officers and civilian boards and fix their compensation, for the purpose of drafting the militia, when such process may be required, as deemed best and most expedient. Any such rules or regulations shall not conflict with any Federal Selective Service Act or National Draft Act in effect at the time.

§ 508. Active State duty for emergency.

The Governor may place the Pennsylvania National Guard, or any part thereof, or when unavailable due to call or order into the service of the United States, the Pennsylvania Guard, or any part thereof, on active duty when an emergency in this Commonwealth occurs or is threatened, or when tumult, riot or disaster shall exist or is imminent.

§ 509. Coordination with adjacent states.

The Governor shall confer with the Governors or proper authorities of adjacent states for the purpose of coordinating and providing for the mutual defense and the internal security and for the exchange of authority to employ the Pennsylvania military forces in other states, and the employment of their armed forces within the boundaries of this Commonwealth. This power may be delegated to the Adjutant General.

§ 510. Promulgation of regulations and rules.

The Governor shall promulgate such rules and regulations as he may deem expedient for the government of the Pennsylvania military forces. The regulations shall conform to this title and other laws of this Commonwealth applicable to said forces and, as nearly as practicable, to those governing similar Federal armed military forces. They shall have the same force and effect as the provisions of this title and other laws affecting these forces.

§ 511. Issuing flags, standards and guidons.

The Governor as Commander-in-Chief is hereby authorized to procure and issue from time to time to the Pennsylvania National Guard and Pennsylvania Guard such flags, standards and guidons as may be necessary, in conformance with applicable Federal and State statutes and regulations.

CHAPTER 7  
DEPARTMENT OF MILITARY AFFAIRS

Sec.

701. Overall powers of department.

702. Duties of department.

703. Administration, supply and supervision of military forces.

§ 701. Overall powers of department.

The department shall continue to exercise the powers and perform the duties by law vested in and imposed upon the Adjutant General and the department.

§ 702. Duties of department.

The department shall have the power and its duty shall be:

(1) To distribute all orders from the Governor as Commander-in-Chief and perform such other duties as the Governor as Commander-in-Chief shall direct.

(2) To perform such duties and employ the power delegated to the department and the Adjutant General by the laws of the United States and the rules and regulations promulgated thereunder.

(3) To be an office of permanent record for all personnel papers, documents and forms pertaining to the Pennsylvania National Guard except where the laws of the United States require certain papers, documents or forms to be kept permanently in the National Guard Bureau or other department or section of the Department of the Army, or Department of the Air Force, as the case may be; to be an office of permanent record for personnel papers, documents and forms pertaining to the Pennsylvania Guard.

(4) To procure from the proper agency of the Department of Defense all authorized equipment, to ensure that such equipment is issued to the Pennsylvania National Guard and to keep all books and records, to account for said property and make those returns and reports concerning it as required by law.

(5) To keep in its custody all books and accounts of military property of the Commonwealth issued to Pennsylvania military forces and to safely and properly store such property when not issued.

(6) To pay the troops and make all other disbursements by requisition as otherwise provided by law.

(7) To supply to all officers, organizations and units, publications of laws, regulations and rules prescribed for use of Pennsylvania military forces.

(8) With the approval of the Governor as Commander-in-Chief, to sell or exchange, from time to time, such military stores belonging to the Commonwealth as are found to be unserviceable or in state of decay, or which it may be deemed for the best interest of the Commonwealth to sell or exchange, but if the department is unable to obtain a bid for the property, it may be demolished or destroyed. The

destruction of the property shall be witnessed by three disinterested officers of the Pennsylvania National Guard or, when organized, Pennsylvania Guard, and their certificate shall constitute proper authority to issue a voucher for marking off the property. All moneys received for stores so sold shall be paid into the State Treasury through the Department of Revenue.

(9) To audit and adjust all claims incident to the organization, training, discipline, maintenance and service of the Pennsylvania National Guard and Pennsylvania Guard, other than fixed allowances, and to pay such claims when audited and adjusted, but all claims paid thereunder shall be subject to audit by the Department of the Auditor General.

(10) To appoint a board of not less than three commissioned officers of the Pennsylvania National Guard for the purpose of investigating claims for damages based on injuries to persons, or damages to property, arising out of accident or negligence, and incident to the organization, training, discipline, maintenance and service of the Pennsylvania National Guard and, upon the recommendation of the board so appointed, to adjust and pay such claims for damages. Each claim shall be in an amount not exceeding \$2,500. All claims paid hereunder shall be subject to audit by the Department of the Auditor General. No claim shall be paid under the provisions of this paragraph when such claim has arisen from the operation of Commonwealth owned or Federally owned automobiles, when operated by Commonwealth officers or employees or officers and enlisted personnel of the Pennsylvania National Guard.

(11) To investigate the circumstances and to determine the amount of relief or pension payable as a result of the death or disability of a member of the Pennsylvania National Guard; to establish rules governing the filing of claims for pension or relief and to grant such pension or relief, under the laws of this Commonwealth concerning members of the Pennsylvania National Guard.

§ 703. Administration, supply and supervision of military forces.

The department shall be specifically responsible for the administration and supply of the Pennsylvania military forces and shall have general supervisory function of all matters pertaining thereto. The department shall make periodic reports, as required by law or requested by the Governor or the Department of Defense, concerning the condition and state of the readiness of the Pennsylvania military forces.

## CHAPTER 9 THE ADJUTANT GENERAL

Sec.

901. Appointment of Adjutant General, deputies and assistants.

- 902. General powers and duties of Adjutant General.
- 903. Providing subsistence, supplies, equipment and expenses.
- 904. Payment of emergency expenses.
- 905. Approving appointment of Federal personnel.
- 906. Delegating responsibility for requisitioning Federal supplies.
- 907. Augmenting department headquarters staff.
- 908. Expenditures in connection with distinguished guests.
- § 901. Appointment of Adjutant General, deputies and assistants.

(a) Appointment.—The Governor shall appoint the Adjutant General with the advice and consent of the Senate. The Adjutant General may appoint a Deputy Adjutant General for Army and a Deputy Adjutant General for Air, and such other Deputy Adjutants General and Assistant Adjutants General as in his discretion are needed for the efficient functioning of the department. The positions of Assistant Adjutant General, Army, and Assistant Adjutant General, Air, in the grades of brigadier general, shall be authorized. Deputy Adjutants General and such additional Assistant Adjutants General as may be required may also have at least the rank of brigadier general in the Pennsylvania National Guard or Pennsylvania Guard after appointment.

(b) Qualifications.—No Adjutant General, Deputy Adjutant General or Assistant Adjutant General shall be appointed who shall not have served at least ten years as a commissioned officer in the Pennsylvania National Guard, or any of the armed forces of the United States or their reserve components; the aforesaid service may be cumulative.

§ 902. General powers and duties of Adjutant General.

The Adjutant General as head of the department is responsible to the Commonwealth and to the Governor for the organization and functioning of said department, and the performance and carrying out of all the duties, powers and responsibilities given or delegated. In addition he is hereby authorized and directed to:

- (1) Maintain an office through which correspondence on military affairs between the Commonwealth and the Federal Government will be conducted, including that pertaining to funds and property issued by the Federal Government for organization and training of the Pennsylvania military forces.
- (2) Maintain all military records until transferred to the Pennsylvania archives or, where so directed, to the proper Federal department.
- (3) Maintain historical outlines and permanent historical records of organizations of the Pennsylvania military forces.
- (4) Maintain armories, arsenals, military reservations, air bases and all property and equipment intended for the use and training of the Pennsylvania military forces.

(5) Obtain and issue medals in accordance with regulations promulgated under this title.

(6) Prepare all citations, when required, and make arrangements for the proper presentation of the decoration, medal or award.

(7) Convene boards of officers to consider and make recommendations upon such matters as may be referred to them.

(8) Maintain a list of active and retired members of the Pennsylvania National Guard with name, rank, organization, date of appointment, date of retirement and residence.

(9) Execute and enforce the policies of the Commonwealth relative to the Pennsylvania military forces.

(10) Make such bylaws, rules and regulations for the management, general direction and control of the property of the Pennsylvania Soldiers' and Sailors' Home or homes wherever situate.

(11) Coordinate with other Commonwealth agencies and departments, and the respective agencies of the Federal Government, all matters relating to veterans' affairs within this Commonwealth.

(12) Appoint a Director of the Bureau for Veterans' Affairs.

§ 903. Providing subsistence, supplies, equipment and expenses.

The necessary subsistence, supplies, equipment and expenses incident to any active State service, including the transportation of troops, may be contracted for under direction of the Governor as Commander-in-Chief, by the Adjutant General or any other officer designated for that purpose, to be paid for as otherwise provided by law, except when such active service is under the orders of the Department of Defense when subsistence, supplies, equipment and other expenses incident to any active State service, including transportation, is furnished by the Federal Government.

§ 904. Payment of emergency expenses.

When the Pennsylvania National Guard, or any portion thereof, is ordered on active State duty by the Governor as Commander-in-Chief for the internal security of this Commonwealth or in case of disaster within this Commonwealth, the payment of the troops and all other expenses incident to such services will be made by the Adjutant General from funds obtained in the manner provided by law. If the Pennsylvania National Guard, or any portion thereof, shall be called into the active service of the United States by the President, all necessary expenses incident to the mobilization under such call shall be paid by the Adjutant General from funds as authorized by the Federal Government. The necessary transportation, supplies, equipment and necessary expenses incident to such Federal active duty within this Commonwealth or mobilization under the call of the President may be contracted for under direction of the Governor by the Adjutant General or other officer or officers designated for that purpose. The same shall be paid for by the Adjutant General from funds obtained as provided by law, except when such expenses are paid by the Federal Government.

§ 905. Approving appointment of Federal personnel.

The Adjutant General shall approve all appointments of personnel authorized by the laws of the United States to care for Federal property and assist in the administration of the Pennsylvania National Guard. The appointment of personnel will not be made without meeting all the requirements and qualifications imposed by existing laws and regulations.

§ 906. Delegating responsibility for requisitioning Federal supplies.

The responsibility of requisitioning, procurement, storage and issue of Federal property, arms and equipment for use of the Pennsylvania National Guard may be delegated to the duly appointed United States Property and Fiscal Officers and the duly appointed Assistant United States Property and Fiscal Officers for Air.

§ 907. Augmenting department headquarters staff.

(a) General rule.—With the approval of the Governor, the Adjutant General may augment the department headquarters with qualified personnel in the following categories:

Retired Pennsylvania National Guard.

Inactive Pennsylvania National Guard.

Pennsylvania Guard.

Retired Personnel, any Federal armed service.

(b) Status of appointed personnel.—Personnel so appointed shall be assigned by the Governor and shall have all the rights, privileges and responsibilities under this title granted military personnel, and will take rank according to date of commission. Officers, warrant officers and enlisted personnel thus appointed will not be entitled to pay and allowances for drill or instruction periods but will be entitled to regular expenses as authorized when performing official duties away from home stations unless otherwise prohibited by the Constitution of Pennsylvania.

(c) Absence of headquarters staff.—During the absence of the Federally recognized Headquarters and Headquarters Detachment of the Pennsylvania National Guard under call or order in the service of the United States, the Adjutant General is authorized to form a State Staff and Detachment of the Pennsylvania Guard to carry out the duties and responsibilities of the department in connection with the military forces of this Commonwealth.

§ 908. Expenditures in connection with distinguished guests.

The Adjutant General is authorized to expend, not to exceed \$10,000 annually, for the carrying out of his functions under this title for the entertainment of distinguished guests on official business. Payment shall be made by the State Treasurer in the normal manner upon submission of proper voucher by the Adjutant General.

CHAPTER 11  
PENNSYLVANIA NATIONAL GUARD

Sec.

- 1101. Pennsylvania National Guard as organized peacetime force.
- 1102. Composition and organization.
- 1103. General officers.
- 1104. Composition of units.
- 1105. Powers of a commanding general.
- 1106. Disbandment of units.
- 1107. Retention of ancient privileges.
- 1108. Administration of oaths and affirmations.

§ 1101. Pennsylvania National Guard as organized peacetime force.

The organized armed forces of this Commonwealth during time of peace shall be and constitute the Pennsylvania National Guard and shall be subject at all times to the orders of the officers thereof. Nothing in this chapter shall be construed to prevent the Governor as Commander-in-Chief, at his discretion, to form cadres of authorized war time organizations for the purpose of preplanning.

