

# PENNSYLVANIA LAWS RELATING TO **VETERANS**





# PENNSYLVANIA

## LAWS RELATING TO VETERANS



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## INTRODUCTION

The laws of Pennsylvania relating to veterans were originally compiled by the Legislative Reference Bureau in 1993 primarily for distribution by members of the General Assembly. This edition updates the original compilation through Act 151 of 2024.

This compilation is unofficial and includes only portions of the Constitution of Pennsylvania and the statutes of this Commonwealth. While every effort has been made to identify all relevant material within the scope of this publication, it is possible that some provisions have been omitted either intentionally or inadvertently.

In general, the statutes are included verbatim. Editorial additions are indicated by brackets; the omission of parts of sections not relevant to the compilation are indicated by the use of “\* \* \*”.

The appropriate printed statutes should be consulted for official purposes. Official versions of statutes are published in the Laws of Pennsylvania and the Pennsylvania Consolidated Statutes. The legal citation for each section appears at the end of the section. A comprehensive list of all legal citations can be found at the end of the compilation.

The terms used in the search for applicable statutes included the singular and plural of the following terms: veteran, armed services, armed forces, army, marine, air force, navy, coast guard, soldier, sailor, national guard, Pennsylvania guard, military, serviceman, servicewoman, serviceperson, servicemember and naval.

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# PENNSYLVANIA LAWS RELATING TO VETERANS

## PART I. GOVERNMENT AGENCIES AND ASSOCIATIONS

### Chapter 1. Department of Military and Veterans Affairs

**Section 201. Executive Officers, Administrative Departments and Independent Administrative Boards and Commissions.**--(a) The executive and administrative work of this Commonwealth shall be performed by the Executive Department, consisting of the Governor, Lieutenant Governor, Secretary of the Commonwealth, Attorney General, Auditor General, State Treasurer, and Secretary of Education; by the Executive Board, and the Pennsylvania State Police; by the following administrative departments: Department of State, Office of Attorney General, Department of Corrections, Department of the Auditor General, Treasury Department, Department of Education, Department of Military Affairs, Insurance Department, Department of Banking and Securities, Department of Agriculture, Department of Transportation, Department of Health, Department of Drug and Alcohol Programs, Department of Labor and Industry, Department of Aging, Department of Human Services, Department of General Services, Department of Revenue, Department of Community and Economic Development, Department of Environmental Protection and Department of Conservation and Natural Resources; and by the following independent administrative boards and commissions: Pennsylvania Game Commission, Pennsylvania Fish and Boat Commission, State Civil Service Commission and Pennsylvania Public Utility Commission.

\* \* \*

(1929, P.L.177, No.175, § 201)

**Section 202. Departmental Administrative Boards, Commissions, and Offices.**--The following boards, commissions, and offices are hereby placed and made departmental administrative boards, commissions, or offices, as the case may be, in the respective administrative departments mentioned in the preceding section, as follows:

\* \* \*

In the Department of Military and Veterans Affairs,  
Armory Board of the State of Pennsylvania,  
Board of Trustees of Scotland School for Veterans'  
Children.

\* \* \*

All of the foregoing departmental administrative boards and commissions shall be organized or reorganized as provided in this act.

(1929, P.L.177, No.175, § 202)

**Section 206. Department Heads.**--Each administrative department shall have as its head an officer who shall, either personally, by deputy, or by the duly authorized agent or employe of the department, and subject at all times to the provisions of this act [The Administrative Code of 1929], exercise the powers and perform the duties by law vested in and imposed upon the department.

The following officers shall be the heads of the administrative departments following their respective titles:

\* \* \*

Adjutant General, of the Department of Military Affairs;

\* \* \*

(1929, P.L.177, No.175, § 206)

**Section 207.1. Gubernatorial Appointments.**--(a) Except as hereinafter provided in this section, the Governor may appoint without obtaining the advice and consent of the Senate such public officers which he is authorized by law to appoint including, without limitation, members of independent administrative boards and commissions, members of departmental administrative bodies, boards and commissions and departmental administrative officers, and members of advisory boards and commissions.

## PENNSYLVANIA LAWS RELATING TO VETERANS

\* \* \*

(d) The Governor shall nominate in accordance with the provisions of the Constitution of the Commonwealth of Pennsylvania and, by and with the advice and consent of a majority of the members elected to the Senate appoint persons to fill the following positions:

(1) The Secretary of Education, the Secretary of the Commonwealth, the Adjutant General, the Insurance Commissioner, the Secretary of Banking and Securities, the Secretary of Agriculture, the Secretary of Transportation, the Secretary of Health, the Secretary of Drug and Alcohol Programs, the Commissioner of the State Police, the Secretary of Corrections, the Secretary of Labor and Industry, the Secretary of Aging, the Secretary of Human Services, the Secretary of General Services, the Secretary of Revenue, the Secretary of Community and Economic Development, the Secretary of Environmental Protection and the Secretary of Conservation and Natural Resources.

\* \* \*

(4) Those members which he is authorized to appoint to the Delaware Valley Regional Planning Commission, the State Farm Products Commission, the Pennsylvania Housing Finance Agency, the Council of Trustees of each institution of the State System of Higher Education, the Board of Trustees of Scotland School for Veterans' Children, the Board of Trustees of Thaddeus Stevens College of Technology, the State Conservation Commission, the Commonwealth of Pennsylvania Council on the Arts, the State Planning Board, the Pennsylvania Drug, Device and Cosmetic Board, the County Board of Assistance in each county, the Boards of Trustees of Centers, the Board of Trustees of each Restoration Center, the Board of Trustees of each State School and Hospital, the Board of Trustees of each State Hospital, the State Dental Council and Examining Board, the State Real Estate Commission, the State Registration Board for Professional Engineers, the State Boards of Examiners of Architects, Auctioneers, Nursing Home Administrators and Public Accountants, the State Boards of Barber Examiners, Chiropractic Examiners, Cosmetology, Funeral Directors, Medical Education and Licensure, Nurse Examiners, Optometrical Examiners, Osteopathic Examiners, Pharmacy, Physical Therapy Examiners, Podiatry Examiners, Veterinary Medical Examiners, Landscape Architects and Motor Vehicle Manufacturers, Dealers and Salesmen, the Pennsylvania Board of Psychologist Examiners, the State Athletic Commission, the Pennsylvania Higher Education Assistance Agency, the Pennsylvania Historical and Museum Commission, the State Tax Equalization Board, the Public School Employees' Retirement Board, the State Employees' Retirement Board, the Municipal Police Officers' Education and Training Commission and the Pennsylvania Minority Business Development Authority.

(5) The general officers in the Department of Military Affairs which he is authorized by law to appoint.

\* \* \*

(1929, P.L.177, No.175, § 207.1)

**Section 401. Boards of Trustees of State Institutions.**—(a) The boards of trustees of each of the State institutions hereinafter mentioned shall consist of nine members, and the head of the department having supervision over the institution ex officio.

(b) The terms of each member of each such board shall be six years, and until his successor is appointed and qualified.

(c) All members of all boards, appointed to succeed members who have served six year terms, shall be appointed for terms of six years from the date of the expiration of the preceding term. Vacancies happening before the expiration of a term shall be filled for the unexpired term.

(d) Five members of any such board shall constitute a quorum.

(e) Each such board shall annually elect a president and vice-president from among its members, and a secretary and treasurer who need not be members of the board. The secretary and treasurer may be the same person.

(f) This section shall apply to:

\* \* \*

Board of Trustees of Scotland School for Veterans' Children,  
Board of Trustees of Pennsylvania Soldiers' and Sailors'

# PENNSYLVANIA LAWS RELATING TO VETERANS

Home,  
Board of Trustees of State Industrial Home for Women,  
\* \* \*

(1929, P.L.177, No.175, § 401)

## **Section 1701-A.1. Veterans' Trust Fund.**

There is established a special fund in the State Treasury known as the Veterans' Trust Fund.

(1929, P.L.343, No.176, § 1701-A.1)

## **Section 1728-E. Department of Military and Veterans Affairs.**

(a) Distributed generation systems.--The definition of "customer-generator" in section 2 of the act of November 30, 2004 (P.L.1672, No.213), known as the Alternative Energy Portfolio Standards Act, shall include net-metered distributed generation systems owned, operated or supporting the Department of Military and Veterans Affairs on property owned or leased and operated by the department with a nameplate capacity not to exceed the department's annual electric needs to support the department's facilities on its property.

(b) Contracts for burial details for veterans.--The Department of Military and Veterans Affairs may enter into contracts with a Statewide nonprofit fraternal society that represents various veterans' groups or may request the services of members of the Pennsylvania National Guard for the purpose of providing the burial details authorized by 51 Pa.C.S. § 705 (relating to burial details for veterans). If a contract under this subsection is executed, the department shall pay an amount not exceeding \$250 for each day that the burial detail is provided, and no other expenses shall be paid by the department under the contract. Other terms of the contract shall be in accordance with 51 Pa.C.S. § 705.

(c) Pay of Pennsylvania National Guard and Pennsylvania Guard.--Notwithstanding any provision of the current Armed Forces Pay and Allowance Act under 37 U.S.C. (relating to pay and allowances of the uniformed services) or a successor statute or 51 Pa.C.S. § 3101 (relating to pay of officers and enlisted personnel on special duty) or 3102 (relating to pay of officers and enlisted personnel in active State service), the base pay of members of the Pennsylvania National Guard or Pennsylvania Guard ordered to duty under 51 Pa.C.S. § 3101 or 3102 shall not be less than \$180 per day.

(1929, P.L.343, No.176, § 1728-E)

## **Section 1728-H. Department of Labor and Industry.**

The following apply to appropriations to the Department of Labor and Industry:

(1) From money appropriated for Industry Partnerships, no less than the amount allocated in the 2014-2015 fiscal year shall be used for a work force development program that links veterans with employment in a home rule county that is a county of the second class A.

\* \* \*

(1929, P.L.343, No.176, § 1728-H)

## **Section 1728-J. Department of Military and Veterans Affairs.**

From funds appropriated for veterans outreach, at least \$750,000 shall be used for programs providing treatment for post-traumatic stress disorder for veterans.

(1929, P.L.343, No.176, § 1728-J)

## **Section 1. [Heart & Lung Act disability benefits]\* \* \***

\* \* \*

(d) \* \* \*

(6.3) Any payments required to be made on account of any members of the Fort Indiantown Gap Police Force employed by the Department of Military and Veterans Affairs shall be made from moneys appropriated to the Department of Military and Veterans Affairs.

\* \* \*

## PENNSYLVANIA LAWS RELATING TO VETERANS

(1935, P.L.477, No.193, § 1)

### **Section 802-A. COVID-19 regulatory flexibility authority.**

\* \* \*

(a.1) Additional temporary extensions.--The following suspensions of regulatory statutes, rules and regulations extended under subsection (a) which are in effect on September 30, 2021, are extended until March 31, 2022, unless sooner terminated by the authority which initially authorized the suspension:

\* \* \*

(4) The following provisions enforced by the Department of Military and Veterans Affairs:

- (i) 51 Pa.C.S. § 709 (relating to operation of State-owned vehicles).
- (ii) 51 Pa.C.S. § 3105 (relating to association group life insurance for Pennsylvania National Guard).
- (iii) Section 2407.
- (iv) 4 Pa. Code § 39.93 (relating to general).
- (v) 4 Pa. Code § 39.95 (relating to operation of State automobiles).

