

No. 1988-60

AN ACT

SB 1133

Amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, codifying provisions of law relating to the creation, administration and powers and duties of the State Veterans' Commission, to the educational gratuity program for veterans' children and to the real property tax exemption for certain qualified veterans; providing for reestablishment of the State Veterans' Commission and the Pennsylvania Veterans' Memorial Commission; and making repeals.

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

Section 1. Title 51 of the Pennsylvania Consolidated Statutes is amended by adding chapters to read:

CHAPTER 17
STATE VETERANS' COMMISSION

Sec.

- 1701. Definitions.
- 1702. State Veterans' Commission.
- 1703. General powers and duties.
- 1704. Specific powers and duties.

§ 1701. Definitions.

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

“Commission.” The State Veterans' Commission established by this chapter.

§ 1702. State Veterans' Commission.

(a) Establishment.—There is hereby established within the Department of Military Affairs an advisory commission to be known as the State Veterans' Commission.

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

- (1) The Adjutant General, ex officio, or his designee.
- (2) The State commander, commandant or head, or his designee, of each of the following named veterans' organizations:
 - (i) The American Legion.
 - (ii) AMVETS.
 - (iii) Blinded Veterans Association.
 - (iv) Catholic War Veterans of the United States of America.
 - (v) Disabled American Veterans.
 - (vi) Jewish War Veterans of the United States.
 - (vii) Marine Corps League.

- (viii) Military Order of the Purple Heart.
- (ix) State Association of County Directors of Veterans' Affairs.
- (x) Veterans of Foreign Wars of the United States.
- (xi) Veterans of World War I of the United States of America, Inc.
- (xii) Italian-American War Veterans of the United States, Inc.

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

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

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

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

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

§ 1703. General powers and duties.

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

§ 1704. Specific powers and duties.

The commission shall have the following powers and duties:

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

(2) Investigate the work of the Department of Military Affairs and make recommendations to it regarding the department's administration of the laws providing for the payment of pensions and relief, for the marking of graves of veterans and for the selection, acquisition and maintenance of a State Military Cemetery.

(3) Investigate and recommend to the Governor legislation for submission to the General Assembly concerning veterans and their activities.

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

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

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

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

CHAPTER 19

PENNSYLVANIA VETERANS' MEMORIAL COMMISSION

Sec.

1901. Legislative findings.

1902. Definitions.

1903. Pennsylvania Veterans' Memorial Commission.

1904. Duties of commission.

1905. Pennsylvania Veterans' Memorial Trust Fund.

1906. Expiration of chapter.

§ 1901. Legislative findings.

(a) Recognition of contributions.—The General Assembly recognizes the great contributions and unselfish sacrifices made by Pennsylvania service people during armed conflicts in which the United States was a participant.

(b) Absence of memorial.—The General Assembly further recognizes that no adequate, appropriate and permanent memorial has ever been erected in appreciation of and in tribute to those Pennsylvania service people who gave devoted and dedicated service to their country and the Commonwealth.

(c) Erection of memorial.—The General Assembly believes that, in consideration of the foregoing, a positive, permanent and patriotic memorial should be erected on the grounds of the Indiantown Gap National Cemetery in appreciation of the full measure of devotion given by Pennsylvania's veterans.

§ 1902. Definitions.

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

“Commission.” The Pennsylvania Veterans' Memorial Commission created by this chapter.

“Fund.” The Pennsylvania Veterans' Memorial Trust Fund established by this chapter.

§ 1903. Pennsylvania Veterans' Memorial Commission.

(a) Establishment.—There is established the Pennsylvania Veterans' Memorial Commission to erect on the grounds of the Indiantown Gap National Cemetery an appropriately patriotic and positive physical monument or memorial as a testament of appreciation from the Commonwealth to those Pennsylvania service persons who served in armed conflicts in which the United States was a participant.

(b) Composition of commission.—The commission shall be composed of the following:

(1) Two members of the Senate to be appointed by the President pro tempore of the Senate, one from the majority party and one from the minority party. Preference shall be given to honorably discharged veterans.

(2) Two members of the House of Representatives to be appointed by the Speaker of the House of Representatives, one from the majority party and one from the minority party. Preference shall be given to honorably discharged veterans.

(3) The Secretary of General Services, or a designee.

(4) The Executive Director of the Pennsylvania Historical and Museum Commission, or a designee.

(5) One member, appointed by the Governor, who must be an architect.

(6) Five members, appointed by the Governor, who must be Pennsylvania veterans. At least one of these members must be a woman.

(7) The Commander of the Pennsylvania War Veteran's Council, or a designee.