§ 1102. Composition and organization.

The Pennsylvania National Guard shall consist of such personnel as may, under the act of Congress, be prescribed by the President of the United States as the portion of the National Guard of the United States apportioned and assigned to this Commonwealth. The personnel of the Pennsylvania National Guard shall be organized according to the directives of the Department of the Army and the Department of the Air Force.

§ 1103. General officers.

(a) General rule.—Persons commissioned to and holding in the Pennsylvania National Guard the rank of general officer shall be known as general officers of the line. The number of general officers of the line of the Pennsylvania National Guard shall conform with the number of such officers allocated to this Commonwealth as authorized by the unit manning documents promulgated in conformity with the National Defense Act. General officers shall be appointed by the Governor with the consent of the Senate.

(b) Qualifications.—Each person appointed as a general officer of the line shall have the qualifications for promotion to general officer rank established by the Department of Defense.

§ 1104. Composition of units.

The composition of all units of the Pennsylvania National Guard, including the commissioned and enlisted personnel thereof other than those specifically provided for in this chapter, shall be fixed from time to time by the Governor and announced in orders, and shall, as far as practicable, be in accordance and in compliance with such regulations as may be promulgated by the Secretary of the Army and Secretary of the

Air Force for the composition of the National Guard. Every such order shall have the same force and effect as if specifically enacted and provided for by statute.

§ 1105. Powers of a commanding general.

A general officer of the Pennsylvania National Guard commanding a division or non-divisional organizations and units equivalent to a division shall have all the power and authority of a major general under the rules and regulations prescribed, or hereafter to be prescribed, for the government of the armed forces of the United States, subject to the orders and direction of the Governor as Commander-in-Chief. A division commander or commanding general of a non-divisional unit shall be responsible for the training, discipline, administration and efficiency of the division or non-division troops under his command and of any troops attached thereto. He shall be responsible for making recommendations to the Adjutant General concerning appointment and promotion of officers, and shall cause such inspections, investigations and reports to be made for the troops under his command as may be required by higher authority. He shall appoint such boards and courts-martial as may be required and authorized. This section shall also apply to general officers of the Pennsylvania Guard when organized.

§ 1106. Disbandment of units.

If it appears to the Governor as Commander-in-Chief that a unit of the Pennsylvania National Guard cannot discharge the duties required of it, such unit may be disbanded by the Governor, if in his judgment the interests of the service justify it, subject to the restrictions of the National Defense Act.

§ 1107. Retention of ancient privileges.

Any unit of artillery, cavalry or infantry existing in this Commonwealth on the passage of the act of Congress of May 8, 1792, which by the laws, customs or usages of this Commonwealth has been in continuous existence since the passage of said act shall be allowed to retain its ancient privileges, subject, nevertheless, to all duties required by this title. Said organizations may be a part of the Pennsylvania National Guard and entitled to all the privileges thereof and shall conform in all respects, except as to cornets, to the organization, discipline and training of the National Guard in time of war. For the purpose of training and when on active duty in the service of the United States, they may be assigned to higher units, as the Governor may direct, and shall be subject to the orders of officers under whom they shall be serving.

§ 1108. Administration of oaths and affirmations.

(a) General rule.—General officers, field grade officers, adjutants, administrative officers (Air Force), summary courts and judge advocates are hereby authorized and empowered to administer oaths and affirmations in all matters pertaining to and concerning the Pennsylvania National Guard, and all commissioned officers are



authorized and empowered to administer oaths and affirmations in the enlistment of personnel for the Pennsylvania National Guard.

(b) Penalty for false oath.—Any person who shall falsely swear or affirm to any oath or affirmation before any such officer shall be guilty of a misdemeanor of the third degree.

### CHAPTER 13 PENNSYLVANIA GUARD

Sec.

1301. Composition of Pennsylvania Guard.

1302. Designation and change of location of units.

1303. General officers of Pennsylvania Guard.

§ 1301. Composition of Pennsylvania Guard.

The Pennsylvania Guard shall consist of such units as may be prescribed by the Governor.

§ 1302. Designation and change of location of units.

The Governor shall designate the location of the several organizations and units and may change the same at his discretion. Organizations and units shall be located wherever practicable in armories owned by the Commonwealth.

§ 1303. General officers of Pennsylvania Guard.

(a) General rule.—Persons commissioned to and holding in the Pennsylvania Guard the rank of general officer shall be known as general officers of the Pennsylvania Guard. The number of general officers shall be determined by the Governor. General officers shall be appointed by the Governor with the consent of the Senate unless previously confirmed as a general officer by the Senate.

(b) Qualifications.—Any person appointed a general officer of the Pennsylvania Guard shall have served at least ten years as a commissioned officer in either the Pennsylvania National Guard, Pennsylvania Guard or any of the armed forces of the United States or their reserve components, which service may be cumulative.

### CHAPTER 15 STATE ARMORY BOARD

Sec.

1501. Composition and general functions.

1502. Erection of armories.

1503. Management of armories.

1504. Purchase or lease of ground for armories.

1505. Donation of land by political subdivisions.

1506. Donation of property and services by political subdivisions.

1507. Sale of unusable armories and land.

1508. Payment of armory rentals by Commonwealth.

1509. Rental of armories.

1510. Property in armories of units in Federal service.

§ 1501. Composition and general functions.

The State Armory Board shall consist of the Adjutant General, who shall act as chairman, and five members appointed by the Adjutant General. Three of the members of the State Armory Board appointed by the Adjutant General shall be members of the Pennsylvania National Guard. The State Armory Board shall exercise the powers, duties and provisions of this chapter. The board shall appoint a secretary who need not be a member of the board. It shall provide, equip, maintain, manage and regulate armories for the use of the Pennsylvania military forces. It may, with the approval of the Governor, accept gifts of land, with or without buildings thereon, to be used for military purposes. The title to all such land shall be taken in the name of the Commonwealth. It may also employ funds appropriated to it to purchase, for armory purposes, any suitable buildings or sites.

§ 1502. Erection of armories.

The Armory Board is hereby empowered and directed to erect or provide anywhere within the limits of this Commonwealth, upon such terms and conditions as shall be decided upon by said Armory Board, armories for the use of the Pennsylvania National Guard. These armories shall be used for training assemblies, meetings and rendezvous purposes by the organizations of the Pennsylvania National Guard and, when organized, the Pennsylvania Guard.

§ 1503. Management of armories.

The Armory Board shall constitute a board for the general management and care of said armories, when established, and shall have the power to adopt and prescribe rules and regulations for their management and government, and formulate such rules for the guidance of the organization occupying them as may be necessary and desirable.

§ 1504. Purchase or lease of ground for armories.

The Armory Board shall have full authority to purchase or lease ground in the various localities throughout this Commonwealth where it shall be deemed necessary to provide armories. The ground in each instance shall be purchased or leased in the name and for the use of the Commonwealth of Pennsylvania, and upon the ground so purchased or leased, the Armory Board is authorized and directed to erect an armory or use said land for the benefit of the Pennsylvania military forces. When such armory or armories are erected or provided, the said Armory Board shall have charge thereof and arrange for its occupancy and use, under the direction and responsibility of the senior officer in command of the using unit or organization.

§ 1505. Donation of land by political subdivisions.

It shall be lawful for any county, city, borough, town or township to acquire by purchase or by gift, or by the right of eminent domain, any land for the use of the Pennsylvania National Guard, and to convey such lands so acquired to the Commonwealth of Pennsylvania. The

proceedings for the condemnation of lands under the provisions of this chapter and for the assessment of damages for property taken, injured or destroyed shall be taken in the same manner as is now provided by the act of June 22, 1964 (P.L.84, No.6), known as the "Eminent Domain Code."

§ 1506. Donation of property and services by political subdivisions.

(a) General rule.—Any political subdivision of this Commonwealth is hereby authorized and empowered, either independently or in connection with any other political subdivision of this Commonwealth, to provide and appropriate moneys or convey land to the Commonwealth of Pennsylvania to assist the Armory Board in the erection of armories for the use of the Pennsylvania National Guard. Any political subdivision may furnish water, light or fuel, either or all, free of cost to the Commonwealth of Pennsylvania, for use in any armory of the Pennsylvania National Guard, and to do all things necessary to accomplish the purpose of this chapter.

(b) Authority of government units.—The Armory Board shall have power to receive from any political subdivisions or other sources, donations of land, or contributions of money, to aid in providing or erecting armories throughout this Commonwealth for the use of the Pennsylvania National Guard and which shall be held as other property for the use of the Commonwealth of Pennsylvania. Such political subdivisions are hereby authorized to make such donations or contributions for the purpose of this chapter.

§ 1507. Sale of unusable armories and land.

(a) General rule.—Whenever, in the opinion of the Armory Board, any armory building, armory site, or other real estate owned by the Commonwealth is no longer suitable for military services due to change in population or to the needs of the military service, it may sell it in accordance with law.

(b) Disposition of proceeds.—The money derived from such sale of any armory building, armory site or other real estate shall be paid into the State Treasury Armory Fund. Funds resultant from the provisions of this section shall be expended solely for the purchase of equipment, furniture and fixtures or for the construction of new armories in the Commonwealth of Pennsylvania and are hereby specifically so appropriated.

§ 1508. Payment of armory rentals by Commonwealth.

The annual rental of all armories and buildings not owned by the Commonwealth and occupied by any organization, shall be paid by the State Treasurer in the manner provided by law. All payments for light, heat, water and janitor services in rented armories and buildings shall be made by the Department of Military Affairs upon properly itemized vouchers, except where such services are furnished by the landlord under the rental contract.

§ 1509. Rental of armories.

The State Armory Board may issue such rules and regulations for the rental of armories for non-military purposes to responsible persons or organizations at scheduled rates approved by the State Armory Board. Said rentals shall be payable to the State Armory Board for the use of the department.

§ 1510. Property in armories of units in Federal service.

(a) Custody and use.—When units of the Pennsylvania National Guard are called or ordered into the service of the United States, all furniture, permanent property and equipment located in their respective armories, purchased from State or municipal funds, or donated to the unit from private sources, will be left in the armory and will be taken into custody by the State Armory Board, to be used by units of Pennsylvania military forces assigned to said armory, until such time as the Pennsylvania National Guard unit or organization returns.

(b) Reassignment and disposition.—If, upon the reorganization of the Pennsylvania National Guard following a war or emergency, the organization is not reorganized or is assigned to another location within this Commonwealth, then the property in question becomes the property of the Commonwealth to assign, reassign and dispose of as the State Armory Board may decide or direct.

## SUBPART B OFFICERS AND ENLISTED PERSONNEL

### Chapter

- 21. General Service
- 23. Pennsylvania National Guard
- 25. Pennsylvania Guard

## CHAPTER 21 GENERAL SERVICE

### Sec.

2101. Exemption from militia duty.

§ 2101. Exemption from militia duty.

(a) General rule.—Members of the General Assembly, the judiciary and such other persons as the Governor by executive order may decree shall be exempt from militia duty.

(b) Exemption for religious belief.—All persons who because of religious belief shall claim exemption from militia service, if the conscientious holding of such belief for such person shall be established under the regulations prescribed by the Governor, shall be exempted from militia service in a combatant capacity, but no person so exempted shall be exempt from militia service in any capacity that the Governor shall declare to be noncombatant.

(c) Volunteers.—This section shall not be construed to prevent any person exempted from voluntarily enlisting or accepting a commission in the Pennsylvania military forces.

CHAPTER 23  
PENNSYLVANIA NATIONAL GUARD

Sec.

- 2301. Appointment of commissioned officers.
- 2302. Appointment of warrant officers.
- 2303. Oath of commissioned and warrant officers.
- 2304. Compensation of division commander or equivalent.
- 2305. Promotion of commissioned and warrant officers.
- 2306. Powers of commissioned, warrant and noncommissioned officers.
- 2307. Uniforms of commissioned officers.
- 2308. Term of commissioned and warrant officers.
- 2309. Discharge and removal of commissioned and warrant officers.
- 2310. Holding officers as supernumerary pending settlement.
- 2311. Enlistment of enlisted personnel.
- 2312. Discharge of enlisted personnel.
- 2313. Retired Pennsylvania National Guard personnel.
- 2314. Status when called into temporary Federal service.
- 2315. Status when ordered into active Federal service.
- 2316. Transfer of unaccepted personnel to Pennsylvania Guard.
- 2317. Temporary commander of unit.