\* \* \*

(a.2) Additional temporary extensions.--The following suspensions of regulatory statutes, rules and regulations extended under subsection (a.1) which are in effect on March 31, 2022, are extended until June 30, 2022, unless sooner terminated by the authority which initially authorized the suspension:

\* \* \*

(4) The following provisions enforced by the Department of Military and Veterans Affairs:

- (i) 51 Pa.C.S. § 709.
- (ii) 51 Pa.C.S. § 3105.
- (iii) Section 2407.
- (iv) 4 Pa. Code § 39.93.
- (v) 4 Pa. Code § 39.95.

\* \* \*

(1979, P.L.130, No.48, § 802-A)

### **Section 5. The Governor's Cabinet for People with Disabilities.**

\* \* \*

(b) Composition.--The cabinet shall consist of the following members, who may not delegate their duties to other members, except for good cause:

\* \* \*

(8) Secretary of Military and Veterans Affairs or a designee who shall be an employee of the Department of Military and Veterans Affairs.

\* \* \*

(2018, P.L.229, No.36, § 5)

### **§ 701. Overall powers of department [of Military and Veterans Affairs].**

(a) Powers and duties.--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.

(b) Designation.--The Department of Military Affairs is designated as the Department of Military and Veterans Affairs. Contracts, deeds and official actions by the department shall not be affected by the use of the designation by the department as the Department of Military Affairs. The department may continue to use the name Department of Military Affairs on stationery or any official documents until existing supplies are exhausted. The department may substitute the title Department of Military and Veterans Affairs for the Department of Military Affairs on its documents and materials on such schedule as it deems appropriate.

(51 Pa.C.S. § 701)

## PENNSYLVANIA LAWS RELATING TO VETERANS

### § 702. Duties of department [of Military and Veterans Affairs].

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.

(12) To investigate the circumstances and adjudicate in accordance with Title 2

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(relating to administrative law and procedure) complaints of violations of Chapters 41 (relating to rights and immunities) and 73 (relating to military leave of absence), including complaints of employment discrimination against and violation of reemployment rights of members of the National Guard and other reserve components of the armed forces of the United States. The authority granted in this paragraph shall not extend to those circumstances that the Federal Government has jurisdiction to investigate.

(51 Pa.C.S. § 702)

### **§ 712. Veterans registry.**

(a) Establishment of veterans registry.--The department [of Military and Veterans Affairs] shall establish a registry of veterans residing in this Commonwealth in order to provide information on Federal, State and local government benefits, programs and services available to veterans and to link veterans with resources that can provide assistance. Upon registration, if permission is granted by the registrant, the registrant's information shall be shared with county directors of veterans affairs and other State agencies.

(b) Coordination with State agencies.--The department shall coordinate with other State agencies that have contact with veterans to establish a paper and an online registry form to enable State agencies to assist the department in registering veterans who wish to be included in the registry.

(c) Duties of department.--The department shall provide access to a paper and an online registry form which contain a statement indicating the purpose for the registry. The forms shall be developed to obtain the following information relating to the veteran:

- (1) Personal information, including title, first, middle and last name.
- (2) Age, gender, address and county of residence.
- (3) Ten-digit phone number and e-mail address.
- (4) Declaration of military service.
- (5) Benefit and program information requests for various benefits and programs for which veterans may be eligible.
- (6) A signed statement, or, for online applicants, a box that is checked, indicating that the veteran grants permission for the department to store and share the veteran's information with the county director of veterans affairs for the county indicated and with other State agencies to ensure that the Commonwealth provides the veteran assistance in receiving earned benefits.

(7) The State agency which assisted the veteran.

(d) Duties of State agencies.--State agencies under subsection (b) shall:

- (1) Utilize the paper or online registry form to develop a mechanism to identify veterans the agency serves for the purpose of expanding the registry.
- (2) For each veteran who wishes to be included in the registry, provide assistance in filling out the paper or online registry form for the department to add the veteran to the registry.
- (3) Submit a registrant's paper registry form to the department within 30 days from the date the veteran opts into the registry.

(e) Use of information.--Information collected under this section may not be sold or used for commercial purposes or used for purposes not specified under this section. Information collected under this section for the registry shall be exempt from being disclosed under the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

(e.1) Community outreach.--The department may transmit information collected under this section to veteran and community outreach partners who participate in community outreach under the PA VETConnect Program or any program administered by the department.

(f) Report.--By February 1 of each year, the department shall submit to the chairperson and minority chairperson of the Veterans Affairs and Emergency Preparedness Committee of the Senate and the chairperson and minority chairperson of the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives a report on the registry which shall include:

- (1) The total number of veterans registered with the department annually.

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(2) The number of registrants received by each State agency.

\* \* \*

(4) Outreach expenses incurred by the department.

(g) Guidelines.--The Adjutant General may adopt and promulgate guidelines necessary to carry out the provisions of this section.

(51 Pa.C.S. § 712)

### § 1721. Veterans' Trust Fund.

(a) Source of revenue.--In addition to transfers under section 1719-G of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, the Veterans' Trust Fund shall include funds from the following sources:

(1) Proceeds paid by the Department of Transportation under 75 Pa.C.S. § 1320 (relating to contributions to Veterans' Trust Fund).

(2) Amounts payable to the fund under 75 Pa.C.S. §§ 1361 (relating to special motorcycle plates related to veterans) and 1364(b) (relating to special plates for veterans).

(2.1) Fines collected and payable to the fund under 18 Pa.C.S. § 6701 (relating to wearing of uniforms and insignia and misrepresentation of military service or honors).

(3) Grants, gifts, donations and other payments from a person or government entity.

(4) Money appropriated to the fund.

(b) Appropriation.--Money in the fund is appropriated on a continuing basis to the department for purposes set forth in subsection (c).

(c) Authorized purposes.--The department may expend money from the Veterans' Trust Fund for the following purposes:

(1) Grants for programs or projects to support Pennsylvania veterans and their families to:

(i) (Deleted by amendment);

(ii) veterans' service organizations; and

(iii) other charitable organizations with a primary mission to serve Pennsylvania veterans.

(2) Grants or funding for new, innovative and expanded activities or programs operated by a county director of veterans affairs or the State Association of County Directors of Veterans Affairs.

(3) (Deleted by amendment).

(4) Assistance to Pennsylvania veterans in need of shelter or other necessities of living to the extent that other funds or resources are not available under Chapter 85 (relating to veterans' temporary assistance).

(5) (Deleted by amendment).

(6) Payments to the Motor License Fund for actual costs incurred by the Department of Transportation to implement 75 Pa.C.S. §§ 1320 (relating to contributions to Veterans' Trust Fund) and 1510 (relating to issuance and content of driver's license).

(7) Department-sponsored training and informational programs for Pennsylvania veterans. No more than 10% of the balance in the fund as of October 1 of the previous year may be used for this purpose.

(d) Contributions.--The department may solicit and accept gifts, donations, legacies and other money for deposit into the fund from a person, a foundation, a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)), an estate, a veterans' service organization or a government entity on behalf of the Commonwealth.

(e) Operation.--The department shall adopt a statement of policy for the maintenance and use of the fund within 60 days of the effective date of this section. The policy shall be published as a notice in the Pennsylvania Bulletin, but shall not be subject to review under section 205 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law, sections 204(b) and 301(10) of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act or the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

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(f) Report.--By July 31, 2013, and every year thereafter, the department shall submit to the chairman and minority chairman of the Veterans Affairs and Emergency Preparedness Committee of the Senate and the chairman and minority chairman of the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives a report detailing the Veterans' Trust Fund revenues and expenditures in the prior fiscal year and describing the activities, programs and projects which received funds.  
(51 Pa.C.S. § 1721)

### **§ 9701. Responsibilities [for heroic service website].**

The department [of Military and Veterans Affairs] shall have the following responsibilities:

(1) In consultation and cooperation with the United States Department of Defense, the department shall provide public access to a searchable database of individuals who have been awarded the Medal of Honor, the Distinguished Service Cross, the Navy Cross, the Air Force Cross and the Silver Star, which are granted for heroic service in the armed forces of the United States. The searchable database shall include the following:

- (i) The recipient's full name.
- (ii) The recipient's dates of service.
- (iii) The name of the award or decoration.
- (iv) The date of award or decoration.

(2) Within one year of the effective date of this paragraph, the department shall issue a report detailing the feasibility of expanding the database established under paragraph (1) to all military awards and decorations. The report shall include an estimate of the costs to the department associated with the establishment, administration and maintenance of the expanded database under this paragraph. The report shall be published on the department's publicly accessible Internet website and shall be delivered to the Veterans Affairs and Emergency Preparedness Committee of the Senate and to the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives.

(3) Information pursuant to this chapter [51 Pa.C.S. Ch. 97 (relating to heroic service website)] shall be available on the department's publicly accessible Internet website within three months of the effective date of this chapter.

(51 Pa.C.S. § 9701)

## **Chapter 2. Adjutant General**

**Section 2. [Duties of Adjutant General for issuance of medals]** The Adjutant General is charged with the administration of this act [the act of April 21, 1937, P.L.331, No.94]. He shall prepare and furnish blanks and adopt rules and regulations for the issue of medals upon approved applications. All applications, papers, and other records in the administration of this act shall become a part of the Department of Military Affairs.  
(1937, P.L.331, No.94, § 2)

**Section 2. [Duties of Adjutant General for issuance of medals for World War II veterans]** The Adjutant General is charged with the administration of this act [the act of June 28, 1947, P.L.1068, No.459]. He shall prepare and furnish blanks and adopt rules and regulations for the issue of medals upon approved applications. All applications, papers and other records in the administration of this act shall become a part of the permanent records of the Department of Military Affairs.  
(1947, P.L.1068, No.459, § 2)

### **§ 708. Fort Indiantown Gap.**

\* \* \* \*

(d) Morale, recreation and welfare.--The Adjutant General is authorized to operate facilities and organize activities and programs at Fort Indiantown Gap for the purpose of improving the morale, welfare and quality of life of service members, military dependents and



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veterans. The Adjutant General is also authorized to enter into concession agreements with private organizations for the continued operation of a canteen, exchange, commissary, restaurant or other enterprise which will improve the morale or welfare of active, retired or reserve members. These operations, facilities, activities and programs must be financially self-sustaining, and any income, including fees and charges, derived from the concession agreements and the operation of the facilities, activities and programs shall be deposited by the Adjutant General with a bank or trust company. Moneys in the account may only be used for the continued operation of the facilities, activities or programs at Fort Indiantown Gap. Any Federal funds specifically designated to assist the Adjutant General in implementing this subsection are hereby appropriated to the department for these purposes. No General Fund moneys or other State funds shall be used for the purposes authorized under this subsection. An audit of all accounts under this subsection must be conducted annually on the State fiscal year basis, and the department shall provide a copy of the audit to the Secretary of the Budget.

\* \* \*

(51 Pa.C.S. § 708)

### **§ 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 [of Military and Veterans Affairs]. The positions of Assistant Adjutant General, Army, and Assistant Adjutant General, Air, in the grades of brigadier general or major 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.

(51 Pa.C.S. § 901)

### **§ 902. General powers and duties of Adjutant General.**

The Adjutant General as head of the department [of Military and Veterans Affairs] 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.

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(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 Deputy Adjutant General for Veterans' Affairs, who shall serve as the Director of the Bureau for Veterans' Affairs.

(13) Approve issuance of a policy or policies of group life insurance to an association or associations to cover members of the Pennsylvania National Guard.

(14) Authorize the admittance of any member of a group which has been granted veterans status by the Secretary of Defense and any spouse of a member to State veterans' homes, using admission criteria and procedures as established by the department by regulation.