(8) The State Adjutant of the Pennsylvania Veterans of Foreign Wars, or a designee.

(9) The Pennsylvania State Commander of the Disabled American Veterans, or a designee.

(10) The State Adjutant of the Pennsylvania American Legion, or a designee.

(11) The Adjutant General of the Department of Military Affairs, or a designee.

(12) The Director of the Bureau of Veterans Affairs in the Department of Military Affairs.

(13) One member, appointed by the Governor, who must be a certified public accountant.

(c) Terms.—All members shall serve for a period of three years from the date of their appointment, except that no member appointed under subsection (b)(1), (2), (3), (4), (7), (8), (9), (10), (11) or (12) shall serve past the date of expiration of office.

(d) Vacancies.—Vacancies in the membership of the commission shall be filled in the same manner as the original appointment.

(e) Organization and procedure.—

(1) The commission shall elect, by a majority of all its members, a chairman, vice chairman and a secretary from among its members, each to serve for a term of three years.

(2) A majority of all members of the commission shall constitute a quorum for the transaction of business.

(3) The commission may adopt rules for its government, organization and procedures, not inconsistent with the provisions of this chapter.

(f) Expenses.—Commission members shall receive no compensation for their services but shall be reimbursed by the department for all necessary travel and other reasonable expenses incurred in connection with the performance of their duties as members of the commission.

(g) **Administrative services.**—The department shall provide administrative staff, support and services to the commission on an ongoing basis.

§ 1904. Duties of commission.

In addition to other powers conferred by this chapter, the commission shall have the power:

(1) To erect a physical monument to be located on the grounds of the Indiantown Gap National Cemetery honoring Pennsylvania veterans.

(2) To receive for and on behalf of the Commonwealth, monetary gifts or bequests which shall be deposited in the fund.

(3) To accept grants and subsidies from and enter into agreements or other transactions with any Federal agency or agency of the Commonwealth or other entity.

(4) To enter into contracts and to execute all instruments necessary or convenient for carrying on its operations.

(5) To issue appropriate regulations for the implementation of this chapter.

(6) To do all other things necessary or convenient to carry out the powers granted to it by this chapter.

§ 1905. Pennsylvania Veterans' Memorial Trust Fund.

(a) **Establishment and administration.**—There is hereby established a separate fund in the State Treasury to be known as the Pennsylvania Veterans' Memorial Trust Fund. The fund shall be administered by the commission, and all moneys in the fund are appropriated to the commission on a continuing basis.

(b) **Purpose.**—The moneys in the fund shall be used for the selection, design and construction of an appropriate physical monument on the grounds of the Indiantown Gap National Cemetery and other costs incidental thereto.

(c) **Contributions and solicitation of funds.**—

(1) The commission is authorized:

(i) To accept, on behalf of the Commonwealth, gifts, donations, legacies and usages of money from individuals, organizations, public or private corporations and other similar entities.

(ii) To solicit and raise moneys from public and private sources.

(2) All money received or raised under this subsection shall be paid into the State Treasury and credited to the fund.

§ 1906. Expiration of chapter.

This chapter shall expire on December 31, 1990.

**CHAPTER 85
VETERANS' EMERGENCY ASSISTANCE**

Sec.

8501. Definitions.

8502. Purpose.

8503. Eligibility.

8504. Amounts of assistance.

8505. Appeals.

§ 8501. Definitions.

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

“Commission.” The State Veterans’ Commission established under section 1702 (relating to State Veterans’ Commission).

“Eligible veteran.” A former member of the military or naval service of the United States, or women’s organization officially connected therewith, who:

- (1) served during a period of war or armed conflict and was honorably discharged from the armed forces;
- (2) died in service or was killed in action during a period of war or armed conflict; or
- (3) as a result of peacetime hostile fire or terrorist attack as determined by the department, was killed or suffered a service-connected disability as certified by the United States Veterans’ Administration and, if surviving, was honorably discharged from the armed forces.

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

“Surviving dependents.” The following are considered surviving dependents of a deceased eligible veteran:

- (1) The unmarried surviving spouse of the deceased eligible veteran.
- (2) If there is no unmarried spouse of a deceased eligible veteran, the unmarried minor children, children who, before attaining the age of 18, became permanently incapable of self-support, and children who are less than 23 years of age and are pursuing a full-time course of instruction at an approved educational institution, provided they were, on the death of the eligible veteran, dependent on the eligible veteran for more than 50% of the cost of their support.
- (3) If the eligible veteran is not survived by a spouse or dependent children, the surviving parents of the eligible veteran, provided that, on the date of the eligible veteran’s death, they were dependent on the veteran for more than 50% of the cost of their support.