§ 2301. Appointment of commissioned officers.

All commissioned officers shall be appointed by the Governor and be commissioned according to the rank in the arm or service in which they are appointed. They shall meet all the requirements and qualifications now or hereafter prescribed by the laws of the United States and the rules and regulations promulgated thereunder for the organization and regulation of the Pennsylvania National Guard. No officer shall be commissioned until he shall have successfully passed such tests as to his physical, moral and professional fitness as shall be prescribed in relation thereto.

§ 2302. Appointment of warrant officers.

All warrant officers shall be appointed by the Governor and the warrant will bear the grade and warrant officer classification. Warrant officers shall meet all the requirements and qualifications now or hereafter prescribed by the laws of the United States and the rules and regulations promulgated thereunder for the organization and regulation of the Pennsylvania National Guard.

§ 2303. Oath of commissioned and warrant officers.

All commissioned officers and warrant officers shall take the following oath:

"I, . . . . .do solemnly swear or affirm that I will support and defend the Constitution of the United States and the Constitution of the Commonwealth of Pennsylvania against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will obey the orders of the President of the United States and of the

Governor of the Commonwealth of Pennsylvania; that I make this obligation freely without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office of . . . . . in the National Guard of the Commonwealth of Pennsylvania upon which I am about to enter, so help me God.”

§ 2304. Compensation of division commander or equivalent.

When a general officer commanding a division or the commanding officer of nondivisional troops equivalent in size to a separate infantry brigade is permanently employed by the Commonwealth in his command capacity, he shall receive the pay in accordance with the current compensation plan of the Commonwealth.

§ 2305. Promotion of commissioned and warrant officers.

The Governor has the power to promote officers and warrant officers of the Pennsylvania National Guard in accordance with the laws of the United States and rules and regulations promulgated thereunder.

§ 2306. Powers of commissioned, warrant and noncommissioned officers.

Commissioned officers, warrant officers and noncommissioned officers of the Pennsylvania National Guard under their State commissions and warrants shall have all the powers inherent with command and training responsibility as are granted officers, warrant officers and noncommissioned officers of like rank and grade in the armed forces of the United States by law, policy and customs of the service.

§ 2307. Uniforms of commissioned officers.

Every commissioned officer and warrant officer shall furnish his own uniforms which shall be as prescribed by the Adjutant General, in accordance with Federal rules and regulations. An allowance for this purpose, not to exceed \$300 for each officer upon commissioning, may be prescribed by the Governor. In addition thereto, the Governor may prescribe a further allowance not to exceed \$50 in any one year for each officer, for the maintenance of such uniforms.

§ 2308. Term of commissioned and warrant officers.

The term of every commissioned officer and warrant officer shall be permanent or until terminated by reason of death, retirement, physical disqualification, acceptance by proper authority of resignation, action by a properly constituted board or court martial, or in accordance with Federal regulations governing withdrawal of Federal recognition of a commissioned officer or warrant officer.

§ 2309. Discharge and removal of commissioned and warrant officers.

(a) Discharge for unfitness.—At any time, the moral character, capacity and general fitness for the service of any Pennsylvania National Guard officer or warrant officer may be determined by a fitness board or court of inquiry of three commissioned officers, senior in rank, if possible, to the officer whose fitness for service shall be under investigation. This board shall be appointed by the Governor, in the case

of general officers and officers of the headquarters Pennsylvania National Guard, and by the Adjutant General in all other cases. If the findings of such board be unfavorable to such officer or warrant officer and be approved by the Governor he shall be discharged.

(b) Grounds for vacating commission or warrant.—Commissions of officers or warrants of warrant officers of the Pennsylvania National Guard may be vacated for any of the following reasons:

- (1) Upon the recommendation of a fitness board.
- (2) If recourse occurs on his bond in the settlement of his financial or property accounts.
- (3) If he has been convicted of a felony.
- (4) Upon withdrawal of Federal recognition.

(c) Grounds for vacating office or assignment.—When a commissioned or warrant officer of the Pennsylvania National Guard retires, accepts an appointment to another office therein, is transferred to the Inactive National Guard, resigns, is relieved from active duty but held as a supernumerary, or dies, the office or assignment previously held shall be deemed to have been vacated.

#### § 2310. Holding officers as supernumerary pending settlement.

A commissioned officer responsible for Commonwealth funds or Commonwealth property or property of the United States issued to him by the Adjutant General or United States property and disbursing officer, or acquired by transfer, inventory or purchase from annual allowance of Commonwealth funds, who may tender his resignation or who may be relieved from command by competent orders of the Governor, and whose accounts are not settled, may be held as supernumerary pending settlement of his accounts. A commissioned officer so held as supernumerary shall be amenable to court-martial for military offenses to the same extent and in like manner as if upon the active list.

#### § 2311. Enlistment of enlisted personnel.

(a) Qualifications.—Every enlisted person shall meet all the qualifications prescribed by the laws of the United States and the rules and regulations promulgated thereunder.

(b) Enlistment contract and oath.—Every person enlisting in the Pennsylvania National Guard shall sign an enlistment contract and take and subscribe to the oath of enlistment prescribed by the current Federal regulations.

(c) Extending term of enlistment.—The Adjutant General, with the approval of the Governor, may, upon request by appropriate Federal authority, extend the term of enlistment contracted for by a term not exceeding 12 months.

(d) Denial of extension of enlistment or reenlistment.—Upon the expiration of the term of service of an enlisted person, if good and sufficient reasons exist for the unit commander to believe that it would not be in the best interests of the Pennsylvania National Guard to permit

this person to reenlist or extend his enlistment contract, such unit commander may deny reenlistment or extension of enlistment.

§ 2312. Discharge of enlisted personnel.

(a) General rule.—An enlisted person discharged from service in the Pennsylvania National Guard shall receive a discharge in writing in such form and with such classification as shall be prescribed by the National Guard Bureau, and in time of peace discharges may be given prior to the expiration of terms of enlistment, under such regulations as the Governor may prescribe, subject to the restrictions of the National Defense Act, or amendments thereto.

(b) Termination of Federal service.—On termination of an emergency in which enlisted personnel of the Pennsylvania National Guard shall have been called into the Federal service by the President of the United States in accordance with the provisions of the National Defense Act, such enlisted personnel shall continue to serve in the National Guard until the dates upon which their enlistment entered into prior to their call into the Federal service would have expired if uninterrupted.

(c) Termination of enlistment.—The term of enlistment of every enlisted person's enlistment contract will be for the period of his enlistment or until terminated by reason of any of the following:

- (1) Death.
- (2) Reaching the maximum age-in-grade limitations provided in Army and Air National Guard regulations.
- (3) Physical disqualification.
- (4) Any other reason enumerated in this title or for reasons specified in Army or Air National Guard regulations.

(d) Failure to meet qualifications.—In addition to the provisions of subsection (c), if during the term of enlistment it is determined that an enlisted person does not meet all the prescribed qualifications specified by the Federal regulations and if a waiver is not appropriate or authorized, then the enlisted person shall be discharged.

§ 2313. Retired Pennsylvania National Guard personnel.

(a) Promotions.—Every former officer, warrant officer or enlisted person shall, upon application to the Adjutant General after his or her retirement, be promoted to the next higher grade in the Pennsylvania National Guard retired list above that presently held in a grade Federally recognized if the applicant:

- (1) has served a total of 25 years in armed forces of the United States or its components, ten years of which includes service in Pennsylvania National Guard with active Federal service counting as double time. The 25 years service shall be such as would be credited for retirement of National Guard and Reserve personnel; or
- (2) has attained the grade of major general in the Pennsylvania National Guard and has been Federally recognized in such grade; or



(3) has served in the Pennsylvania National Guard, Pennsylvania Guard or both for a period of 25 or more years and who has served in his highest grade for at least one year.

Promotion to general officer on the retired list shall not require the consent of the Senate.

(b) Computation of period of service.—In considering the period of service under this section, the military service of personnel in the Pennsylvania National Guard engaged in the service of the United States or active service in the armed forces of the United States shall be included and counted double in calculating the period of service for retirement with increased grade under provisions of this section.

(c) Wearing uniform following retirement.—All retired officers and enlisted personnel shall be entitled to wear the uniform of their grade as retired officers and enlisted personnel of the Pennsylvania National Guard on all proper military and semi-military occasions within this Commonwealth.

(d) Applicability of section.—The provisions of retirement with increased rank shall be applicable when applied to officers retired prior to the effective date of this section and the provisions of this section shall apply to deceased officers on the retired list upon proper application to the Adjutant General by some duly recognized veterans' organization. § 2314. Status when called into temporary Federal service.

(a) General rule.—When any or all parts of the Pennsylvania National Guard are called as such into the service of the United States, their units and members retain their State status as Federally recognized units and members of the Pennsylvania National Guard in a state of temporary suspension. Under a Presidential call, officers of the Pennsylvania National Guard shall continue to be appointed by the State and neither officers nor enlisted personnel may be held to service beyond the terms of their existing commissions or enlistments while in the service of the United States.

(b) Termination of service.—When the call into the service of the United States has been terminated and organizations, units and personnel are returned to their status as the Pennsylvania National Guard, personnel shall continue to serve in the Pennsylvania National Guard until the date which their commission or enlistment entered into prior to the call or during the call would have expired if uninterrupted. § 2315. Status when ordered into active Federal service.

(a) General rule.—When any or all of the units and members of the Pennsylvania National Guard are ordered into the active military service of the United States, they stand relieved from duty in the Pennsylvania National Guard during the period of such active military service, irrespective of the term of their existing commissions or enlistments. Their prior status as units and members of the Pennsylvania National Guard continues to exist as an underlying and

temporarily suspended status of origin to which they may and do return upon relief from the active military service of the United States.

(b) Termination of service.—When the duration of their active military service of the United States is of such a duration and units and members so intermingled with other organizations and units of the armed forces of the United States that makes it impracticable for the units and members to return to that prior status as units and members of the Pennsylvania National Guard and it therefore becomes necessary to completely reorganize the Pennsylvania National Guard, former members, who accept a commission or enlist in the reorganized Pennsylvania National Guard under the conditions then applicable and prior to the date of Federal recognition, shall have their service for the purpose of longevity, State retirement, medals and awards count as continuous and uninterrupted.

§ 2316. Transfer of unaccepted personnel to Pennsylvania Guard.

When the Pennsylvania National Guard, or any part thereof, is ordered or called into the service of the United States, officers, warrant officers and enlisted personnel of the Pennsylvania National Guard not accepted for Federal service because of physical defects, age or other cause may be immediately transferred to the rolls of the Pennsylvania Guard and assigned to units or organizations of the Pennsylvania Guard by the department. The officer, warrant officer and enlisted personnel so transferred may serve in the Pennsylvania Guard for the duration of the emergency plus six months unless sooner discharged under the terms of their State commission or enlistment contract.

§ 2317. Temporary commander of unit.

When a unit is without commissioned officers from any cause, the commanding officer of the next higher unit in the military chain of command of which it is a part shall detail an officer to command said organization until an officer has been appointed or assigned thereto.

## CHAPTER 25 PENNSYLVANIA GUARD

Sec.

2501. Oath of commissioned officers.

2502. Physical qualifications of officers and enlisted personnel.

2503. Enlistment contract and oath.

2504. Retirement of commissioned officers and enlisted personnel.

§ 2501. Oath of commissioned officers.

Each commissioned officer before entering upon the duties of his appointment shall take and subscribe the following oath: "I, . . . . ., do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the Commonwealth of Pennsylvania against all enemies; that I will bear true faith and allegiance to the same; that I will obey the orders of the Governor of the Commonwealth of Pennsylvania; that I make this obligation freely

without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office . . . . . in the Pennsylvania Guard upon which I am about to enter.”

§ 2502. Physical qualifications of officers and enlisted personnel.

The Governor will, by executive order, prescribe the age limitations and physical qualifications which will govern both officers and enlisted personnel in the Pennsylvania Guard, but no person shall be refused enlistment or a commission or in any way be discriminated against in the administration of this title by reason of his race, color, sex, creed or national origin.

§ 2503. Enlistment contract and oath.