(51 Pa.C.S. § 902)

### **§ 907. Augmenting department [of Military and Veterans Affairs] 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.

(51 Pa.C.S. § 907)

### **§ 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, regulations and guidelines for the wearing of said decorations, medals, badges and awards in accordance with the customs and traditions of the Pennsylvania National Guard.

(51 Pa.C.S. § 3702)

## **Chapter 3. Deputy Adjutant General**

### **§ 1711. Qualifications and status.**

(a) Deputy Adjutants General.--In addition to such other Deputy Adjutants General as may be named in the department [of Military and Veterans Affairs], there shall be a Deputy Adjutant General for Veterans' Affairs, who shall perform the duties under section 1712 (relating to specific duties) and such other duties as the Adjutant General may assign.

(b) Appointment.--The Deputy Adjutant General for Veterans' Affairs shall be selected and

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appointed as other Deputy Adjutants General are selected and appointed. He shall be a veteran and an active member of at least one of the veterans' organizations listed under section 1702(b) (relating to State Veterans' Commission).

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

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

(51 Pa.C.S. § 1711)

### **§ 1712. Specific duties.**

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

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

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

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

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

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

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

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

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

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

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

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

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

(13) To disseminate information concerning Pennsylvania's veterans and Pennsylvania's veterans' programs to veterans' organizations, to the public press and other media and to the general public.

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

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

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

(51 Pa.C.S. § 1712)

## **Chapter 4. State Veterans' Commission**

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## Section 1602-V. Pennsylvania Long-term Care Council.

\* \* \*

(b) Membership.--The council shall be composed of and appointed in accordance with the following:

\* \* \*

(10) The following members to be appointed by the Governor, in consultation with the Secretary of Aging:

\* \* \*

(xi) The chair of the State Veterans Commission or a designee.

\* \* \*

(1929, P.L.343, No.176, § 1602-V)

## § 1701. Definitions [relating to State Veterans' Commission].

The following words and phrases when used in this chapter [51 Pa.C.S. Ch. 17 (relating to State Veterans' Commission and Deputy Adjutant General for Veterans' Affairs)] 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.

(51 Pa.C.S. § 1701)

## § 1702. State Veterans' Commission.

(a) Establishment.--There is hereby established within the department [of Military of Veterans 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) (Deleted by amendment).

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

(xiii) The Vietnam Veterans of America, Inc.

(xiv) American Ex-Prisoners of War.

(xv) Keystone Paralyzed Veterans Association.

(xvi) Military Officers Association of America.

(xvii) The Korean War Veterans Association, 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.

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

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

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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.

(51 Pa.C.S. § 1702)

### **§ 1703. General powers and duties [of State Veterans' Commission].**

The commission shall advise the Adjutant General and the department [of Military and Veterans 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.

(51 Pa.C.S. § 1703)

### **§ 1704. Specific powers and duties [of State Veterans' Commission].**

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 and Veterans' 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' temporary assistance payments under Chapter 85 (relating to veterans' temporary 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).

(51 Pa.C.S. § 1704)

## **Chapter 5. Municipal Agencies and Associations**

**Section 11. Directors of Veterans' Affairs.**--For the purpose of carrying into effect the provisions of this act [the act of June 11, 1935, P.L.326, No.149], the county commissioners shall appoint a director of veterans' affairs who shall receive such compensation as the salary board may fix. It shall be the duty of the director of veterans' affairs to:

(1) Assist the county commissioners in administering the provisions of this act relating to the burial of deceased service persons and their widows, and to furnishing markers and placing headstones on their graves.

(2) Assist war veterans and their families in securing their rights as such in matters relating to their person, property, and care of family under any of the laws of this Commonwealth and of the United States, and for such services the grave registrar shall be entitled to his expenses incurred therein and additional compensation, and both expenses and compensation shall be subject to the approval of the salary board or county commissioners, as the case may be.

(3) Carry into effect the provisions of this act relating to the compilation of war records.

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(4) Perform all other duties heretofore performed by the veterans' grave registrar.

The veterans' grave registrar of each county in office on the effective date of this act, shall continue in the office of director of veterans' affairs, and as such be subject to the provisions of existing law.

(1935, P.L.326, No.149, § 11)

**Section 12. State Association of Directors of Veterans' Affairs.**--The director of veterans' affairs of each county of the first class is hereby authorized to join with the directors of veterans' affairs of other counties of this Commonwealth in organizing themselves into a State association with power to hold annual meetings at such time and place within the State as they may designate for the purpose of securing more uniformity and cooperation in the conduct of their offices and improving their service to veterans.

Each director of veterans' affairs shall be allowed all reasonable expenses, including hotel bills and traveling expenses, actually incurred going to, attending and returning from, any annual meeting of the association, but not in excess of fifty dollars (\$50.00) in any one year, which shall be paid by the county of which he or she is an officer by orders drawn on the treasurer thereof. The time spent in attending such meetings shall not be more than three (3) days, exclusive of the time employed in traveling thereto and therefrom. The expenses of the annual meeting of the association, including any necessary amount for printing, committee meetings, and stenographic services, shall be paid by the proper counties, but shall not exceed twenty-five dollars (\$25.00) for each county, the director of veterans' affairs of which is a member of said association.

(1935, P.L.326, No.149, § 12)

**Section 1. [Establishment of veterans' service centers]** Any city, borough, town or township may establish a veterans' service center for the purpose of assisting war veterans and their families in securing their rights, as such, in matters relating to their person, property and care of family under any of the laws of this Commonwealth and of the United States. For such purpose any such political subdivision may appropriate and expend money for the rental and equipment of space in which to conduct such service center, and may employ such persons at such compensation as may be necessary to conduct the same, and purchase supplies and other things needed therefor.

(1945, P.L.848, No.344, § 1)

**Section 432. State Associations Authorized.**--County officers of the county may join with county officers of other counties of the Commonwealth and organize a State association, as follows:

\* \* \*

(10) The directors of veterans' affairs;

\* \* \*

(1953, P.L.723, No.230, § 432)

**Section 436. Other Meeting Expenses Paid by [Second Class] County.**--(a) In addition to the expenses hereinbefore authorized, the necessary expenses of the annual meetings of the associations hereinafter named, including printing, committee expenses and stenographical expense shall be paid in equal parts by the counties whose officers are members of the respective associations.

(b) In the case of the county controllers, the sheriffs, the register of wills, the county commissioners, county solicitor and chief clerk, the prothonotaries and clerks of courts of common pleas, the county treasurers, the recorders of deeds, the public defenders and the directors of veterans' affairs, the portion of the annual expenses charged to each county of the second class shall not exceed one thousand dollars (\$1,000) and to each county of the second class A shall not exceed eight hundred dollars (\$800); and in the case of the probation officers, an annual membership subscription not exceeding ten dollars (\$10) per member shall be paid by the county, and shall be in lieu of the expenses hereinbefore in this section provided for

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other county officers.  
(1953, P.L.723, No.230, § 436)

### **Section 2123. Compilation of War Records; Director of Veterans' Affairs [in Second Class Counties].--\* \* \***

(f) For the purpose of carrying into effect the provisions of this section, the county commissioners shall appoint a director of veterans affairs, who shall receive such compensation as the salary board may fix.

(g) It shall also be the duty of the director of veterans affairs to:

(1) Assist the county commissioners in administering the provisions of this subdivision [Subdivision (c) of Article XXI] which relate to the burial of deceased service persons and their widows and to furnishing markers and placing headstones on their graves.

(2) Assist war veterans and their families in securing their rights as such in matters relating to their person, property and care of family, under any of the laws of this Commonwealth and of the United States, and for such services the director of veterans affairs shall be entitled to his expenses incurred therein and additional compensation. Both expenses and compensation shall be subject to the approval of the salary board or the county commissioners, as the case may be.

(3) Assist the county commissioners in transmitting records of burial places of deceased service persons to the Department of Military Affairs of the Commonwealth, for the use of the Deputy Adjutant General in charge of Veteran Affairs, and otherwise assist the commissioners in cooperating with the said Deputy.

(1953, P.L.723, No.230, § 2123)

### **§ 7388. Online training for firefighters.**

\* \* \*

(g) Reporting.--By December 31 each year, the commissioner shall provide a written report detailing the use of the Online Training Educator and Training Reimbursement Account from the prior fiscal year to the chairperson and minority chairperson of the Agriculture and Rural Affairs Committee of the Senate, the chairperson and minority chairperson of the Veterans Affairs and Emergency Preparedness Committee of the Senate, the chairperson and minority chairperson of the Agriculture and Rural Affairs Committee of the House of Representatives and the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives.

(35 Pa.C.S. § 7388)

## **Chapter 6. Veterans Affairs and Emergency Preparedness Committee**

### **Section 103-K. Efficiency study [of 911 emergency communication services].**

\* \* \*

(c) Report.--

(1) By December 30, 2024, the Legislative Budget and Finance Committee shall submit a final report with recommendations to the chair and minority chair of the Veterans Affairs and Emergency Preparedness Committee of the Senate and the chair and minority chair of the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives.

\* \* \*

(1929, P.L.343, No.176, § 103-K)

## **PART II. BENEFITS**

### **Chapter 1. Education Benefits for Veterans**

**Section 1302. Public Schools.**--The Department of Public Instruction [now the Department of Education] shall have the power, and its duty shall be:

\* \* \*

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(k) To hold examinations in secondary school subjects, at suitable times and places, to be designated by the Superintendent of Public Instruction [now Secretary of Education], for the determination of the fitness of applicants unable to present satisfactory certificates showing completion of secondary school courses, and to issue such certificates to those found proficient: Provided, That admission to such examinations shall be denied any applicant eighteen years of age or under regularly enrolled in an accredited secondary school, and no applicant eighteen years of age or under not enrolled in an accredited secondary school, shall be allowed to obtain more units of secondary school credits through such examinations, during any year, than could be carried during any year through enrollment in an accredited secondary school; and to authorize accredited secondary schools to hold similar examinations and grant similar certificates under rules, regulations and standards issued by the Department of Public Instruction.

To establish and publish standards whereby the secondary education of any resident of Pennsylvania, who has not fully completed his or her studies in an accredited secondary school, but has otherwise completed educational studies of an equivalent standard, may be determined and evaluated. The department may, under rules and regulations issued by it, grant credits, certificates or diplomas for secondary school education for educational courses offered by--

- (1) The military, naval or merchant marine services.
- (2) The Armed Forces Institute.
- (3) Evening or extension courses established by schools and colleges, accredited or approved by the Department of Public Instruction.
- (4) Institutions maintained by the Commonwealth.

The Department of Public Instruction may, under rules and regulations issued by it, authorize accredited secondary schools to determine and evaluate secondary school subjects, grant credits, certificates and diplomas in like manner.

\* \* \*

(1929, P.L.177, No.175, § 1302)

**Section 2. Legislative Findings and Policy.**--It has been determined by the General Assembly and it is hereby declared as a matter of legislative finding:

That there is a temporary lack of facilities for higher education for veterans and others in accredited colleges and universities and that the Commonwealth must therefore take action, in cooperation with the accredited colleges and universities located within this Commonwealth, to meet the educational needs of veterans and others during this period of emergency.