§ 8502. Purpose.

The purpose of the Veterans’ Emergency Assistance Program is to provide temporary financial assistance to eligible veterans, their unmarried surviving spouses and surviving dependents when they face a financial emergency and need assistance to provide themselves with the necessities of life.

§ 8503. Eligibility.

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

- (1) They are eligible veterans or surviving dependents of eligible veterans.
- (2) They are domiciliaries of Pennsylvania who permanently reside exclusively in this Commonwealth.

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

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

§ 8504. Amounts of assistance.

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

(b) Standards.—Subject to the limitation set forth in subsection (a), the State Veterans' Commission shall recommend uniform and equitable standards for the amounts of veterans' emergency assistance.

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

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

§ 8505. Appeals.

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

CHAPTER 87 EDUCATIONAL GRATUITY PROGRAM

Sec.

8701. Definitions.

8702. Educational gratuity payments.

8703. Eligibility and qualification requirements.

§ 8701. Definitions.

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

“Commission.” The State Veterans' Commission established under section 1702 (relating to State Veterans' Commission).

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

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

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

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

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

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

“Qualified child.” Any child meeting the requirements of section 8703 (relating to eligibility and qualification requirements).

§ 8702. Educational gratuity payments.

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

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

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

§ 8703. Eligibility and qualification requirements.

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

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

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

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

(b) **Qualification determination.**—The commission shall determine qualified applicants based on the following requirements:

- (1) The applicant meets the requirements of subsection (a).
- (2) The applicant is attending an approved educational institution.
- (3) The applicant demonstrates a financial need for the educational gratuity.

(c) **Appeal.**—Any aggrieved applicant may appeal the decision of the commission to the Adjutant General under the provisions of Title 2 (relating to administrative law and procedure).

CHAPTER 89

DISABLED VETERANS' REAL ESTATE TAX EXEMPTION

Sec.

- 8901. Definitions.
- 8902. Exemption.
- 8903. Duty of board.
- 8904. Duty of commission.
- 8905. Appeals.
- 8906. Limitation on sale of exempt real estate.

§ 8901. Definitions.

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

“Blind.” Visual acuity of three-sixtieths or ten two-hundredths, or less normal vision.

“Commission.” The State Veterans' Commission established under section 1702 (relating to State Veterans' Commission).

“Paraplegic.” The bilateral paralysis of the upper or lower extremities of the body.

§ 8902. Exemption.

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

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

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

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

(4) The need for the exemption from the payment of real estate taxes has been determined by the State Veterans' Commission.

(b) **Extension of exemption.**—The exemption provided in subsection (a) shall be extended to the unmarried surviving spouse upon the death of the eligible veteran provided that the State Veterans' Commission determines that such spouse is in need of an exemption.

§ 8903. Duty of board.

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

§ 8904. Duty of commission.

The commission shall:

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

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

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

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

§ 8905. Appeals.

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

§ 8906. Limitation on sale of exempt real estate.

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

Section 2. This act, with respect to the State Veterans' Commission, constitutes the legislation required to reestablish an agency under the act of December 22, 1981 (P.L. 508, No. 142), known as the Sunset Act.

Section 3. (a) The members of the existing State Veterans' Commission, as of December 31, 1987, shall continue to serve as members until their

present terms of office expire and until their successors are appointed and qualified.

(b) The members of the Pennsylvania Veterans' Memorial Commission, as of December 31, 1987, shall continue to serve as members until their present terms of office expire.

Section 4. Each rule and regulation of the State Veterans' Commission in effect on December 31, 1987, shall remain in effect until repealed or amended by the commission.

Section 5. The following acts and parts of acts are repealed:

Section 203, insofar as it relates to the State Veterans' Commission in the Department of Military Affairs, and sections 448(b) and 1411 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

Act of June 21, 1963 (P.L.174, No.104), entitled, as amended, "An act granting and regulating exemption from payment of real estate taxes by war veterans in need thereof who are blind, paraplegic, have suffered the loss of two or more limbs as a result of military service or have a one hundred per cent permanent disability; imposing duties on the State Veterans' Commission; and prohibiting the sale of certain real estate for taxes after grant of an exemption."

Act of October 9, 1986 (P.L.1420, No.133), known as the Pennsylvania Veterans' Memorial Commission Act.

Section 6. All acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 7. This act shall be retroactive to January 1, 1988, if enacted after that date.

Section 8. This act shall take effect January 1, 1988, or immediately, whichever is later.

APPROVED—The 29th day of April, A. D. 1988.

ROBERT P. CASEY