Every person enlisting in the Pennsylvania Guard shall sign an enlistment contract and take and subscribe to the following oath of enlistment: “I do hereby acknowledge to have voluntarily enlisted this . . . . ., 19. . . ., as a soldier in the Pennsylvania Guard for the period of the emergency plus six months unless sooner discharged by proper authority, and I do solemnly swear that I will bear true faith and allegiance to the United States of America and to the Commonwealth of Pennsylvania, and that I will serve them honestly and faithfully against all their enemies whomsoever, and that I will obey the order of the Governor of the Commonwealth of Pennsylvania and of the officers appointed over me according to law.”

§ 2504. Retirement of commissioned officers and enlisted personnel.

Commissioned officers and enlisted personnel of the Pennsylvania Guard shall be controlled by section 2313 (relating to retired Pennsylvania National Guard personnel) for promotion on the Pennsylvania Guard retired list.

SUBPART C

PAY, ALLOWANCES, BENEFITS AND MEDALS

Chapter

- 31. Pennsylvania National Guard
- 33. Pennsylvania Guard
- 35. Disability Relief and Pensions
- 37. Decorations, Medals, Badges and Awards

CHAPTER 31

PENNSYLVANIA NATIONAL GUARD

Sec.

- 3101. Pay of officers on special duty.
- 3102. Pay of officers and enlisted personnel in active State service.
- 3103. Transportation and expenses of personnel on special duty.

§ 3101. Pay of officers on special duty.

Commissioned officers may be ordered upon special duty at the discretion of the Governor and shall receive the pay and allowances of

their respective grades during the time they may continue upon duty under such order.

§ 3102. Pay of officers and enlisted personnel in active State service.

(a) General rule.—When the Pennsylvania National Guard or Pennsylvania Guard, or any part thereof, is ordered on active duty for State service by the Governor as Commander-in-Chief and pay is authorized for such duty under the order prescribing the performance thereof, the commissioned officers, warrant officers and enlisted personnel so ordered shall be entitled to the same pay and allowances and transportation in kind provided for in the current Armed Forces Pay and Allowance Act. Notwithstanding any provisions of such act, the pay of any such personnel shall not be less than \$25 per day.

(b) Payments and deductions.—All payments of pay and service shall be made by the Adjutant General in the usual manner. No deductions shall be made from the pay of officers or enlisted personnel in active State service for dues or other financial obligations imposed by any bylaws, rules or regulations of a civil character.

§ 3103. Transportation and expenses of personnel on special duty.

Personnel in attendance upon court-martial, boards of examination, fitness boards and other necessary duty as prescribed by the Adjutant General shall receive transportation in kind as may be provided for in orders, and the necessary expenses lawfully incurred in the performance of any such duty shall be paid upon proper vouchers duly approved by the officer under whose orders the duty is performed.

## CHAPTER 33 PENNSYLVANIA GUARD

Sec.

3301. Pay and expenses of officers and enlisted personnel.

3302. Uniforms, arms and equipment.

3303. Pennsylvania National Guard laws generally to apply.

§ 3301. Pay and expenses of officers and enlisted personnel.

(a) Armory drills.—All officers and enlisted personnel will receive pay for armory assemblies not to exceed 60 assembly days in any one year. The rate of pay shall be in accordance with the corresponding grades and length of service of the current Armed Forces Pay and Allowance Act. An assembly shall consist of at least four hours of training.

(b) Active State service.—In the event of a calling of all or any part of the Pennsylvania Guard into active State service, the pay and transportation of officers and enlisted personnel shall be on the same basis as provided for similar grades under the current Armed Forces Pay and Allowance Act.

(c) Annual training.—The Governor is further authorized to provide an annual training period for the Pennsylvania Guard, not to exceed 30 days in any one year, during which period the pay, allowances

and transportation of officers and enlisted men shall be on the same basis as provided for similar grades in the current Armed Forces Pay and Allowance Act.

§ 3302. Uniforms, arms and equipment.

The Governor is authorized to requisition from the Department of Defense such uniforms, arms and equipment as may be available for use of the Pennsylvania Guard as may be authorized by the Congress of the United States to be made available to the Pennsylvania Guard. In the event uniforms and equipment are not available from the Federal Government for the use of the Pennsylvania Guard, the Governor shall cause to be provided such uniforms, arms and equipment as may be necessary for the efficient functioning and operation of the Pennsylvania Guard.

§ 3303. Pennsylvania National Guard laws generally to apply.

All laws or sections of laws of this Commonwealth pertaining to the Pennsylvania National Guard shall be applicable and shall govern the Pennsylvania Guard except as modified or changed by the provisions of this chapter.

## CHAPTER 35 DISABILITY RELIEF AND PENSIONS

Sec.

3501. Relief for disability incurred in active State service.

3502. Deceased soldier's dependents' pension.

§ 3501. Relief for disability incurred in active State service.

(a) General rule.—If any officer or enlisted man of the Pennsylvania National Guard is injured or otherwise disabled, or dies as a result of injuries or other disability received or contracted while performing duty in active service of the Commonwealth or in the performance of other State military duty under competent order or authority, or while engaged in volunteer service during a civil emergency at the request of competent military authority, he or his dependents, if not compensated therefor by the government of the United States, shall receive from the Commonwealth just and reasonable relief, the amount of compensation to be determined in accordance with the Workmen's Compensation Law of Pennsylvania. The General Assembly shall appropriate the moneys necessary to provide for such compensation.

(b) Computation of average weekly wage.—In the computation of average weekly wage for purposes of compensating a member of the Pennsylvania National Guard or his beneficiaries, "wages" shall include all earnings during the period used for such computation received from employment in the national guardsman's usual occupation.

§ 3502. Deceased soldier's dependents' pension.

(a) Amount and persons entitled.—A pension may be paid to either the widow or widower or minor children or dependent parent of any member of the Pennsylvania National Guard, who may die from injuries

received, or who may be killed while in active service, under orders of the Governor, which active service shall include participation in armory assemblies or participation in aerial flights incidental to training. Such pension shall be computed on the following basis and distributed to the following persons monthly:

- (1) To each minor child, if there is no widow or widower entitled to compensation, \$50, with \$25 for each child in excess of two, with a maximum of \$150 to be paid to their guardian.
- (2) To the widow or widower, if there are no children, \$50.
- (3) To the widow or widower, if there is one child, \$75.
- (4) To the widow or widower, if there are two children, \$100.
- (5) To the widow or widower, if there are three children, \$125.
- (6) To the widow or widower, if there are four or more children, \$150.
- (7) To the father and mother, if there is no widow, widower, or children, if dependent to any extent upon the member for support at the time of his death, \$50.

(b) *Workman's compensation.*—Such pension shall be in addition to any relief in the form of compensation determined under the Workmen's Compensation Law of Pennsylvania as authorized by section 3501 (relating to relief for disability incurred in active State service).

(c) *Claims.*—All claims for pension under this section shall be made to the department, which shall establish rules governing the filing of such claims. The department shall investigate all circumstances connected with the death of the person and make a recommendation to the Adjutant General as to the granting of a pension. If a pension is granted, it shall be paid quarterly in the manner provided by law.

(d) *Term and removal.*—No pension granted under this section shall be granted for a longer period than five years; but may be renewed, for a further period of five years, upon satisfactory evidence of the dependency of the pensioner being submitted or obtained by the department.

(e) *Revocation.*—The department shall have power to revoke any pension granted under this section when it shall be shown to the satisfaction of the department that the pensioner is no longer in a state of dependency.

(f) *Exemption.*—The provisions of this section shall not apply to any member of the Pennsylvania National Guard while in the service of the United States, in case of war, or under the orders of the President of the United States.

(g) *Appropriation.*—The necessary appropriation to pay any pensions granted under this section shall, at each regular session of the General Assembly, be included in the items pertaining to the department, in the act of Assembly providing for the ordinary expenses of the Executive, Judicial, and Legislative Departments of the Commonwealth.

CHAPTER 37  
DÉCORATIONS, MEDALS, BADGES AND AWARDS

Sec.

3701. Authorized decorations, medals, badges and awards.

3702. Specifications.

3703. Wearing of military insignia by municipal employees.

3704. Saving provision.

§ 3701. Authorized decorations, medals, badges and awards.

(a) General rule.—The following decorations, medals, badges and awards are authorized to be presented by the Governor in the name of the Commonwealth:

(1) Pennsylvania Cross for Valor.

(2) Pennsylvania Distinguished Service Medal.

(3) Pennsylvania Meritorious Service Medal.

(4) Pennsylvania Commendation Medal.

(5) State Medal for Federal Service during any war.

(6) Pennsylvania Service Ribbon or Medal for active State service during an emergency.

(7) Pennsylvania Twenty Year Service Medal.

(8) Major General Thomas R. White, Jr. Medal.

(9) General Thomas J. Stewart Medal.

(10) Pennsylvania Outstanding Aeronautical Achievement Award.

(11) Marksmanship Medals or Badges.

(b) Method of award.—The following decorations, medals, badges and awards will be awarded under the following conditions:

(1) The Pennsylvania Cross for Valor shall be awarded by the Governor to members of the Pennsylvania National Guard, Pennsylvania Guard or the armed forces of the United States or their reserve components for acts of bravery or valor above the ordinary gallantry of other members of the services.

(2) The Pennsylvania Distinguished Service Medal shall be awarded by the Governor to members of the Pennsylvania National Guard, Pennsylvania Guard or armed forces of the United States or their reserve components in recognition of meritorious service beyond the normal dictates of duty to this Commonwealth.

(3) The Pennsylvania Meritorious Service Medal shall be awarded by the Governor to civilians and members of the Pennsylvania National Guard, Pennsylvania Guard or the armed forces of the United States or their reserve components in recognition of meritorious service rendered this Commonwealth and while holding a position of great responsibility.

(4) The qualifications for awarding the Pennsylvania Commendation Medal, the State Medal for Federal Service during any war, the Service Ribbon or Medal for active State service during

an emergency, the Pennsylvania Twenty Year Service Medal, the Major General Thomas R. White, Jr. Medal, the General Thomas J. Stewart Medal, the Pennsylvania Outstanding Aeronautical Achievement Award, and the Marksmanship Medals or Badges, shall be prescribed by the Adjutant General by regulation.

(5) The Adjutant General is empowered to establish such other decorations, medals, badges and awards as he may prescribe by regulation.

(c) Recommendations for medals.—All recommendations for decorations, medals, badges and awards, except those of the Governor, must be forwarded to the Governor through the department.

§ 3702. Specifications.

The Adjutant General shall prescribe the detailed specifications and design for said decorations, medals, badges and awards, and is authorized to procure those items in the prescribed manner. The Adjutant General shall issue appropriate rules and regulations for the wearing of said decorations, medals, badges and awards in accordance with the customs and traditions of the Pennsylvania National Guard.

§ 3703. Wearing of military insignia by municipal employees.

It is unlawful for any official of the Commonwealth or any political subdivision thereof to forbid or prohibit by ordinance, rule, or regulation the wearing, by any of its employees or agents, of any service bar or insignia provided or authorized by the Federal Government, indicating military service in any war, upon any part of the uniform worn by them as employees or agents of the political subdivision.

§ 3704. Saving provision.

Nothing in this chapter shall be construed as to invalidate or repeal any decorations, medals, badges or awards heretofore presented.

## SUBPART D RIGHTS AND IMMUNITIES

### Chapter

#### 41. Rights and Immunities

### CHAPTER 41 RIGHTS AND IMMUNITIES

#### Sec.

- 4101. Equality of treatment and opportunity for members.
- 4102. Leaves of absence for certain government employees.
- 4103. Exemption of uniforms and equipment.
- 4104. Exemption from arrest.
- 4105. Exemption from civil process.
- 4106. Exemptions from further military service and jury duty.
- 4107. Legal aid.
- 4108. Liability of Commonwealth for judgments against personnel on State duty.



§ 4101. Equality of treatment and opportunity for members.

It is hereby declared to be the policy of this Commonwealth that there shall be equality of treatment and opportunity for all persons in the Pennsylvania National Guard and the Pennsylvania Guard, without regard to race, creed, color, national origin or sex. Such policy shall be put into effect giving due regard to the powers of the Federal Government which are or may be exercised over the Pennsylvania National Guard and to the time required to effectuate changes without impairing the efficiency or morale of the Pennsylvania National Guard.