(1947, P.L.152, No.66, § 2)

**Section 1204. Granting Provisional College Certificates.**--The Secretary of Education may grant a provisional college certificate to every person who presents to the Department of Education satisfactory evidence of good moral character, and of being a graduate of an approved college or university, who has completed such work in education as may be required by the standards of the State Board of Education, and to every person who presents to the Department of Education satisfactory evidence of good moral character, and of being a graduate of music, with the degree of bachelor of music of an approved college or university, who has during such musical course completed the prescribed number of hours of professional studies, which certificate shall entitle the individual to teach for three annual school terms, and may be renewed for one additional three-year period in accordance with standards to be established by the State Board of Education. The Department of Education shall process an application for provisional college certification submitted by an individual who is a member of the United States Armed Forces, including a reserve component or National Guard, or a veteran, or the spouse of the member of the United States Armed Forces or the spouse of the veteran, within fourteen (14) days of the date the department received the completed application. For the purposes of this section, the term "veteran" shall mean an individual who has served in the United States Armed Forces, including a reserve component or National Guard, and who was discharged or released from such service under conditions other than



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dishonorable.

(1949, P.L.30, No.14, § 1204)

**Section 1205. Issuing Permanent College Certificates.**--The Secretary of Education shall issue a permanent college certificate to every graduate of an approved college or university, and of such departments therein as are approved by him, when such graduate furnishes satisfactory evidence of good moral character and successful experience of three years' teaching on a provisional college certificate in approved elementary or secondary schools, in private institutions from which the Department of Education purchases services on a tuition basis, and in state-aided and state-owned secondary schools, and has completed such work in education as may be required by the standards of the State Board of Education. Such work in education shall not exceed that required as of the time of graduation of such graduates from colleges or universities approved by the State Board of Education. Such certificate shall entitle its holder to teach without further examination. The Department of Education shall process an application for permanent college certification submitted by an individual who is a member of the United States Armed Forces, including a reserve component or National Guard, or a veteran, or the spouse of the member of the United States Armed Forces or the spouse of the veteran, within fourteen (14) days of the date the department received the completed application. For the purposes of this section, the term "veteran" shall mean an individual who has served in the United States Armed Forces, including a reserve component or National Guard, and who was discharged or released from such service under conditions other than dishonorable.

(1949, P.L.30, No.14, § 1205)

### **Section 1611. Academic Degrees.**--\* \* \*

(b) A board of school directors may establish a program to be known as "Operation Recognition" which provides for granting a high school diploma to any honorably discharged veteran who served in the United States military in World War II between the sixteenth day of September, one thousand nine hundred forty, and the thirty-first day of December, one thousand nine hundred forty-six, who attended high school between one thousand nine hundred thirty-seven and one thousand nine hundred forty-six and who would have been a member of a graduation class during the years one thousand nine hundred forty-one through one thousand nine hundred fifty but did not graduate from high school due to entry into military service. A board of school directors may award a diploma posthumously to an eligible veteran. An application for a diploma under this subsection must be made in the manner prescribed by the board of school directors.

(c) A board of school directors may establish a program to be known as "Operation Recognition" which provides for granting a high school diploma to any honorably discharged veteran who served in the United States military in the Korean War between the twenty-seventh day of June, one thousand nine hundred fifty, and the thirty-first day of January, one thousand nine hundred fifty-five, who attended high school between one thousand nine hundred forty-seven and one thousand nine hundred fifty-five and who would have been a member of a graduation class during the years one thousand nine hundred fifty-one through one thousand nine hundred fifty-seven but did not graduate from high school due to entry into military service. A board of school directors may award a diploma posthumously to an eligible veteran. An application for a diploma under this subsection must be made in the manner prescribed by the board of school directors.

(d) (1) A board of school directors may establish a program to be known as "Operation Recognition" which provides for granting a high school diploma to any honorably discharged veteran who served in the United States military in the Vietnam War between the twenty-eighth day of February, one thousand nine hundred sixty-one, and the seventh day of May, one thousand nine hundred seventy-five, who attended high school between one thousand nine hundred fifty-eight and one thousand nine hundred seventy-five and who would have been a member of a graduation class during the years one thousand nine hundred sixty-one through one thousand nine hundred seventy-five but did not graduate from high school due to entry into

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military service.

(2) A board of school directors may award a diploma posthumously to an eligible veteran.

(3) An application for a diploma under this subsection must be made in the manner prescribed by the board of school directors.

(1949, P.L.30, No.14, § 1611)

### **Section 2001-I. Public Higher Education Funding Commission.**

\* \* \*

(h) Higher education funding formula.--The commission shall develop a higher education funding formula and identify factors that may be used to determine the distribution of funding among the public institutions of higher education. The factors identified under this subsection may include all of the following:

\* \* \*

(21) The access, enrollment and outcomes of underrepresented populations, including, but not limited to, low-income students, first-generation students, rural students, adult students, veterans and students of color.

\* \* \*

(1949, P.L.30, No.14, § 2001-I)

**Section 1. Short Title [of Veterans' Education Act].**--This act shall be known and may be cited as the "Veterans' Education Act of 1971."

(1972, P.L.909, No.216, § 1)

**Section 2. Definitions [relating to veterans' education].**--As used in this act [the Veterans' Education Act of 1971]:

(1) "Qualified veterans" means any veteran who:

(i) Served on active duty for a period of more than one hundred eighty days and part of which accrued after January 31, 1955 and who was discharged or released therefrom under conditions other than dishonorable, or who was released or discharged from active duty after January 31, 1955 for a service-connected disability.

(ii) Was a resident of Pennsylvania for at least twelve months immediately preceding his service on active duty, has continued to reside in Pennsylvania following his discharge or release from active duty and continues to reside in Pennsylvania during the period in which he is enrolled in an institution of higher learning. The agency shall make the final determination in all questions of residency.

(iii) Shall satisfactorily meet the qualification of financial need as determined by uniform standards and procedures to be established by the agency and to be determined without regard to the financial status of their parents unless the agency finds that the applicant is in fact receiving parental financial support.

(2) "Approved program of education" means any degree or non-degree curriculum or course of study to be pursued on a full-time basis for a duration of at least two academic years or its equivalent at an approved institution of higher learning.

(3) "Approved institution of higher learning" shall mean any institution of higher learning approved by the agency.

(1972, P.L.909, No.216, § 2)

**Section 3. Scholarships for Veterans.**--From the funds appropriated under this act [the Veterans' Education Act of 1971] and by the General Assembly from time to time for the purposes of this act, the Pennsylvania Higher Education Assistance Agency is hereby authorized to provide scholarships to qualified veterans enrolled in approved programs of education.

(1972, P.L.909, No.216, § 3)

**Section 4. Amount of Scholarship.**--Scholarships awarded under this act [the Veterans' Education Act of 1971] to cover full-time study shall not exceed, per academic year, the tuition

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and fee charges at the institution of higher learning at which the applicant is enrolled or twelve hundred dollars (\$1200), whichever is the lesser.  
(1972, P.L.909, No.216, § 4)

**Section 1. [Announcement of scholarship and educational assistance grants]** In order to encourage needy students to make timely application for enrollment in postsecondary educational programs, and coordinate the State and Federal evaluation and announcement of the student's eligibility to receive financial aid, the Pennsylvania Higher Education Assistance Agency annually, on the fifteenth day of March, shall have the authority to announce the scholarships and educational assistance grants to be awarded by the agency for the next succeeding academic year pursuant to the provisions of the act of January 25, 1966 (P.L.1546, No.541), entitled "An act providing scholarships and providing funds to secure Federal funds for qualified students of the Commonwealth of Pennsylvania who need financial assistance to attend postsecondary institutions of higher learning, making an appropriation, and providing for the administration of this act," and the act of October 11, 1972 (P.L.909, No.216), known as the "Veterans' Education Act of 1971," and the act of October 11, 1972 (P.L.899, No.213), entitled "An act providing scholarships for certain dependents of members of the armed services who while on active duty are taken as prisoners of war or are reported missing in action and making an appropriation," not to exceed the amounts appropriated for the current fiscal year.  
(1974, P.L.228, No.50, § 1)

### Chapter 2. Education Benefits for Veterans' Children

**Section 1. [Establishment of Scotland School for Veterans' Children]** Be it enacted, &c., That there shall be erected, at some point within the State easily accessible, a building or buildings to be known as the Scotland School for Veterans' Children.  
(1893, P.L.171, No.118, § 1)

**Section 2. [Purchase of land]** That the commission now in charge of the Soldiers' Orphan Schools are empowered to purchase not more than one hundred acres of ground, the title of which shall be vested in the Commonwealth, and to erect buildings thereon, equipping the same with shops, tools et cetera, for industrial training, as well as for the educational course, and for the maintenance of the soldiers' orphans, first taking security for the faithful performance of all contracts and for the completion of the building and buildings in a substantial, good and workmanlike manner.  
(1893, P.L.171, No.118, § 2)

**Section 5. [Continuation of soldiers' orphan schools]** The said commission shall have full power to continue the soldiers' orphan schools as now constituted, or if necessary, change either, any, or all of them to other localities, until such time or times as the Pennsylvania Soldiers Orphans' Industrial School [now the Scotland School for Veterans' Children] shall be completed, or sufficiently advanced to accommodate said orphans, when the commission shall close all of the said soldiers' orphans schools.  
(1893, P.L.171, No.118, § 5)

**Section 1. [Admission of children of veterans of Philippine war]** Be it enacted, &c., That the Commission of Soldiers' Orphan Schools of the State of Pennsylvania, under such rules and forms of application as it may adopt, shall and is hereby authorized and required to admit to the Pennsylvania Soldiers' Orphan Industrial School [now the Scotland School for Veterans' Children], or to the Soldiers' Orphan Schools, orphan or destitute children of honorably discharged soldiers, sailors and marines of the Philippine war; subject to the present laws governing the control of the schools.  
(1905, P.L.195, No.137, § 1)

**Section 1. [Admission of children of veterans of war with Germany and Austria]** Be it

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enacted, &c., That the Commission of Soldiers' Orphan Schools of the Commonwealth of Pennsylvania, subject to the present laws and under such rules and forms of application as it may adopt, shall, and is hereby authorized and required to, admit to the Pennsylvania Soldiers' Orphan Industrial School [now the Scotland School for Veterans' Children], orphan or destitute children of honorably discharged soldiers, sailors, or marines, who served in the Army or Navy of the United States, or in any branch or unit thereof, during the war with Germany and Austria, or in any movement or campaign in connection therewith or resulting therefrom.  
(1919, P.L.3, No.1, § 1)

**Section 1. [Admission to Scotland School for Veterans' Children]** The Board of Trustees of the Scotland School for Veterans' Children shall admit to the Scotland School for Veterans' Children, under such rules and forms of application as it may adopt, children over six (6) and under sixteen (16) years of age, of a custodial parent or legal guardian who has resided in this Commonwealth for a continuous period of not less than three years prior to application for admission of such children, or prior to the death of the last survivor of such parents, and one or both of whose parents, grandparents, siblings or parents' siblings has served in any branch of the armed forces of the United States and has died in such service or has been honorably discharged therefrom.