§ 4102. Leaves of absence for certain government employees.

All officers and employees of the Commonwealth, or its instrumentalities, or any political subdivision thereof, or its instrumentalities, who are commissioned or enlisted members of the Pennsylvania National Guard, shall be entitled to leave of absence from their respective duties without loss of pay, time or efficiency rating on all days during which they shall, as members of the Pennsylvania National Guard, be engaged in active State duty. All such officers and employees shall be entitled to leave of absence from their respective duties without loss of pay, time or efficiency rating on all days not exceeding 15 days in any one year during which they shall, as members of the Pennsylvania National Guard, be engaged in training under orders authorized by law.

§ 4103. Exemption of uniforms and equipment.

The uniform and accoutrements of every commissioned officer and enlisted man shall be free from all suits, distresses, executions or sales for debt or payment of taxes.

§ 4104. Exemption from arrest.

No officer or enlisted person shall be arrested on any warrant, except for treason or felony, while going to, remaining at, or returning from, a place where he is ordered to attend for military duty.

§ 4105. Exemption from civil process.

No civil process shall issue or be enforced against any officer or enlisted person of the Pennsylvania National Guard in the active service of the Commonwealth during so much of the term as he shall be engaged in active service under orders nor until 30 days after he shall have been relieved therefrom. The operation of all statutes of limitations and presumptions arising from lapse of time shall be suspended upon all claims by or against such officer or enlisted person during the aforesaid period.

§ 4106. Exemptions from further military service and jury duty.

In addition to the exemptions now allowed by law, any person who shall have performed duty in the Pennsylvania National Guard for a period of nine years or who served for nine months or a longer period in active service of the United States and was honorably discharged or mustered out, shall be exempt from further military service, except in case of war, invasion or insurrection. Every officer and enlisted person

of the Pennsylvania National Guard shall be exempt from jury duty during the period of his active service.

§ 4107. Legal aid.

Members of the Pennsylvania Military Forces on State duty shall receive legal assistance from the Commonwealth for any charge of criminal or civil liability resulting from their duty. The assistance shall be limited to members acting under lawful orders or on good faith reliance on an order which a reasonable person would consider to be lawful under the circumstances. No assistance shall be provided by the Commonwealth when the Pennsylvania National Guard is called into the service of the United States.

§ 4108. Liability of Commonwealth for judgments against personnel on State duty.

The Commonwealth of Pennsylvania shall be responsible for the payment of all judgments and costs secured against a member of the Pennsylvania Military Forces on State duty who was acting under lawful orders or who in good faith relied on an order which a reasonable person would consider to be lawful under the circumstances.

### PART III INTERSTATE RELATIONS

Chapter

- 45. Interstate Compact
- 47. Fresh Pursuit by Military Forces

#### CHAPTER 45 INTERSTATE COMPACT

Sec.

4501. Interstate compact for mutual military aid.

§ 4501. Interstate compact for mutual military aid.

The Commonwealth of Pennsylvania does hereby join, approve and become a party to a solemn compact with the State of New Jersey and the State of New York and any other state concurring therein or otherwise approving thereof, in form and terms as heretofore agreed to by the Governor of the State of New Jersey and the Governor of the State of New York and approved by the respective Legislatures thereof, as follows:

#### An Interstate Compact For Mutual Military Aid In An Emergency.

##### Article I

(1) The purposes of this compact are:

(a) To provide for mutual military aid and assistance, in an emergency, by the military forces of a signatory state to the military forces of the other signatory states or of the United States, including,

among other, military missions, the protection of interstate bridges, tunnels, ferries, pipelines, communications, facilities, and other vital installations, plants and facilities, and the military support of civil defense agencies.

(b) To provide for the fresh pursuit, in case of an emergency, by the military forces or any part or member thereof of a signatory state into another state, of insurrectionists, saboteurs, enemies or enemy forces, or persons seeking or appearing to seek to overthrow the government of the United States or of a signatory state.

(c) To make provision for the powers, duties, rights, privileges and immunities of the members of the military forces of a signatory state while so engaged outside of their own state.

(2) (a) "Emergency," as used in this compact, shall mean and include invasion or other hostile action, disaster, insurrection, or imminent danger thereof.

(b) "State," as used in this compact, shall include any signatory state.

(c) "Military forces," as used in this compact, shall include the organized militia or any force thereof of a signatory state.

## Article II

This compact shall become effective as to the signatory states when the Legislatures thereof have approved it and when the Congress has given its consent either before or after the date hereof. Any state not a party to this compact at the date hereof may become a party hereto.

## Article III

The Governor of each signatory state, or his designated military representative, shall constitute the Committee for Mutual Military Aid for signatory states. It shall be the duty of the Committee for Mutual Military Aid to make joint plans for the employment of the military forces of the signatory states for mutual military aid and assistance in case of emergency.

## Article IV

(1) It shall be the duty of each signatory state to integrate its plan for the employment of its military forces, in case of emergency, with the joint plans recommended by the Committee for Mutual Military Aid and with the emergency plans of the armed forces of the United States.

(2) In case of emergency, upon request of the Governor of a signatory state, the Governor of each signatory state, to the extent consistent with the needs of his own state, shall order its military forces, or such part thereof as he in his discretion may find necessary, to assist the military forces of the requesting state, in order to carry out the purposes set forth in this compact. In such case, it shall be the duty of the Governor of each signatory state receiving such a request to issue the

necessary orders for such use of the military forces of his state without the borders of his state, and to direct the commander of such forces to place them under the operational control of the commander of the forces of the requesting state or of the United States which may be engaged in meeting the emergency.

(3) The Governor of any signatory state, in his discretion, may recall the military forces of his state serving without its borders or any part of any member of such forces.

#### Article V

In case of an emergency, any unit or member of the military forces of a signatory state which has been ordered into active service by the Governor may, upon order of the officer in immediate command thereof, continue beyond the borders of his own state into another signatory state in fresh pursuit of insurrectionists, saboteurs, enemies or enemy forces, or persons seeking or appearing to seek to overthrow the government of the United States or of any one of the signatory states, until they are apprehended by such unit or member. Any such person who shall be apprehended or captured in a signatory state by a unit or member of the military forces of another signatory state shall, without unnecessary delay, be surrendered to the military or police forces of the state in which he is taken or to the forces of the United States. Such surrender shall not constitute a waiver by the state of the military forces making the capture of its right to extradite or prosecute such persons for any crime committed in that state.

#### Article VI

(1) Whenever the military forces or any part thereof of any signatory state are engaged outside of their own state in carrying out the purposes of the compact, the individual members of such military forces so engaged shall not be liable civilly or criminally for any act or acts done by them in the performance of their duty.

(2) The individual members of such forces shall have the same powers, duties, rights, privileges and immunities as the members of the military forces of the state in which they are engaged, but in any event,

(3) Each signatory state shall save harmless any member of its military forces wherever serving, and any member of the military forces of any other signatory state serving within its borders, for any act or acts done by them in the performance of their duty while engaged in carrying out the purposes of this compact.

#### Article VII

(1) Each signatory state shall provide, in the same amounts and manner as if they were on duty within their own state, for the pay and allowances of the personnel of its military forces, and for the medical and hospital expenses, disability and death benefits, pensions and

funeral expenses, of wounded, injured or sick personnel, and of dependents or representatives of deceased personnel of its military forces, in case such personnel shall suffer wounds, injuries, disease, disability or death while engaged without the state pursuant to this compact and while going to and returning from such other signatory state. Each signatory state shall provide, in the same amounts and manner as if they were on duty within their own state, for the logistical support and for other costs and expenses of its military forces while engaged without the State pursuant to this compact and while going to and returning from such other signatory state.

(2) Any signatory state rendering outside aid in case of insurrection or disaster not the result of invasion or hostile action shall, if it so elects, be reimbursed by the signatory state receiving such aid for the pay and allowances of its personnel, logistical support, and all other costs and expenses referred to in section one of this article and incurred in connection with the request for aid. Such election shall be exercised by the Governor of the aiding state presenting a statement and request for reimbursement of such costs and expenses to the Governor of the requesting State.

#### Article VIII

Nothing in this compact shall be construed to limit or restrict the power of any signatory state, in case of an emergency affecting that state only, to provide for the internal defense of any part of the territory of said state, or for the protection and control of any bridge, tunnel, ferry, installation, plant or facility, or any part thereof, within the borders of such state, or to prohibit the enforcement of any laws, rules and regulations, or the execution of any plan with regard thereto.

#### Article IX

This compact shall continue in force and remain binding on each signatory state until the Legislature or the Governor of such state gives notice of withdrawal therefrom. Such notice of withdrawal shall not be effective until six months after said notice has been given to the Governor of each of the other signatory states.

### CHAPTER 47 FRESH PURSUIT BY MILITARY FORCES

Sec.

4701. Fresh pursuit by Commonwealth forces.

4702. Fresh pursuit by forces of other states.

§ 4701. Fresh pursuit by Commonwealth forces.

(a) General rule.—No military forces of this Commonwealth, other than the Pennsylvania National Guard, shall be required to serve outside the boundaries of this Commonwealth, except that any organization, unit or detachment of such forces, upon order of the

officer in immediate command thereof, may continue in fresh pursuit of insurrectionists, saboteurs, enemies or enemy forces beyond the borders of this Commonwealth into another state until they are apprehended or captured by such organization, unit or detachment, or until the military or police forces of the other state or the forces of the United States have had a reasonable opportunity to take up the pursuit or to apprehend or capture such persons, provided such other state shall have given authority by law for such pursuit by such forces of the Commonwealth.

(b) Surrender of prisoner by Commonwealth forces.—Any such person who shall be apprehended or captured in such other state by an organization, unit or detachment of the forces of this Commonwealth, shall without unnecessary delay be surrendered to the military or police forces of the state in which he is taken or to the United States, but such surrender shall not constitute a waiver by this State of its right to extradite or prosecute such person for any crime committed in this Commonwealth.

§ 4702. Fresh pursuit by forces of other states.

(a) General rule.—Any military forces, or organization, unit or detachment thereof, of another state, who are in fresh pursuit of insurrectionists, saboteurs, enemies or enemy forces, may continue such pursuit into this Commonwealth until the military or police forces of this Commonwealth or the forces of the United States have had a reasonable opportunity to take up the pursuit or to apprehend or capture such persons, and are hereby authorized to arrest or capture such persons within this Commonwealth while in fresh pursuit.

(b) Surrender of prisoner to Commonwealth forces.—Any such person who shall be captured or arrested by the military forces of such other state while in this Commonwealth, shall, without unnecessary delay, be surrendered to the military or police forces of this Commonwealth, to be dealt with according to law.

(c) Construction of section.—This section shall not be construed so as to make unlawful any arrest in this Commonwealth which would otherwise be lawful.

#### PART IV MILITARY JUSTICE (Reserved)

#### PART V EMPLOYMENT PREFERENCES AND PENSIONS

##### Chapter

71. Veterans' Preference
73. Military Leave of Absence
75. Professional and Occupational Licenses
77. Blind Veteran's Pension

CHAPTER 71  
VETERANS' PREFERENCE

Sec.

- 7101. Soldier defined.
- 7102. Credits in civil service examinations.
- 7103. Additional points in grading civil service examinations.
- 7104. Preference in appointment or promotion.
- 7105. Lack of training, age or physical impairment.
- 7106. Preferential rating provision in public works specifications.
- 7107. Computation of seniority for reduction in force.
- 7108. Preference of widows and wives.
- 7109. Law exclusive.

§ 7101. Soldier defined.

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

§ 7102. Credits in civil service examinations.

(a) General rule.—When any soldier shall take any civil service appointment or promotional examination for a public position under the Commonwealth, or under any political subdivision thereof, he shall be given credit in the manner hereinafter provided; for the discipline and experience represented by his military training and for the loyalty and public spirit demonstrated by his service for the preservation of his country, as provided in this chapter.

(b) Disclosure of rank or serial number.—No soldier taking any civil service appointment or promotional examination shall be required to furnish, nor shall he furnish in connection therewith, his former rank or service serial number.

§ 7103. Additional points in grading civil service examinations.

(a) Commonwealth examinations.—Whenever any soldier shall successfully pass a civil service appointment or promotional examination for a public position under this Commonwealth, or any political subdivision thereof, and shall thus establish that he possesses the qualifications required by law for appointment to or promotion in such public position, such soldier's examination shall be marked or graded an additional ten points above the mark or grade credited for the examination, and the total mark or grade thus obtained shall represent the final mark or grade of such soldier, and shall determine his standing on any eligible or promotional list, certified or furnished to the appointing or promoting power.

(b) Municipal examinations.—When any such person shall take any examination for appointment or promotion in the civil service of any of the various municipal agencies within this Commonwealth, as required by any existing law or any law which may hereafter be enacted, such person's examination shall be marked or graded 15% perfect before the quality or contents of the examination shall be considered. When the examination of any such person is completed and graded, such grading or percentage as the examination merits shall be added to the aforesaid 15%, and such total mark or grade shall represent the final grade or classification of such person and shall determine his or her order of standing on the eligible list.

§ 7104. Preference in appointment or promotion.

(a) Non-civil service.—Whenever any soldier possesses the requisite qualifications and is eligible to appointment to or promotion in a public position, where no such civil service examination is required, the appointing power in making an appointment or promotion to a public position shall give preference to such soldier.

(b) Name on civil service list.—Whenever any soldier possesses the requisite qualifications, and his name appears on any eligible or promotional list, certified or furnished as the result of any such civil service examination, the appointing or promoting power in making an appointment or promotion to a public position shall give preference to such soldier, notwithstanding, that his name does not stand highest on the eligible or promotional list.

(c) Name not on civil service list.—In making an appointment or promotion to public office where a civil service examination is required, the appointing or promotional power may give preference to any soldier, who has passed the required examination for appointment or promotion to such position, and possesses the requisite qualifications, although his name does not appear on the eligible or promotional list certified or furnished to the appointing or promoting power.

§ 7105. Lack of training, age or physical impairment.

The lack of academic or scholastic training or experience, age, loss of limb or other physical impairment which does not in fact incapacitate any such soldier shall not be deemed to disqualify him, provided he possesses the other requisite qualifications to satisfactorily perform all of the duties which the position requires.

§ 7106. Preferential rating provision in public works specifications.

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



§ 7107. Computation of seniority for reduction in force.

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

§ 7108. Preference of widows and wives.

The same preferential rating given to soldiers under the provisions of this chapter shall be extended to include the widows and wives of disabled soldiers.

§ 7109. Law exclusive.

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

## CHAPTER 73 MILITARY LEAVE OF ABSENCE

Sec.

- 7301. Definitions.
  - 7302. Granting military leaves of absence.
  - 7303. Expiration of military leaves of absence.
  - 7304. Reemployment rights.
  - 7305. Seniority rights.
  - 7306. Retirement rights.
  - 7307. Eligibility.
  - 7308. Loss of benefits.
  - 7309. Employment discrimination for military membership or duty.
  - 7310. Contract by minors for servicemen's readjustment loans.
  - 7311. Sale of real property for delinquent taxes and municipal claims.
- § 7301. Definitions.

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

"Active military service." Active service in any of the armed services or forces of the United States or of this Commonwealth.

"Be drafted." To be drafted, to be ordered into active military service if a member of a reserve component of the armed forces, or in any way to enter involuntarily, or remain in active military service, or to enter voluntarily into active military service for such period as is necessary to satisfy one's draft obligation.

"Employee." Any appointed officer or employee regularly employed by the Commonwealth, in its civil service or otherwise, or by any

department, board, bureau, commission, authority, agency or office thereof, or by any political subdivision or local authority of the Commonwealth, but shall not mean any employee of any school district or vocational school district.

“Enlist.” To enlist, enroll, reenlist, or in any way voluntarily to enter or remain in active military service.

“Reserve component of the armed forces.” The United States Army Reserve, United States Navy Reserve, United States Marine Corps Reserve, United States Coast Guard Reserve, United States Air Force Reserve, Pennsylvania National Guard and Pennsylvania Air National Guard.

§ 7302. Granting military leaves of absence.

Whenever any employee shall, in time of war or armed conflict, or emergency proclaimed by the Governor or by the President of the United States, enlist or shall, at any time, be drafted into the active military service of the United States, he shall be automatically granted a military leave of absence. So long as an employee is on military leave of absence, he shall not be removed from his employment and his duties shall either be performed by other employees or by a temporary substitute. During such time he shall not receive any remuneration from his civilian employer.

§ 7303. Expiration of military leaves of absence.

(a) Employees who enlisted.—Every military leave of absence granted to an employee by reason of his enlistment in the active military service in time of war or armed conflict, or emergency proclaimed by the Governor or by the President of the United States, shall expire 90 days after the expiration of the first period of his enlistment to expire at a time when the United States is not engaged in a war or armed conflict or emergency proclaimed by the Governor or by the President of the United States.

(b) Employees who were drafted.—Every military leave of absence granted to an employee by reason of his having been drafted shall expire 90 days after the expiration of the period for which he was drafted.

§ 7304. Reemployment rights.

Every employee shall have the right to return to his employment at any time prior to the expiration of his military leave of absence upon notifying his employer of his desire and availability so to return.

§ 7305. Seniority rights.

Every employee who returns to his employment at the time of or prior to the expiration of his military leave of absence shall be restored as provided in section 7304 (relating to reemployment rights) in such manner as to give him such status in his employment as he would have enjoyed if he had continued in such employment continuously from the time of his entering the armed forces until the time of his restoration to such employment.

§ 7306. Retirement rights.

(a) Options available to employees.—Any employee who is a member of a retirement system at the time he is granted a military leave of absence shall be entitled to exercise any one of the following options in regard thereto:

(1) He may continue to make regular payments into the fund during the period of his military leave of absence. The amount of such payments shall be the same as they would have been, had he not been granted a military leave of absence, but had instead remained actively in his employment. The time of making such payments shall be mutually agreed upon by the employee and the retirement association of which he is a member, but in no event shall be less frequent than semi-annually. The employer shall make its contributions on the same basis as is used to compute the employee's contributions. In this case, his retirement rights shall be determined on the basis that he was in the active, continuous and uninterrupted employ of his employer for the period during which he was on military leave of absence.

(2) He may discontinue making payments into the fund during the period of his military leave of absence. In such event, the employer shall also discontinue making its contributions during this period. In this case, his retirement rights shall be determined by completely disregarding the period of his military leave of absence for all purposes.

(b) Exercise of options.—Any employee, desiring to exercise option (1) in subsection (a), shall so signify, in writing, to the retirement association of which he is a member within 60 days after the commencement of his military leave of absence or within 60 days after the effective date of this chapter, whichever shall later occur. Any employee who does not exercise option (1) in this manner will be deemed to have exercised option (2).

(c) Change of option.—Any employee who has exercised option (2) in subsection (a), but who, upon the expiration of his military leave of absence, returns to his employment and desires to receive the benefits of option (1), shall have the right to receive such benefits if he shall comply with the following requirements:

(1) He shall, within six months after he returns to his employment, give written notice to the retirement association of which he is a member of his desire to receive the benefits of option (1).

(2) He shall pay into the retirement fund an amount equal to the total payments he would have made had he exercised option (1). Payment of such amount may be spread over a period of time agreeable to the retirement association and the employee, which in no event shall exceed a period commencing with the date he returned to his employment and equal in duration to the duration of his military leave of absence. Such agreed upon payments shall be made in the same manner as his regular payments into the fund are made. In this

case, his employer shall pay into the fund an amount equal to the total payments it would have made had the employee exercised option (1). Payment of such amount by the employer shall be spread over the same time as the employee's payments.

§ 7307. Eligibility.

Every employee otherwise eligible for a military leave of absence shall be granted a military leave of absence commencing upon the date of his eligibility therefor, regardless of whether such date occurred before or after the effective date of this chapter.

§ 7308. Loss of benefits.

Any employee who is separated from the service by an undesirable, bad conduct or dishonorable discharge shall not be entitled to any of the benefits of this chapter, except such vested rights as he may have acquired prior thereto by virtue of payments made pursuant to his exercise of option (1) of section 7306 (relating to retirement rights).

§ 7309. Employment discrimination for military membership or duty.

(a) General rule.—It is unlawful for the Commonwealth or any of its departments, boards, commissions, agencies or any political subdivision, or for any private employer, to refuse to hire or employ any individual not on extended active duty because of his membership in the National Guard or any one of the reserve components of the armed forces of the United States, or because he is called to active State duty by the Governor during an emergency, or to discharge from employment such individual, or to otherwise discriminate against such individual with respect to compensation, hire, tenure, terms, conditions or privileges of employment because of such membership, or because he is called to active State duty by the Governor during an emergency.

(b) Reemployment following emergency duty.—Upon the completion of such emergency duty any such member of the Pennsylvania National Guard shall be restored by such private employer or his successor in interest to such position or to a position of like seniority, status and pay which such member held prior to such emergency duty, but if any such member is not qualified to perform the duties of such position by reason of disability sustained during such emergency duty but qualified to perform the duties of any other position in the employ of such private employer or his successor in interest, such member shall be restored to such other position, the duties of which he is qualified to perform, as will provide him like seniority, status and pay, or the nearest approximation thereof consistent with the circumstances of the case, unless such private employer's or his successor in interest, circumstances have so changed as to make it impossible or unreasonable to do so.

§ 7310. Contract by minors for servicemen's readjustment loans.

(a) General rule.—Any minor, who is at least 17 years of age, and who is eligible for guaranty or insurance of a loan pursuant to the act of Congress known as the "Servicemen's Readjustment Act of 1944," as

amended and supplemented, is hereby authorized and empowered, notwithstanding such minority, to enter into any contract in this Commonwealth, for any loan, or loans guaranteed by the United States, or any agency thereof, in accordance with the provisions of said act of Congress, as amended and supplemented, and the rules and regulations promulgated from time to time pursuant thereto; or any agency of the Commonwealth hereafter created; and such minor is also authorized and empowered to execute, and acknowledge, all documents, deeds, mortgages, and other or similar papers, necessary and incident to such contracts.

(b) Joinder by minor spouse.—The minor spouse of any person who is eligible for guaranty or insurance of a loan pursuant to said act of Congress, whether or not such person is a minor and regardless of the age of the spouse, is hereby authorized and empowered, notwithstanding such minority, to join in the execution of any such contract.

(c) Minority no basis for avoidance or defense.—In the event a person who is eligible for guaranty or insurance of a loan pursuant to said act of Congress, and who is a minor or whose spouse is a minor, or both, obtains such a loan, or loans, neither of them, despite any law or decision of any court to the contrary, shall be permitted to avoid the contract of such loan or loans because of the age of either of them, nor shall either of them be permitted to interpose the defense that either of them is a minor in any action or actions based upon such contract, or contracts, or arising out of any loan or loans authorized herein.

(d) Liability of parent or representative.—The parent or parents, or guardian or guardians, or trustee or trustees of any minor shall not be liable in any way whatsoever because of or on account of such contract or contracts, or loan or loans, which may be entered into or joined in by such minor pursuant hereto, unless expressly a party thereto.

§ 7311. Sale of real property for delinquent taxes and municipal claims.

(a) Lien saved on stay of sale.—Whenever, pursuant to the provisions of the Federal Soldiers' and Sailors' Civil Relief Act of 1940 and the amendments thereto, a sale of any real property, owned and occupied for dwelling, professional, business or agricultural purposes by a person in military service, or his dependents, at the commencement of his period of military service and still so occupied by his dependents or employees, to enforce the collection of a delinquent tax or municipal claim, or the commencement of any proceeding or action for such purposes, is stayed by any court of record of this Commonwealth, the lien of the tax or of a tax or municipal claim affected thereby, shall not be lost.

(b) Sale and lien time limitations extended.—In all such cases the time fixed by statute for any such sale, or the commencement of any such proceeding or action, and the lien of the tax or the tax or municipal

claim, is hereby extended for a period equal to the time during which the stay of the court was effective.

(c) Redemption period extended.—Whenever the real property, owned and occupied for dwelling, professional, business or agricultural purposes by a person in the military service, or his dependents, at the commencement of his military service and still so occupied by his dependents or employees, has been sold to enforce the collection of any tax or municipal claim, and such person in military service has the right to redeem the same, and the period of redemption shall expire at any time before the expiration of six months after the termination of the military service of such person, the period of redemption as to such real property shall be extended, and such person in military service shall have the right to redeem such property at any time not later than six months after the termination of the military service of such person.