Preference in admission shall be as follows: (1) Children whose parent or parents served in the armed forces during any war or armed conflict in which the United States has been, is now or may hereafter be engaged, or in any movement or campaign in connection therewith or resulting therefrom; (2) Children, both of whose parents are dead; (3) Children, with only one living parent; (4) Destitute children not being in the foregoing classes.  
(1943, P.L.302, No.140, § 1)

**Section 2. [Discharge from Scotland School for Veterans' Children]** Children so admitted shall be educated and maintained in the Scotland School for Veterans' Children until they shall severally become nineteen years of age, unless sooner discharged for cause by order of the board: Provided, That the board may at its discretion extend the time of the discharge of any child until the end of the school year during which such child reaches the age of nineteen years. For the purposes of this proviso the school year shall be deemed to commence the first day of September of each year.  
(1943, P.L.302, No.140, § 2)

**Section 3. [Duty of board of trustees]** No child admitted to the Scotland School for Veterans' Children shall be discharged therefrom, or leave the same, or be taken therefrom by any person, except on order of the board of trustees. In discharging a child from the school, or in permitting a child to leave or be taken from the school, the board of trustees shall be governed by the best interests of the child or the best interests of the other children in the school, as the case may be.  
(1943, P.L.302, No.140, § 3)

**Section 4. [Unlawful removal of child]** Whoever takes any child from the Scotland School for Veterans' Children, or assists any child to leave the same, without an order from the board permitting such taking or leaving, and any child who leaves said school without permission so to do, shall, upon summary conviction thereof be sentenced to pay a fine of not more than fifty dollars (\$50.00), and in default of the payment thereof and costs, shall undergo imprisonment not to exceed ten days, or in the case of a minor, subject to the jurisdiction of the juvenile courts, shall be dealt with by such court as in other cases of juvenile delinquency.  
(1943, P.L.302, No.140, § 4)

### **Section 1329. Excuses from Attending School.--\* \* \***

(a.2) (1) A school district may excuse a student from school attendance to participate in a musical performance in conjunction with a national veterans' organization or incorporated unit for an event or funeral. The national veterans' organization or incorporated unit must provide

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the student with a signed excuse, which shall include the date, location and time of the event or funeral. The student shall furnish the signed excuse to the school district prior to being excused from school.

(2) As used in this subsection, the following words and phrases shall have the meanings given to them in this paragraph:

"Incorporated unit." An incorporated post, branch, camp, detachment, lodge or other subordinate unit of a national veterans' organization.

"National veterans' organization." A veterans' organization having a national charter.

\* \* \*

(1949, P.L.30, No.14, § 1329)

### **Section 1501-M. Scope of article [XV-M].**

This article [XV-M] relates to the Purple Star School Program.

(1949, P.L.30, No.14, § 1501-M)

### **Section 1502-M. Definitions.**

The following words and phrases when used in this article [XV-M] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Department." The Department of Education of the Commonwealth.

"Military-connected student." A school-aged child who is a dependent of any of the following:

(1) An active or a former member of any of the following:

(i) The United States Armed Forces serving in the United States Army, Navy, Air Force, Marine Corps, Space Force or Coast Guard on active duty.

(ii) The Pennsylvania National Guard.

(iii) A reserve force of the United States Armed Forces.

(2) A member specified under paragraph (1) who was killed in the active line of duty.

"Nonpublic school." A nonprofit school, other than a public school within this Commonwealth, where a resident of this Commonwealth may legally fulfill the compulsory school attendance requirements of this act and which meets the requirements of Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241).

"Program." The Purple Star School Program established under section 1503-M(a).

"Public school." A school district, a school in a school district, charter school, cyber charter school, intermediate unit, regional charter school or an area career and technical school.

(1949, P.L.30, No.14, § 1502-M)

### **Section 1503-M. Purple Star School Program.**

(a) Establishment.--The Purple Star School Program is established within the department [of Education].

(b) Designation.--The department shall designate a public school or nonpublic school as a Purple Star School if the public school or nonpublic school applies and qualifies for the designation under the program.

(1949, P.L.30, No.14, § 1503-M)

### **Section 1504-M. Qualifications for public schools.**

(a) Qualifications.--In order to qualify for the designation as a Purple Star School, a public school shall do all of the following:

(1) Submit an application to the department certifying that the public school meets all of the following:

(i) The criteria under section 1183.

(ii) The program qualifications under this section.

(2) Designate a staff member as a military liaison. The military liaison shall have all of the following duties:

(i) Identify a military-connected student enrolled at the public school.

(ii) Serve as the point of contact between the public school and a military-

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connected student and the military-connected student's parent or guardian.

(iii) Determine appropriate school services available to a military-connected student.

(iv) Assist in coordinating school programs relevant to a military-connected student.

(3) Maintain an easily accessible web page on the public school's publicly accessible Internet website to provide resources for a military-connected student and the military-connected student's parent or guardian, including information regarding all of the following:

(i) Relocation to the public school, enrollment at the public school, registration at the public school and transferring records to the public school.

(ii) Academic planning, course sequences and advanced classes available at the public school.

(iii) Counseling and other support services available for a military-connected student.

(4) Maintain a transition initiative led by students, when appropriate, that assists a military-connected student in transitioning into the public school.

(5) Offer professional development for staff members on issues related to military-connected students.

(6) Offer at least one of the following initiatives:

(i) A resolution showing support for military-connected students and their parents or guardians.

(ii) A commemoration of each month honoring active-duty military service members, including relevant events hosted by the public school.

(iii) A partnership with a local military installation that provides opportunities for active-duty military service members to volunteer at the public school, speak at a school assembly or host a school field trip.

(b) Partnerships.--A public school may partner with another public school or nonpublic school to meet any program requirement.

(1949, P.L.30, No.14, § 1504-M)

### **Section 1505-M. Qualifications for nonpublic schools.**

(a) Qualifications.--In order to qualify for the designation as a Purple Star School, a nonpublic school shall do all of the following:

(1) Submit an application to the department certifying that the nonpublic school meets the program qualifications under this section.

(2) Designate a staff member as a military liaison. The military liaison shall have all of the following duties:

(i) Identify a military-connected student enrolled at the nonpublic school.

(ii) Serve as the point of contact between the nonpublic school and a military-connected student and the military-connected student's parent or guardian.

(iii) Determine appropriate school services available to a military-connected student.

(iv) Assist in coordinating school programs relevant to a military-connected student.

(3) Maintain an easily accessible web page on the nonpublic school's publicly accessible Internet website to provide resources for a military-connected student and the military-connected student's parent or guardian, including information regarding all of the following:

(i) Relocation to the nonpublic school, enrollment at the nonpublic school, registration at the nonpublic school and transferring records to the nonpublic school.

(ii) Academic planning, course sequences and advanced classes available at the nonpublic school.

(iii) Counseling and other support services available for a military-connected student.

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(4) Maintain a transition initiative led by students, when appropriate, that assists a military-connected student in transitioning into the nonpublic school.

(5) Offer professional development for staff members on issues related to military-connected students.

(6) Offer at least one of the following initiatives:

(i) A resolution showing support for military-connected students and their parents or guardians.

(ii) A commemoration of each month honoring active-duty military service members, including relevant events hosted by the nonpublic school.

(iii) A partnership with a local military installation that provides opportunities for active-duty military service members to volunteer at the nonpublic school, speak at a school assembly or host a school field trip.

(b) Partnerships.--A nonpublic school may partner with another nonpublic school to meet any program requirement.

(1949, P.L.30, No.14, § 1505-M)

### **Section 1506-M. Regulations.**

The department shall promulgate regulations as necessary to administer this article.

(1949, P.L.30, No.14, § 1506-M)

**Section 1. Definitions [relating to scholarships to children of prisoners of war].--**As used in this act [the act of October 11, 1972, P.L.899, No.213]:

(1) "Qualified dependent" means the child of a member of the armed services who served on active duty after January 31, 1955 and who (i) has been or is a prisoner of war or is reported as missing in action and (ii) was a resident of Pennsylvania for at least twelve months preceding his service on active duty. The term does not include the child of any such member of the armed services who deserted, defected to the enemy, or has otherwise been discharged under other than honorable conditions.

(2) "Approved program of education" means any degree or non-degree curriculum or course of study to be pursued on at least one-half time basis for a duration of at least one academic year or its equivalent at an approved institution of higher learning.

(3) "Approved institution of higher learning" shall mean any institution of higher learning approved by the agency.

(1972, P.L.899, No.213, § 1)

**Section 2. Scholarships for Qualified Dependents.--**From the funds appropriated under this act [the act of October 11, 1972, P.L.899, No.213] and by the General Assembly from time to time for the purposes of this act, the Pennsylvania Higher Education Assistance Agency is hereby authorized to provide scholarships to qualified dependents enrolled in approved programs of education whose eligibility under the provisions of the act of January 25, 1966 (P.L.1546), entitled "An act providing scholarships and providing funds to secure Federal funds for qualified students of the Commonwealth of Pennsylvania who need financial assistance to attend postsecondary institutions of higher learning, making an appropriation, and providing for the administration of this act," shall be determined without regard to the financial status of their parents or the scholastic achievement test score of the qualified dependent.

(1972, P.L.899, No.213, § 2)

**Section 3. Amount of Scholarship.--**Scholarships awarded under this act [the act of October 11, 1972, P.L.899, No.213] to cover full-time study shall not exceed, per academic year, the tuition and fee charges at the institution of higher learning at which the applicant is enrolled or twelve hundred dollars (\$1,200), whichever is the lesser. Scholarships covering less than full time and at least one-half time study shall be in a proportionate amount.

(1972, P.L.899, No.213, § 3)

### **Section 1. [Attendance at State-related and State-owned institutions of higher**

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**learning and community colleges; eligibility]** (a) General rule.--The term "resident" or "residency," or any other term or expression used to designate a Commonwealth resident student, when used to determine the rate of tuition to be charged students attending community colleges, public institutions of higher learning, State-related institutions, State-owned institutions and private institutions shall be construed to mean and include any veterans, their spouses and dependent children who do not currently reside in Pennsylvania. The term shall also be construed to mean and include military personnel, their spouses and dependent children who are assigned to an active duty station in Pennsylvania and who reside in Pennsylvania and any civilian personnel, their spouses and dependent children employed at a Department of Defense facility who are transferred to Pennsylvania by the Department of Defense and who reside in Pennsylvania.

(a.1) Public institutions of higher learning, State-related institutions, State-owned institutions and private institutions.--Veterans, their spouses and dependent children, military personnel, their spouses and dependent children and civilian personnel, their spouses and dependent children who are admitted to a public institution of higher learning, State-related institution, State-owned institution or private institution shall be charged resident tuition rates provided that the student is a resident under this section on the date of deposit confirming their intent to enroll, begins enrollment within the corresponding term for which the deposit was made and remains in continuous enrollment at the institution.

(a.2) Community colleges.--Veterans, their spouses and dependent children, military personnel, their spouses and dependent children and civilian personnel, their spouses and dependent children who are admitted to a community college shall be charged the local sponsor rate provided that the student is a resident under this section on the date of enrollment, registers for the corresponding term and remains in continuous enrollment at the institution.

(a.3) Distance learning tuition.--A community college, public institution of higher learning, State-related institution, State-owned institution or private institution shall charge resident tuition rates to any active military personnel and their dependents who are taking college courses or receiving other education services through the Internet or by other electronic means.

(a.4) Eligibility.--A veteran and his spouse and dependent children or any other individual shall be charged a resident tuition rate or local sponsor rate as provided for under this act if the individual is eligible to receive benefits under any of the following:

(1) 10 U.S.C. Chs. 1606 (relating to educational assistance for members of the selected reserve) and 1607 (relating to educational assistance for reserve component members supporting contingency operations and certain other operations).

(2) 38 U.S.C. Ch. 30 (relating to all-volunteer force educational assistance program).

(3) 38 U.S.C. Ch. 31 (relating to training and rehabilitation for veterans with service-connected disabilities).

(4) 38 U.S.C. Ch. 33 (relating to post-9/11 educational assistance).

(a.5) Additional eligibility.--A child, a spouse or a surviving spouse who is eligible to receive benefits under 38 U.S.C. Ch. 35 (relating to survivors' and dependents' educational assistance) shall also be charged a resident tuition rate or local sponsor rate under the appropriate terms and conditions of subsection (a.1), (a.2) or (a.3).

(b) Definitions.--As used in this section, the following words and phrases shall have the meanings given them in this subsection:

"Community college." An institution established under Article XIX-A of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, or the act of August 24, 1963 (P.L.1132, No.484), known as the Community College Act of 1963.

"Local sponsor." A school district, municipality or county board of school directors, or any combination of school districts, municipalities or county boards of school directors, that participate or propose to participate in the establishment and operation of a community college.

"Local sponsor rate." The tuition charged to an individual who is a resident of a school district or municipality that is a member of the local sponsor of the community college.

"Member of a local sponsor." A school district or municipality that, alone or with other



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districts and municipalities, is included in a local sponsor.

"Private institution." An institution of higher education, other than a State-related institution, that receives a nonpreferred appropriation from the Commonwealth.

"Public institution of higher learning." A public institution licensed or registered under the act of December 15, 1986 (P.L.1585, No.174), known as the Private Licensed Schools Act, and approved to offer a program culminating in an Associate in Specialized Business degree or an Associate in Specialized Technology degree.

"State-owned institution." An institution that is part of the State System of Higher Education pursuant to Article XX-A of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

"State-related institution." Any of the following institutions, including any of their branch campuses:

- (1) The Pennsylvania State University.
- (2) The University of Pittsburgh.
- (3) Temple University.
- (4) Lincoln University.

"Veteran." An individual who served in the United States Armed Forces, including a reserve component or the National Guard and who was discharged or released from service under conditions other than dishonorable. The term includes an individual described in 38 U.S.C. § 3319(b) (relating to authority to transfer unused education benefits to family members).

(1982, P.L.1266, No.287, § 1)

### **Section 1. Short title [of Police Officer, Firefighter, Correction Employee and National Guard Member Child Beneficiary Education Act].**

This act shall be known and may be cited as the Police Officer, Firefighter, Correction Employee and National Guard Member Child Beneficiary Education Act.

(1998, P.L.980, No.129, § 1)

### **Section 2. Definitions [relating to child beneficiary education].**

The following words and phrases when used in this act [the Police Officer, Firefighter, Correction Employee and National Guard Member Child Beneficiary Education Act] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

\* \* \*

"Child" or "children." A resident of this Commonwealth who is the child by birth or adoption of a deceased police officer, firefighter, correction employee or National Guard member killed in the performance of his or her duties.

\* \* \*

"Educational gratuity." The waiver by a community college or a State-owned or State-related institution of tuition, fees and room and board charges for an eligible child.

\* \* \*

"Member of the National Guard." A person who is an active member in good standing in the Pennsylvania National Guard.

\* \* \*

"Pennsylvania Higher Education Assistance Agency" or "PHEAA." The Pennsylvania Higher Education Assistance Agency created by the act of August 7, 1963 (P.L.549, No.290), referred to as the Pennsylvania Higher Education Assistance Agency Act.

\* \* \*

"Program." The Postsecondary Educational Gratuity Program created by this act.

"Room and board charge." The amount charged by a community college or a State-owned or State-related institution for provision of lodging and meals to students enrolled at the community college or State-owned or State-related institution.

\* \* \*

"Total institution charges." Tuition and fees plus room and board charges.

"Tuition and fees." The instructional charge and any other fee established by the

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governing board of a community college for Commonwealth residents attending the community college or the instructional fee established by the Board of Governors of the State System of Higher Education for Commonwealth residents attending State-owned institutions. The term includes tuition and fees set by the respective governing bodies of the State-related institutions.

\* \* \*

(1998, P.L.980, No.129, § 2)

### **Section 3. Postsecondary Educational Gratuity Program.**

(a) Establishment.--There is hereby established the Postsecondary Educational Gratuity Program for children of police officers, firefighters, correction employees, sheriffs, deputy sheriffs and National Guard members and certain other individuals who are on Federal or State active military duty who are residents of this Commonwealth who are killed while acting in the performance of their duties.

(b) Eligibility.--

\* \* \*

(3) A member of the National Guard shall be deemed to have been killed in the performance of his or her duties if his or her death results from performance of a duty required by his or her orders or commander while in an official duty status authorized under Federal or State law.

\* \* \*

(4.2) An individual who is on Federal or State active military duty who is a resident of this Commonwealth shall be deemed to have been killed in the performance of duty if death results from performance of a duty required by his or her orders or commander while in an official duty status.

(5) Notwithstanding the provisions of this section, deaths which occur as the direct and proximate result of preexisting physical conditions, diseases or illnesses shall be excluded from eligibility under this section.

(6) Any child of a police officer, firefighter, correction employee, sheriff, deputy sheriff or National Guard member killed in the performance of his or her duties shall be eligible for an educational gratuity provided the child is 25 years of age or younger at the time of application for participation in this program, meets all admission requirements of the community college or State-owned or State-related institution to which application is made and is enrolled as a full-time student at a community college or a State-owned or State-related institution.

(7) A child who is 25 years of age or younger at the time of the child's application for participation in this program and who meets all other eligibility requirements may receive an educational gratuity for up to five years provided the child otherwise continues to be eligible for participation.

(c) Scope of benefit.--

(1) The benefit available under this section shall be provided only for full-time students who are pursuing undergraduate studies leading to an associate degree or a baccalaureate degree.

(2) A child becomes eligible for this benefit after he or she has applied for available scholarships and Federal and State grants to cover tuition and room and board costs. The child must provide a record of application for such financial aid to the community college or State-owned or State-related institution to which he or she is applying.

(3) A community college or a State-owned or State-related institution shall waive all remaining tuition and room and board charges (total tuition, room and board and fees minus awarded scholarships and Federal and State grants) for an eligible child during the time the child is enrolled as a full-time student provided the child meets all requirements for admission to the community college or State-owned or State-related institution and during the child's enrollment complies with all requirements of the institution for continued attendance and award of an associate degree or a baccalaureate degree.

(d) Administration.--

\* \* \*

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(3) Written notification of the death of any member of the National Guard or other individual who is on Federal or State active military duty who is a resident of this Commonwealth killed in the performance of his or her duties shall be submitted to PHEAA by the Adjutant General of the Department of Military and Veterans Affairs within 20 days of the death of the National Guard member.

(4) Applications for an educational gratuity shall be submitted to PHEAA by the child or the surviving parent or guardian of the child, together with a certified copy of the child's birth certificate or adoption record or other documentation of birth or adoption acceptable to PHEAA. The application shall include a copy of the child's letter of acceptance at a community college or a State-owned or State-related institution. If no death certification has been received from the Department of General Services, Secretary of Corrections or Adjutant General of the Department of Military and Veterans Affairs, PHEAA may elect to accept other documentation certifying that the child's parent was a police officer, firefighter, correction employee or National Guard member killed during the performance of his or her duties.

(5) Within 30 days of receipt of a completed application, PHEAA shall send written notice to the child and the community college or State-owned or State-related institution of the child's eligibility or noneligibility for participation in this program. If the child is determined not to be eligible for an educational gratuity, the notice shall include the reason or reasons for such determination and an indication that an appeal of PHEAA's determination may be made pursuant to 2 Pa.C.S. (relating to administrative law and procedure).

(6) Upon receipt of notification of the child's eligibility from PHEAA, a community college or a State-owned or State-related institution is prohibited from charging the child or the child's parent or guardian any tuition fee or room and board charge. If moneys have been received by the community college or the State-owned or State-related institution for these purposes, those moneys must be refunded in full within 30 days of receipt by the community college or the State-owned or State-related institution of the notice of the child's eligibility.

(7) Each community college or State-owned or State-related institution at which an eligible child is enrolled shall notify PHEAA upon the child's graduation or when the child is no longer enrolled at the community college or State-owned or State-related institution.

(1998, P.L.980, No.129, § 3)

### **Section 6. Exclusive source.**

Any person who receives any benefit under this act [the Police Officer, Firefighter, Correction Employee and National Guard Member Child Beneficiary Education Act] shall be ineligible to receive any tuition assistance or grants under 51 Pa.C.S. (relating to military affairs).

(1998, P.L.980, No.129, § 6)

### **Section 1. Short title [of Interstate Compact on Educational Opportunity for Military Children Act].**

This act shall be known and may be cited as the Interstate Compact on Educational Opportunity for Military Children Act.

(2012, P.L.42, No.6, § 1)

### **Section 2. Authority to execute compact [Interstate Compact on Educational Opportunity for Military Children].**

The Governor of Pennsylvania, on behalf of this State, is hereby authorized to execute a compact in substantially the following form with any one or more of the states of the United States, and the General Assembly hereby signifies in advance its approval and ratification of such compact:

Interstate Compact on Educational Opportunity  
for Military Children

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## ARTICLE I PURPOSE

It is the purpose of this compact to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by:

- A. Facilitating the timely enrollment of children of military families and ensuring that they are not placed at a disadvantage due to difficulty in the transfer of education records from the previous school district(s) or variations in entrance/age requirements.
- B. Facilitating the student placement process through which children of military families are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content or assessment.
- C. Facilitating the qualification and eligibility for enrollment, educational programs, and participation in extracurricular academic, athletic, and social activities.
- D. Facilitating the on-time graduation of children of military families.
- E. Providing for the promulgation and enforcement of administrative rules implementing the provisions of this compact.
- F. Providing for the uniform collection and sharing of information between and among member states, schools and military families under this compact.
- G. Promoting coordination between this compact and other compacts affecting military children.
- H. Promoting flexibility and cooperation between the educational system, parents and the student in order to achieve educational success for the student.

## ARTICLE II DEFINITIONS

As used in this compact, unless the context clearly requires a different construction:

- A. "Active duty" means: full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Section 12301 et seq. and 12401 et seq.
- B. "Children of military families" means: a school-aged child(ren), enrolled in Kindergarten through Twelfth (12th) grade, normally residing in the household of an active duty member.
- C. "Compact commissioner" means: the voting representative of each compacting state appointed pursuant to Article VIII of this compact.
- D. "Deployment" means: the period one (1) month prior to the service members' departure from their home station on military orders through six (6) months after return to their home station.
- E. "Education(al) records" means: those official records, files, and data directly related to a student and maintained by the school or local education agency, including, but not limited to, records encompassing all the material kept in the student's cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs.
- F. "Extracurricular activities" means: a voluntary activity sponsored by the school or

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local education agency or an organization sanctioned by the local education agency. Extracurricular activities include, but are not limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities.

- G. "Interstate Commission on Educational Opportunity for Military Children" means: the commission that is created under Article IX of this compact, which is generally referred to as Interstate Commission.
- H. "Local education agency" means: a public authority legally constituted by the state as an administrative agency to provide control of and direction for Kindergarten through Twelfth (12th) grade public educational institutions.
- I. "Member state" means: a state that has enacted this compact.
- J. "Military installation" means: a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands and any other U.S. Territory. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.
- K. "Non-member state" means: a state that has not enacted this compact.
- L. "Receiving state" means: the state to which a child of a military family is sent, brought, or caused to be sent or brought.
- M. "Rule" means: a written statement by the Interstate Commission promulgated pursuant to Article XII of this compact that is of general applicability, implements, interprets or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the Interstate Commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule.
- N. "Sending state" means: the state from which a child of a military family is sent, brought, or caused to be sent or brought.
- O. "State" means: a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands and any other U.S. Territory.
- P. "Student" means: the child of a military family for whom the local education agency receives public funding and who is formally enrolled in Kindergarten through Twelfth (12th) grade.
- Q. "Transition" means: 1) the formal and physical process of transferring from school to school or 2) the period of time in which a student moves from one school in the sending state to another school in the receiving state.
- R. "Uniformed service(s)" means: the Army, Navy, Air Force, Marine Corps, Coast Guard as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration, and Public Health Services.
- S. "Veteran" means: a person who served in the uniformed services and who was

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discharged or released therefrom under conditions other than dishonorable.