## CHAPTER 75 PROFESSIONAL AND OCCUPATIONAL LICENSES

Sec.

7501. Definition.

7502. Retention of licenses of persons entering military service.

7503. Applicability of chapter.

§ 7501. Definition.

As used in this chapter, the word “person” means any individual, whether male or female, who may, have been, is now or may hereafter become engaged in the service of the United States of America or its allies as a member of the armed forces, or of the merchant marine thereof, or of any auxiliary thereof subject to military discipline.

§ 7502. Retention of licenses of persons entering military service.

(a) General rule.—Any person licensed by the Department of State, or to whom a broker’s license has been issued by the Department of Insurance, to practice any profession or to work at any trade or occupation, who heretofore has or shall thereafter enlist or be inducted or drafted into the military or naval service of the United States in time of war or preparation for national defense during a national emergency shall not thereby forfeit his or her current license or registration.

(b) Renewal of license following discharge.—Any such person, upon presentation of a discharge from such service within one year from date thereof, and upon payment of the fee prescribed by law for the current renewal period only, shall be entitled to a renewal of his or her license or registration in the same manner as though such renewal had been made prior to the expiration of his or her last preceding renewal, and as though all intermediate renewal fees had been paid.

§ 7503. Applicability of chapter.

This chapter shall apply specifically to any holder of any license or certificate granted or renewed by any professional examining board within the Department of Education. It shall also apply specifically to

the holder of any license to act as a real estate or insurance broker, or salesman, and to the holder of a certificate to teach, a certificate as a school nurse, a dental hygienist, or a home and school visitor of this Commonwealth.

CHAPTER 77  
BLIND VETERAN'S PENSION

Sec.

7701. Blind veteran's pension.

§ 7701. Blind veteran's pension.

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

(b) Amount and eligibility.—In addition to any other assistance provided by the Commonwealth and in addition to any compensation provided by the Federal Government, every blind veteran shall be paid a pension of \$50 per month. Applications for such pensions shall be made to and in the form prescribed by the department. The adjutant General shall have the power, and it shall be his duty to determine the eligibility of every applicant for a pension, and his decision in the matter shall be final.

PART VI  
MISCELLANEOUS PROVISIONS

Chapter

- 91. Oaths, Affirmations and Acknowledgments
- 92. Certified Copies of Documents
- 93. Veterans' Organizations
- 94. Missing Persons

CHAPTER 91  
OATHS, AFFIRMATIONS AND ACKNOWLEDGMENTS

Sec.

9101. Acknowledgments and administering oaths without charge.

9102. Affidavits and acknowledgments by designated officers.

§ 9101. Acknowledgments and administering oaths without charge.

It shall be the duty of any magistrate, alderman, justice of the peace, or any other person authorized to take acknowledgments and administer oaths, to perform such service free of charge for any soldier, widow or orphan of a soldier, or soldier's parents, who may apply to them for the purpose of making affidavit to papers for the purpose of obtaining pensions and all other papers connected with and referring to the military service of any ex-service person.

§ 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 subdivision thereof, in the administration of the affairs of veterans and their dependents. For the same purposes the Adjutant General is authorized to designate one or more persons from the Department of Military Affairs, and the State Director of Selective Service is authorized to designate one or more persons from the Pennsylvania Selective Service System.

(b) Appointment, certification and authority.—When any such officer or person is so designated, his name, address and official position shall be furnished to the Secretary of the Commonwealth, in writing, signed by such designated officer or person, accompanied by a certificate of his designation by the proper authority of such organization, or of the Adjutant General, or the State Director of Selective Service, as the case may be. Upon receipt of such writing and certificate in form as herein provided the Secretary of the Commonwealth, with the approval of the Governor, shall issue under his hand and seal of his office a certificate of appointment to such designated officer or person which shall authorize him to take affidavits or acknowledgments of 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. Such authorized officer or person shall exercise the authority conferred under



the provisions of this section at the pleasure of the Governor. Each certificate issued as aforesaid by the Secretary of the Commonwealth shall be numbered in the order of date issued, and the Secretary of the Commonwealth is hereby authorized to certify such appointment whenever required.

(c) Record of affidavit or acknowledgment.—Each affidavit or acknowledgment taken as above authorized shall contain the date, signature and title of the officer or person administering the same and the number of the certificate issued to the authorized officer or person.

(d) Charges for certification, acknowledgment or affidavit.—The Secretary of the Commonwealth shall make no charge whatsoever for filing, appointing, or certifying under the provisions of this section, nor shall any officer or person so designated and authorized make any charge for taking such acknowledgments or affidavits.

(e) Penalty.—Any person who shall be convicted of having wilfully and knowingly made or taken a false oath or affirmation before any officer or person authorized under this section to administer same in any matter within his official duty, shall be guilty of a misdemeanor of the third degree.

## CHAPTER 92 CERTIFIED COPIES OF DOCUMENTS

Sec.

9201. Certified copies of documents furnished without charge.

§ 9201. Certified copies of documents furnished without charge.

(a) General rule.—Whenever application shall be made to the proper county officer by or on behalf of any disabled war veteran, or member of the armed forces, of any war or armed conflict in which the United States has been, is now or shall hereafter be engaged, or by or on behalf of any dependent of any such veteran, or member of the armed forces, for a certified copy of any death certificate, birth certificate, marriage certificate or decree of divorce, for use in connection with any claim for death benefits, compensation allowance, family or dependency allotment, it shall be the duty of such county officer to furnish such certified copy free of any charge therefor provided for by any law of this Commonwealth. No divorce certificate shall be issued under this section unless said divorce action record shows all costs fully paid.

(b) Credit for issuing certificate.—Where any county office issues any certificate under this section, said office shall be given an earned credit for the same by proper authorities as if the fee for said certificate had been received from person or persons applying therefor.

(c) Compensation of issuing officer.—In counties where the county officer issuing any certificate under this section is compensated on a fee basis, the fee for issuing such certificate shall be paid by the county, upon the presentation to the county commissioners of proper vouchers by the county officer issuing such certificate.

CHAPTER 93  
VETERANS' ORGANIZATIONS

Sec.

9301. Reports of annual conventions.

9302. Veterans' associations accompanied by military bands to places of interment or divine services.

§ 9301. Reports of annual conventions.

(a) Printing and distribution by Commonwealth.—Whenever the department commanders of the Grand Army of the Republic, the United Spanish War Veterans, the Veterans of Foreign Wars of the United States, the American Legion, the Disabled American Veterans of the World War, the Veterans of World War I of the U.S.A., Inc., the American Veterans of World War II (AMVETS), Military Order of the Purple Heart, Jewish War Veterans, Catholic War Veterans, Inc., The Society of the 28th Division, A.E.F., the Marine Corps League and the Italian American War Veterans of the United States, Incorporated, shall report to the Department of Property and Supplies the proceedings of the annual encampment or conventions of their respective departments, with such general and special orders and circulars and other data which may form a part of said proceedings, then the said proceedings, so reported, shall be considered Commonwealth records, and under the direction of the Department of Property and Supplies, shall be printed and bound, and a printed and bound copy thereof shall be sent to each post or detachment in this Commonwealth of the organization of whose proceedings the same is a report.

(b) Number of copies printed and distributed.—Not more than 1500 copies of each of such annual reports shall be printed and bound, and the balance remaining after the distribution provided for in subsection

(a) may be requisitioned as follows:

(1) State Librarian, 300 copies.

(2) Legislative Reference Bureau and Senate Library, ten copies.

(3) Executive head of the organization of whose proceedings it is a report, the remaining copies.

§ 9302. Veterans' associations accompanied by military bands to places of interment or divine services.

All associations of veteran soldiers, when parading for the purpose of interring any deceased member of such association or other veteran soldier, or for the purpose of attending divine service on Sunday, may be accompanied by the proper military band, from their place of assembly to the place of interment or to the place of holding divine service, and thence to the point where they shall disband except that the band shall not play upon the return from such interment, or from such divine service.

CHAPTER 94  
MISSING PERSONS

Sec.

9401. Federal findings of death or other status as evidence.

9402. Federal reports of persons missing in action or interned as evidence.

9403. Signatures of Federal officers presumed authorized.

§ 9401. Federal findings of death or other status as evidence.

A written finding of missing in action or presumed death made by the Department of Defense, or an officer or employee of the United States authorized to make such finding pursuant to the Federal Missing Persons Act (56 Stat. 143, 1092, and Public Laws, 408, Ch. 371, 2d Sess. 78th Cong. 50 U.S.C.App.Supp. 1001-17), as now or hereafter amended, or a duly certified copy of such finding shall be received in any court, office, or other place in this Commonwealth as prima facie evidence of the death of the person therein found to be missing in action or dead, and the date, circumstances, and place of his disappearance.

§ 9402. Federal reports of persons missing in action or interned as evidence.

An official written report, or record, or duly certified copy thereof, that a person is missing in action, interned in a neutral country, or beleaguered, besieged, or captured by an enemy, or is dead, or is alive, made by any officer, or employee of the United States authorized by the statute referred to in section 9401 (relating to Federal findings of death or other status as evidence), or by any other law of the United States to make same, shall be received in any court, office, or other place in this Commonwealth as prima facie evidence that such person is missing, missing in action, interned in a neutral country, or beleaguered, besieged, or captured by an enemy, or is dead, or is alive, as the case may be.

§ 9403. Signatures of Federal officers presumed authorized.

For the purposes of section 9401 (relating to Federal findings of death or other status as evidence) and section 9402 (relating to Federal reports of persons missing in action or interned as evidence), any finding, report, or record, or duly certified copy thereof purporting to have been signed by such an officer, or employee of the United States, as is described in sections 9401 and 9402, shall prima facie be deemed to have been signed and issued by such an officer, or employee, pursuant to law, and the person signing same shall prima facie be deemed to have acted within the scope of his authority. If a copy purports to have been certified by a person authorized by law to certify the same, such certified copy shall be prima facie evidence of his authority so to certify.

Section 2. Repeals.—The following acts and parts of acts are repealed absolutely:

Act of February 10, 1851 (P.L.53, No.45), entitled "An act providing for the issue of arms to military schools."

Act of April 18, 1861 (P.L.408, No.377), entitled "An act supplementary to an act, entitled 'An act to consolidate, revise and amend the Penal Laws of this Commonwealth,' approved March thirty-first, one thousand eight hundred and sixty."

Act of May 15, 1861 (P.L.749, No.680), entitled "An act to Create a Loan and to Provide for Arming the State."

Act of April 11, 1862 (P.L.487, No.478), entitled "An act to provide for the proper execution of the sixteenth section of the act, entitled 'An act to create a Loan and provide for Arming the State,' approved May fifteenth, one thousand eight hundred and sixty-one."

Act of May 5, 1864 (P.L.841, No.732), entitled "An act to regulate the storage of gunpowder and fixed ammunition, in the city of Philadelphia."

Act of March 27, 1865 (P.L.52, No.37), entitled "An act to grant pensions to honorably discharged officers, non-commissioned officers, musicians, or privates, including volunteers, militia, or drafted men, who have been, or may be, disabled by reason of any wound, or injury, received, or disease contracted, while in the service of the state, since March fourth, one thousand eight hundred and sixty-one."

Act of March 30, 1866 (P.L.89, No.77), entitled "An act to provide for the payment of gratuities and annuities to the soldiers of the war of one thousand eight hundred and twelve, and to their widows."

Act of March 24, 1868 (P.L.47, No.14), entitled "An act to provide for the payment of gratuities and annuities to the soldiers of the war of one thousand eight hundred and twelve, and to their widows."

Act of March 23, 1877 (P.L.35, No.28), entitled "An act increasing the amount to be paid to soldiers of the war of eighteen hundred and twelve, or their widows, for annuities, gratuities or pensions on account of services rendered by such soldiers."

Act of June 11, 1879 (P.L.148, No.155), entitled "An act to require all magistrates and other officials in cities of the first, second and third class, authorized to take acknowledgments and administer oaths, to perform such service free of charge for soldiers and widows of soldiers, when making affidavit to papers for the purpose of drawing pensions."

Act of April 12, 1883 (P.L.8, No.8), entitled "A supplement to the several acts of assembly of this Commonwealth, granting gratuities and annuities to the soldiers and widows of soldiers, of the war of one thousand eight hundred and twelve."

Act of June 3, 1885 (P.L.62, No.40), entitled "An act to provide for the establishment and maintenance of a Home for Disabled and Indigent Soldiers and Sailors of Pennsylvania."

Act of June 1, 1887 (P.L.283, No.169), entitled "An act to authorize the Adjutant General to supply the Posts of the Grand Army of the Republic and the Camps of the Sons of Veterans, United States,

America, located within the State, with such arms and accoutrements as may belong to the State and not be necessary for the equipment of the National Guard."

Act of May 8, 1889 (P.L.123, No.135), entitled "An act to authorize any veteran soldier or sailor to bring suit against any county, borough or township in this Commonwealth, to recover the amount of money to which he became entitled by reason of his being accredited to such county, borough or township, on his reenlistment to fill the quota of men then or afterwards called for from such county, borough or township."

Act of April 28, 1899 (P.L.133, No.104), entitled "An act to provide for the organization, discipline and regulation, of the National Guard of Pennsylvania."

Act of April 14, 1903 (P.L.186, No.139), entitled "An act for the loan of arms and accoutrements to the different contingents, within the State of Pennsylvania, of the Society of American Veterans of the Philippine and China Wars."

Act of April 1, 1909 (P.L.95, No.56), entitled "An act providing for payment of pension to either the widow, minor children, or dependent parent of any soldier of the National Guard of Pennsylvania or Naval Force of Pennsylvania, who may die from injuries received, or who may be killed, or who two years prior to the passage of this act may have been killed, in line of duty, in active service, under orders of the Governor; authorizing the State Military Board to grant such pension, and certify same to Auditor General for payment; providing method of payment, fixing the term for which pension may be granted or renewed; authorizing the State Military Board to revoke a pension, and providing method of making appropriation to pay pension."

Act of June 12, 1913 (P.L.489, No.322), entitled "An act regulating parades of associations of veteran soldiers."

Act of May 5, 1921 (P.L.420, No.195), entitled "An act to supplement an act, entitled 'An act authorizing the erection and construction by counties of memorial halls in memory of the soldiers, sailors, and marines of such counties; providing for an election to determine whether such hall shall be erected; providing for the purchase and condemnation of property for such purposes; regulating the use of such halls; and providing for the maintenance and care of the same, by a board of control, at the expense of the county,' approved the seventeenth day of March, one thousand nine hundred and twenty-one, by providing for the planting of memorial trees, and prescribing penalties."

Act of May 17, 1921 (P.L.897, No.312), entitled "An act providing for placement training in the several departments, bureaus, boards, divisions, and commissions of the State Government of disabled soldiers, sailors, and marines."

Act of May 27, 1921 (P.L.1177, No.434), entitled "An act authorizing the Adjutant General to erect, construct, complete, and equip a building

on the arsenal grounds, at Harrisburg, for use as a garage and machine shop, and to grade and terrace the ground in connection therewith; providing for the letting of contracts therefor; and making an appropriation."

Act of April 23, 1923 (P.L.86, No.60), entitled "An act making it unlawful for any county, city, borough, or incorporated town to prohibit the wearing of certain military insignia, by its employes, upon their uniforms."

Act of May 3, 1923 (P.L.134, No.100), entitled, as amended, "An act making the proceedings of the conventions of the Departments of Pennsylvania of the Grand Army of the Republic, the United Spanish War Veterans, and any other organization of war veterans, a part of the public records of the State; and providing for their publication and distribution."

Act of May 11, 1923 (P.L.203, No.150), entitled "An act providing that any person who was engaged in the military or naval service of the United States during any war in which the United States was engaged, and having an honorable discharge therefrom, shall receive credit for the experience and training derived from such service in civil service examinations."

Act of July 12, 1923 (P.L.1076, No.440), entitled "An act constituting a commission to make an investigation of the condition of disabled World War veterans of Pennsylvania, and to take appropriate action to assure such veterans of relief and full benefits and advantages; and making an appropriation."

Act of May 6, 1925 (P.L.525, No.282), entitled "An act concerning the identification and marking of graves of soldiers and sailors of the Revolutionary War; imposing certain duties on the Adjutant General and on certain municipal officers, and making an appropriation."

Act of May 4, 1927 (P.L.750, No.390), entitled "An act to authorize the Secretary of War of the United States to return to the Governor of the Commonwealth certain funds remaining to the credit of such National Guard units thereof as have not been reconstituted, and providing for the distribution thereof."

The second paragraph of clause (a) of section 207 and section 426, act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."

Act of May 8, 1929 (P.L.1669, No.529), entitled "An act authorizing the Board of Trustees of the Pennsylvania Soldiers' and Sailors' Home at Erie, Pennsylvania, on behalf of the Commonwealth, to enter into an agreement, subject to approval of the Department of Welfare, with the city of Erie, granting to the city of Erie, Pennsylvania, the right to lay pipes for an intercepting and outfall sewer on lands of the Commonwealth of Pennsylvania in use for said home; providing the terms, conditions, and for performance of said agreement."

Act of July 1, 1937 (P.L.2650, No.515), entitled "An act providing for the erection, construction and equipment of armories for the use of the Pennsylvania National Guard; designating the manner of acquiring or setting aside of land for the erection and construction of armories thereon by The General State Authority; authorizing the Commonwealth to lease such armories and their grounds from The General State Authority upon their completion, and the Armory Board of the State of Pennsylvania to manage and operate the same; and conferring powers and imposing duties upon certain State departments and boards."

Act of July 28, 1941 (P.L.563, No.233), entitled "An act preserving the rights of persons enlisting or being inducted or drafted into the military or naval service of the United States during a national emergency under licenses or registrations issued by the Department of Public Instruction, and brokers licenses issued by the Department of Insurance, to practice professions or to work at trades or occupations, and providing for renewals after discharge from such service."

Act of April 13, 1943 (P.L.45, No.24), entitled "An act providing that persons in the armed forces and merchant marine of the United States and its allies may renew licenses or certificates to engage in professions and occupations after discharge from military service."

Act of May 21, 1943 (P.L.270, No.123), entitled "An act appropriating moneys received from the Federal Government for housing and maintaining naval, military or other personnel, at the Soldiers' and Sailors' Home at Erie, to the Department of Military Affairs for the maintenance and operation of said home."

Act of May 21, 1943 (P.L.322, No.149), entitled "An act providing for the issuance of certified copies of death, birth and marriage certificates, and divorce decrees, by county officers, free of charge, to disabled war veterans and their dependents, in death and compensation cases; and prescribing penalties."

Act of May 21, 1943 (P.L.341, No.160), entitled "An act providing for fresh pursuit by military forces, and authorizing this State to cooperate with other states therein."

Act of April 6, 1945 (P.L.164, No.73), entitled, as amended, "An act authorizing and empowering minors seventeen years of age, or older, to contract for and to make loans in accordance with the provisions of the act of Congress, known as the 'Servicemen's Readjustment Act of 1944,' or any agency of the Commonwealth hereafter created, and minor spouses, irrespective of age, to join in the execution of such contracts; prohibiting the disaffirmance of such contracts, whether or not the principal is a minor, on the grounds of minority; and saving and relieving the parents, guardians, and trustees of such minors from any liability therefor, unless joining therein."

Act of April 10, 1945 (P.L.187, No.88), entitled "An act to provide for the receiving, as evidence in any court, office, or other place in this State,

official findings, records, reports, or certified copies thereof, of death, presumed death, missing, or other status issued by the Secretaries of War and Navy, and other Federal officers and employees."

Act of May 1, 1945 (P.L.369, No.156), entitled "An act to extend the lien of taxes and municipal claims and the period for the redemption of real property, where the commencement of proceedings or actions for the collection of taxes or municipal claims, or sales for the collection thereof, are stayed by a court, pursuant to the Soldiers' and Sailors' Civil Relief Act of 1940, or the period for the redemption of real property expires before the end of six months after termination of the military service of a person having the right to redeem such real property."

Act of May 5, 1945 (P.L.426, No.173), entitled "An act to authorize certain persons to take affidavits and acknowledgments in connection with the administration of the affairs of veterans and their dependents; making certain offenses punishable as perjury; and imposing penalties."

Act of May 22, 1945 (P.L.837, No.337), entitled, as amended, "An act providing for and requiring in certain cases preference in appointments to and retention in public position or on public works for honorably discharged persons who served in the military or naval service during any war or armed conflict in which the United States engaged or served therein since July 27, 1953, or hereafter so serves including service in Vietnam; and in certain cases for the widows and wives of such persons."

Except sections 845 and 846, act of May 27, 1949 (P.L.1903, No.568), known as "The Military Code of 1949."

Act of August 24, 1951 (P.L.1355, No.330), entitled "An act concerning mutual military aid and assistance by and between the Commonwealth of Pennsylvania and other states, in an emergency; and agreeing to, approving, and authorizing and empowering the Governor to enter into a compact with the State of New Jersey and the State of New York and any other state concurring therein or otherwise approving thereof, for such purpose."

Act of July 8, 1957 (P.L.557, No.309), known as the "Veterans Preference Act of 1957."

Act of September 8, 1959 (P.L.838, No.327), entitled, as amended, "An act to prohibit discrimination in employment by the Commonwealth, its agencies or any political subdivision, or by private employers, because of membership in the National Guard or a reserve component of the United States in certain cases."

Act of December 21, 1959 (P.L.1965, No.719), entitled "An act authorizing the conferring of the rank of Brigadier General, Retired, in the Pennsylvania National Guard, upon Medical Corps Colonels who have served in World War I. and World War II."

Act of April 23, 1963 (P.L.20, No.17), entitled "An act providing for pensions for war veterans blinded through service connected injuries; conferring powers and imposing duties on the Department of Military Affairs and the Adjutant General; and making an appropriation."



Section 3. Saved From Repeal.—The following acts and parts of acts are expressly saved from repeal:

Act of January 5, 1934 (1933 Sp.Sess., P.L.219, No.52), entitled “An act authorizing the issue and sale of bonds by the Commonwealth of Pennsylvania for the payment of compensation to certain veterans; creating a special fund in the State Treasury to be known as the Veterans’ Compensation Fund; defining the powers and duties of the Governor, the Auditor General, the State Treasurer and the Board of Finance and Revenue, in relation thereto; and providing for the payment of interest on, and the redemption of, such bonds; and making an appropriation.”

Act of January 5, 1934 (1933 Sp.Sess., P.L.223, No.53), known as the “Veterans’ Compensation Act.”

Act of June 11, 1947 (P.L.565, No.248), known as the “World War II Veterans’ Compensation Act.”

Act of May 18, 1949 (P.L.1451, No.428), entitled “An act authorizing the issue and sale of bonds by the Commonwealth of Pennsylvania for the payment of compensation to certain veterans; creating a special fund in the State Treasury to be known as the World War II Veterans’ Compensation Fund; defining the powers and duties of the Governor, the Auditor General, the State Treasurer, and the Board of Finance and Revenue in relation thereto; and providing for the payment of interest on and the redemption and refunding of such bonds; and making an appropriation.”

Act of July 8, 1957 (P.L.569, No.317), known as the “Korean Conflict Veterans’ Compensation Act.”

Act of May 4, 1959 (P.L.285, No.39), known as the “Korean Conflict Veterans’ Compensation Bond Act.”

Act of June 21, 1961 (P.L.494, No.254), known as the “Supplemental World War II Veterans’ Compensation Bond Act.”

Act of July 18, 1968 (P.L.405, No.183), known as the “Vietnam Conflict Veterans’ Compensation Act.”

Act of May 15, 1969 (P.L.40, No.14), entitled “An act authorizing the issue and sale of bonds by the Commonwealth of Pennsylvania for the payment of compensation to certain veterans; creating a special fund in the State Treasury to be known as the Vietnam Conflict Veterans’ Compensation Fund; defining the powers and duties of the Governor, the Auditor General, the State Treasurer, and the Board of Finance and Revenue in relation thereto; and providing for the payment of interest on and the redemption and refunding of such bonds; and making an appropriation.”

Act of December 29, 1972 (P.L.1720, No.370), known as the “Vietnam Conflict Prisoners of War Compensation Act.”

Section 4. Effective Date.—This act shall take effect January 1, 1976.

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Act No. 92

LAWS OF PENNSYLVANIA

APPROVED—The 1st day of August, A. D. 1975.

MILTON J. SHAPP