### ARTICLE III APPLICABILITY

- A. Except as otherwise provided in Section C, this compact shall apply to the children of:
1. active duty members of the uniformed services as defined in this compact;
  2. members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one (1) year after medical discharge or retirement; and
  3. members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one (1) year after death.
- B. The provisions of this interstate compact shall only apply to local education agencies as defined in this compact.
- C. The provisions of this compact shall not apply to the children of:
1. inactive members of the national guard and military reserves;
  2. members of the uniformed services now retired, except as provided in Section A;
  3. veterans of the uniformed services, except as provided in Section A; and
  4. other U.S. Dept. of Defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

### ARTICLE IV EDUCATIONAL RECORDS & ENROLLMENT

- A. Unofficial or "hand-carried" education records - In the event that official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial educational records containing uniform information as determined by the Interstate Commission. Upon receipt of the unofficial education records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible.
- B. Official education records/transcripts - Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student's official education record from the school in the sending state. Upon receipt of this request, the school in the sending state will process and furnish the official education records to the school in the receiving state within ten (10) days or within such time as is reasonably determined under the rules promulgated by the Interstate Commission.
- C. Immunizations - Compacting states shall give thirty (30) days from the date of enrollment or within such time as is reasonably determined under the rules promulgated by the Interstate Commission, for students to obtain any immunization(s) required by the receiving state. For a series of immunizations, initial vaccinations must be obtained within thirty (30) days or within such time as is reasonably determined under the rules promulgated by the Interstate Commission.

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- D. Kindergarten and First grade entrance age - Students shall be allowed to continue their enrollment at grade level in the receiving state commensurate with their grade level (including Kindergarten) from a local education agency in the sending state at the time of transition, regardless of minimum age. A student that has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of minimum age. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on their validated level from a local education agency in the sending state.

### ARTICLE V PLACEMENT & ATTENDANCE

- A. Course placement - When the student transfers before or during the school year, the receiving state school shall initially honor placement of the student in educational courses based on the student's enrollment in the sending state school and/or educational assessments conducted at the school in the sending state if the courses are offered. Course placement includes, but is not limited to, Honors, International Baccalaureate, Advanced Placement, vocational, technical and career pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the course(s).
- B. Educational program placement - The receiving state school shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation/placement in like programs in the sending state. Such programs include, but are not limited to: 1) gifted and talented programs; and 2) English as a second language (ESL). This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.
- C. Special education services - 1) In compliance with the federal requirements of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C.A. Section 1400 et seq., the receiving state shall initially provide comparable services to a student with disabilities based on his/her current Individualized Education Program (IEP); and 2) In compliance with the requirements of Section 504 of the Rehabilitation Act, 29 U.S.C.A. Section 794, and with Title II of the Americans with Disabilities Act, 42 U.S.C.A. Sections 12131-12165, the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 or Title II Plan, to provide the student with equal access to education. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.
- D. Placement flexibility - Local education agency administrative officials shall have flexibility in waiving course/program prerequisites, or other preconditions for placement in courses/programs offered under the jurisdiction of the local education agency.
- E. Absence as related to deployment activities - A student whose parent or legal guardian is an active duty member of the uniformed services, as defined by the compact, and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting, shall be granted

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additional excused absences at the discretion of the local education agency superintendent to visit with his or her parent or legal guardian relative to such leave or deployment of the parent or guardian.

### ARTICLE VI ELIGIBILITY

- A. Eligibility for enrollment - Children of military families shall be eligible for enrollment in the public schools of a state pursuant to the provisions of the state's public school statute that provide for admission, without the payment of tuition, of children of military families not domiciled within the school district, provided that the specified conditions in those provisions are met.
- B. Eligibility for extracurricular participation - State and local education agencies shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified.

### ARTICLE VII GRADUATION

In order to facilitate the on-time graduation of children of military families states and local education agencies shall incorporate the following procedures:

- A. Waiver requirements - Local education agency administrative officials shall waive specific courses required for graduation if similar course work has been satisfactorily completed in another local education agency or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the local education agency shall provide an alternative means of acquiring required coursework so that graduation may occur on time.
- B. Exit exams - States shall accept: 1) exit or end-of-course exams required for graduation from the sending state; or 2) national norm-referenced achievement tests or 3) alternative testing, in lieu of testing requirements for graduation in the receiving state. In the event the above alternatives cannot be accommodated by the receiving state for a student transferring in his or her Senior year, then the provisions of Article VII, Section C shall apply.
- C. Transfers during Senior year - Should a military student transferring at the beginning or during his or her Senior year be ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency, if the student meets the graduation requirements of the sending local education agency. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student in accordance with Sections A and B of this Article.

### ARTICLE VIII STATE COORDINATION

- A. Each member state shall, through the creation of a State Council or use of an existing body or board, provide for the coordination among its agencies of government, local education agencies and military installations concerning the state's participation in, and compliance with, this compact and Interstate Commission activities. While each member state may determine the membership of its own State Council, its membership must include at least: the state superintendent of education, superintendent of a school district with a high concentration of military children, representative from a military installation, one representative each from the legislative and executive branches of government, and other offices and stakeholder



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groups the State Council deems appropriate. A member state that does not have a school district deemed to contain a high concentration of military children may appoint a superintendent from another school district to represent local education agencies on the State Council.

- B. The State Council of each member state shall appoint or designate a military family education liaison to assist military families and the state in facilitating the implementation of this compact.
- C. The compact commissioner responsible for the administration and management of the state's participation in the compact shall be appointed by the Governor or as otherwise determined by each member state.
- D. The compact commissioner and the military family education liaison designated herein shall be ex-officio members of the State Council, unless either is already a full voting member of the State Council.

### ARTICLE IX INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

The member states hereby create the "Interstate Commission on Educational Opportunity for Military Children." The activities of the Interstate Commission are the formation of public policy and are a discretionary state function. The Interstate Commission shall:

- A. Be a body corporate and joint agency of the member states and shall have all the responsibilities, powers and duties set forth herein, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of this compact.
- B. Consist of one Interstate Commission voting representative from each member state who shall be that state's compact commissioner.
  - 1. Each member state represented at a meeting of the Interstate Commission is entitled to one vote.
  - 2. A majority of the total member states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission.
  - 3. A representative shall not delegate a vote to another member state. In the event the compact commissioner is unable to attend a meeting of the Interstate Commission, the Governor or State Council may delegate voting authority to another person from the state for a specified meeting.
  - 4. The bylaws may provide for meetings of the Interstate Commission to be conducted by telecommunication or electronic communication.
- C. Consist of ex-officio, non-voting representatives who are members of interested organizations. Such ex-officio members, as defined in the bylaws, may include, but not be limited to, members of the representative organizations of military family advocates, local education agency officials, parent and teacher groups, the U.S. Department of Defense, the Education Commission of the States, the Interstate Agreement on the Qualification of Educational Personnel and other interstate compacts affecting the education of children of military members.
- D. Meet at least once each calendar year. The chairperson may call additional meetings

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and, upon the request of a simple majority of the member states, shall call additional meetings.

- E. Establish an executive committee, whose members shall include the officers of the Interstate Commission and such other members of the Interstate Commission as determined by the bylaws. Members of the executive committee shall serve a one year term. Members of the executive committee shall be entitled to one vote each. The executive committee shall have the power to act on behalf of the Interstate Commission, with the exception of rulemaking, during periods when the Interstate Commission is not in session. The executive committee shall oversee the day-to-day activities of the administration of the compact including enforcement and compliance with the provisions of the compact, its bylaws and rules, and other such duties as deemed necessary. The U.S. Dept. of Defense shall serve as an ex-officio, nonvoting member of the executive committee.
- F. Establish bylaws and rules that provide for conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.
- G. Give public notice of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The Interstate Commission and its committees may close a meeting, or portion thereof, where it determines by two-thirds vote that an open meeting would be likely to:
  - 1. Relate solely to the Interstate Commission's internal personnel practices and procedures;
  - 2. Disclose matters specifically exempted from disclosure by federal and state statute;
  - 3. Disclose trade secrets or commercial or financial information which is privileged or confidential;
  - 4. Involve accusing a person of a crime, or formally censuring a person;
  - 5. Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
  - 6. Disclose investigative records compiled for law enforcement purposes; or
  - 7. Specifically relate to the Interstate Commission's participation in a civil action or other legal proceeding.
- H. Cause its legal counsel or designee to certify that a meeting may be closed and shall reference each relevant exemptible provision for any meeting, or portion of a meeting, which is closed pursuant to this provision. The Interstate Commission shall keep minutes which shall fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed and the record of a roll call vote. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Interstate Commission.

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- I. Collect standardized data concerning the educational transition of the children of military families under this compact as directed through its rules which shall specify the data to be collected, the means of collection and data exchange and reporting requirements. Such methods of data collection, exchange and reporting shall, in so far as is reasonably possible, conform to current technology and coordinate its information functions with the appropriate custodian of records as identified in the bylaws and rules.
- J. Create a process that permits military officials, education officials and parents to inform the Interstate Commission if and when there are alleged violations of the compact or its rules or when issues subject to the jurisdiction of the compact or its rules are not addressed by the state or local education agency. This section shall not be construed to create a private right of action against the Interstate Commission or any member state or a political subdivision of a member state.

### ARTICLE X

#### POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The Interstate Commission shall have the following powers:

- A. To provide for dispute resolution among member states.
- B. To promulgate rules and take necessary actions to effect the goals, purposes and obligations as enumerated in this compact. The rules shall have the force and effect of statutory law and shall be binding in the compact states to the extent and in the manner provided in this compact.
- C. To issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the interstate compact, its bylaws, rules and actions.
- D. To enforce compliance with the compact provisions, the rules promulgated by the Interstate Commission, and the bylaws, using all necessary and proper means, including, but not limited to, the use of judicial process.
- E. To establish and maintain offices which shall be located within one or more of the member states.
- F. To purchase and maintain insurance and bonds.
- G. To borrow, accept, hire or contract for services of personnel.
- H. To establish and appoint committees including, but not limited to, an executive committee as required by Article IX, Section E, which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder.
- I. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties and determine their qualifications; and to establish the Interstate Commission's personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel.
- J. To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of it.
- K. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any property, real, personal, or mixed.
- L. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose

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of any property, real, personal or mixed.

- M. To establish a budget and make expenditures.
- N. To adopt a seal and bylaws governing the management and operation of the Interstate Commission.
- O. To report annually to the legislatures, governors, judiciary, and state councils of the member states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission.
- P. To coordinate education, training and public awareness regarding the compact, its implementation and operation for officials and parents involved in such activity.
- Q. To establish uniform standards for the reporting, collecting and exchanging of data.
- R. To maintain corporate books and records in accordance with the bylaws.
- S. To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.
- T. To provide for the uniform collection and sharing of information between and among member states, schools and military families under this compact.

### ARTICLE XI

#### ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

- A. The Interstate Commission shall, by a majority of the members present and voting, within 12 months after the first Interstate Commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including, but not limited to:
  - 1. Establishing the fiscal year of the Interstate Commission;
  - 2. Establishing an executive committee, and such other committees as may be necessary;
  - 3. Providing for the establishment of committees and for governing any general or specific delegation of authority or function of the Interstate Commission;
  - 4. Providing reasonable procedures for calling and conducting meetings of the Interstate Commission, and ensuring reasonable notice of each such meeting;
  - 5. Establishing the titles and responsibilities of the officers and staff of the Interstate Commission;
  - 6. Providing a mechanism for concluding the operations of the Interstate Commission and the return of surplus funds that may exist upon the termination of the compact after the payment and reserving of all of its debts and obligations.
  - 7. Providing "start up" rules for initial administration of the compact.

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- B. The Interstate Commission shall, by a majority of the members, elect annually from among its members a chairperson, a vice-chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson or, in the chairperson's absence or disability, the vice-chairperson, shall preside at all meetings of the Interstate Commission. The officers so elected shall serve without compensation or remuneration from the Interstate Commission; provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for ordinary and necessary costs and expenses incurred by them in the performance of their responsibilities as officers of the Interstate Commission.
- C. Executive Committee, Officers and Personnel
1. The executive committee shall have such authority and duties as may be set forth in the bylaws, including, but not limited to:
    - a. Managing the affairs of the Interstate Commission in a manner consistent with the bylaws and purposes of the Interstate Commission;
    - b. Overseeing an organizational structure within, and appropriate procedures for the Interstate Commission to provide for the creation of rules, operating procedures, and administrative and technical support functions; and
    - c. Planning, implementing, and coordinating communications and activities with other state, federal and local government organizations in order to advance the goals of the Interstate Commission.
  2. (Reserved).
  3. The executive committee may, subject to the approval of the Interstate Commission, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation, as the Interstate Commission may deem appropriate. The executive director shall serve as secretary to the Interstate Commission, but shall not be a Member of the Interstate Commission. The executive director shall hire and supervise such other persons as may be authorized by the Interstate Commission.
- D. The Interstate Commission's executive director and employees shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to an actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of Interstate Commission employment, duties, or responsibilities; provided, that such person shall not be protected from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.
1. The liability of the Interstate Commission's executive director and employees or Interstate Commission representatives, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state may not exceed the limits of liability set forth under the Constitution and laws of that state for state officials, employees, and agents. The Interstate Commission is considered to be an instrumentality of the states for the purposes of any

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such action. Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

2. The Interstate Commission shall defend the executive director and its employees and, subject to the approval of the Attorney General or other appropriate legal counsel of the member state represented by an Interstate Commission representative, shall defend such Interstate Commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.
3. To the extent not covered by the state involved, member state, or the Interstate Commission, the representatives or employees of the Interstate Commission shall be held harmless in the amount of a settlement or judgment, including attorney's fees and costs, obtained against such persons arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

### ARTICLE XII

#### RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

- A. Rulemaking Authority - The Interstate Commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of this compact. Notwithstanding the foregoing, in the event the Interstate Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of this Act, or the powers granted hereunder, then such an action by the Interstate Commission shall be invalid and have no force or effect.
- B. Rulemaking Procedure - Rules shall be made pursuant to a rulemaking process that substantially conforms to the "Model State Administrative Procedure Act," of 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000) as amended, as may be appropriate to the operations of the Interstate Commission.
- C. Not later than thirty (30) days after a rule is promulgated, any person may file a petition for judicial review of the rule; provided, that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the Interstate Commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the Interstate Commission's authority.
- D. If a majority of the legislatures of the compacting states rejects a Rule by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compacting state.

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## ARTICLE XIII

### OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

- A. Oversight
1. The executive, legislative and judicial branches of state government in each member state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.
  2. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the Interstate Commission.
  3. The Interstate Commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the Interstate Commission shall render a judgment or order void as to the Interstate Commission, this compact or promulgated rules.
- B. Default, Technical Assistance, Suspension and Termination - If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, or the bylaws or promulgated rules, the Interstate Commission shall:
1. Provide written notice to the defaulting state and other member states, of the nature of the default, the means of curing the default and any action taken by the Interstate Commission. The Interstate Commission shall specify the conditions by which the defaulting state must cure its default.
  2. Provide remedial training and specific technical assistance regarding the default.
  3. If the defaulting state fails to cure the default, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the member states and all rights, privileges and benefits conferred by this compact shall be terminated from the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default.
  4. Suspension or termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Interstate Commission to the Governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.
  5. The state which has been suspended or terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of suspension or termination including obligations, the performance of which extends beyond the effective date of suspension or termination.
  6. The Interstate Commission shall not bear any costs relating to any state that has been found to be in default or which has been suspended or terminated from the compact, unless otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state.

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7. The defaulting state may appeal the action of the Interstate Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Interstate Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees.
- C. Dispute Resolution
1. The Interstate Commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the compact and which may arise among member states and between member and non-member states.
  2. The Interstate Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.
- D. Enforcement
1. The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.
  2. The Interstate Commission may, by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its principal offices, to enforce compliance with the provisions of the compact, its promulgated rules and bylaws, against a member state in default. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.
  3. The remedies herein shall not be the exclusive remedies of the Interstate Commission. The Interstate Commission may avail itself of any other remedies available under state law or the regulation of a profession.

### ARTICLE XIV

#### FINANCING OF THE INTERSTATE COMMISSION

- A. The Interstate Commission shall pay, or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.
- B. The Interstate Commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the Interstate Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, which shall promulgate a rule binding upon all member states.
- C. The Interstate Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of any of the member states, except by and with the authority of the member state.
- D. The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its bylaws.



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However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.

### ARTICLE XV

#### MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

- A. Any state is eligible to become a member state.
- B. The compact shall become effective and binding upon legislative enactment of the compact into law by no less than ten (10) of the states. The effective date shall be no earlier than December 1, 2007. Thereafter it shall become effective and binding as to any other member state upon enactment of the compact into law by that state. The governors of non-member states or their designees shall be invited to participate in the activities of the Interstate Commission on a non-voting basis prior to adoption of the compact by all states.
- C. The Interstate Commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and binding upon the Interstate Commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

### ARTICLE XVI

#### WITHDRAWAL AND DISSOLUTION

- A. Withdrawal
  - 1. Once effective, the compact shall continue in force and remain binding upon each and every member state; provided that a member state may withdraw from the compact by specifically repealing the statute, which enacted the compact into law.
  - 2. Withdrawal from this compact shall be by the enactment of a statute repealing the same, but shall not take effect until one (1) year after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the Governor of each other member state.
  - 3. The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The Interstate Commission shall notify the other member states of the withdrawing state's intent to withdraw within sixty (60) days of its receipt thereof.
  - 4. The withdrawing state is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal, including obligations, the performance of which extend beyond the effective date of withdrawal.
  - 5. Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the Interstate Commission.
- B. Dissolution of Compact
  - 1. This compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership in the compact to one (1) member state.

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2. Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

### ARTICLE XVII

#### SEVERABILITY AND CONSTRUCTION

- A. The provisions of this compact shall be severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.
- B. The provisions of this compact shall be liberally construed to effectuate its purposes.
- C. Nothing in this compact shall be construed to prohibit the applicability of other interstate compacts to which the states are members.

### ARTICLE XVIII

#### BINDING EFFECT OF COMPACT AND OTHER LAWS

- A. Other Laws
  1. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with this compact.
  2. All member states' laws conflicting with this compact are superseded to the extent of the conflict.
- B. Binding Effect of the Compact
  1. All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, are binding upon the member states.
  2. All agreements between the interstate commission and the member states are binding in accordance with their terms.
  3. In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

(2012, P.L.42, No.6, § 2)

### **Section 3. When and how compact [Interstate Compact on Educational Opportunity for Military Children] becomes operative.**

(a) General rule.--When the Governor executes the Interstate Compact on Educational Opportunity for Military Children on behalf of this State and files a verified copy thereof with the Secretary of the Commonwealth and when the compact is ratified by at least ten other states, upon publication in the Pennsylvania Bulletin under subsection (b), then the compact shall become operative and effective between this State and such other states. The Governor is hereby authorized and directed to take such action as may be necessary to complete the exchange of official documents between this State and any other state ratifying the compact.

(b) Publication in Pennsylvania Bulletin.--The Secretary of the Commonwealth shall forward the ratified compact to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin and the Pennsylvania Code when the conditions set forth in subsection (a) are satisfied and shall include in the notice the date on which the compact became effective and operative between this State and any other states in accordance with this act [the Interstate Compact on Educational Opportunity for Military Children Act].

(2012, P.L.42, No.6, § 3)

# PENNSYLVANIA LAWS RELATING TO VETERANS

## **Section 1. Short title [of Higher Education Course Scheduling Preference for Veteran Students Act].**

This act shall be known and may be cited as the Higher Education Course Scheduling Preference for Veteran Students Act.

(2014, P.L.667, No.46, § 1)

## **Section 2. Definitions [relating to higher education for veteran students].**

The following words and phrases when used in this act [the Higher Education Course Scheduling Preference for Veteran Students Act] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Public institution of higher education." One of the following:

(1) A community college under Article XIX-A of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

(2) A State-related institution, to include The Pennsylvania State University, the University of Pittsburgh, Temple University and Lincoln University and their branch campuses.

(3) A member institution of the State System of Higher Education under Article XX-A of the Public School Code of 1949.

"Veteran." An individual who:

(1) has served in the United States Armed Forces, including a reserve component and National Guard; and

(2) was discharged or released from such service under conditions other than dishonorable.

"Veteran student." An individual who:

(1) is a veteran;

(2) has been admitted to a public institution of higher education; and

(3) resides in this Commonwealth while enrolled in the public institution of higher education.

(2014, P.L.667, No.46, § 2)

## **Section 3. Course scheduling preference.**

(a) General rule.--Within 180 days of the effective date of this section, a public institution of higher education shall provide veteran students with preference in course scheduling pursuant to guidelines developed by the Department of Education under subsection (b).

(b) Guidelines.--Within 90 days of the effective date of this section, the Department of Education, in consultation with public institutions of higher education, shall develop guidelines under which public institutions of higher education shall provide preference in course scheduling to veteran students.

(c) Existing policies.--If, within 180 days of the effective date of this section, a public institution of higher education has established and implemented a policy under which veteran students are provided with preference in course scheduling, the public institution of higher education shall be considered to be in compliance with subsection (a).

(2014, P.L.667, No.46, § 3)

## **§ 5164. Distributions for support and education.**

All income received by a guardian of the estate of a minor, including, subject to the requirements of Federal law relating thereto, all funds received from the Department of Veterans' Affairs, Social Security Administration and other periodic retirement or disability payments under private or government plans, in the exercise of a reasonable discretion, may be expended in the care, maintenance and education of the minor without the necessity of court approval. The court, for cause shown and with only such notice as it considers appropriate in the circumstances, may authorize or direct the payment or application of any or all of the income or principal of the estate of a minor for the care, maintenance or education of the minor, his spouse or children, or for the reasonable funeral expenses of the minor's spouse,

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child or indigent parent. In proper cases, the court may order payment of amounts directly to the ward for his maintenance or for incidental expenses and may ratify payments made for these purposes. For purposes of this section, the term "income" means income as determined in accordance with the rules set forth in Chapter 81 (relating to principal and income), other than the power to adjust and the power to convert to a unitrust.

(20 Pa.C.S. § 5164)

### **§ 3503. Tuition waiver for children and spouses of deceased soldiers.**

(a) Children.--The children of members of the Pennsylvania National Guard who were killed or die as a result of injuries received while performing duty in an official duty status authorized under Federal or State law shall be entitled to a waiver of all tuition costs and fees remaining after receipt of other scholarships and education benefits and Federal and State grants, including, but not limited to, educational gratuities for which the children are or may be eligible under the act of December 16, 1998 (P.L.980, No.129), known as the Police Officer, Firefighter, Correction Employee and National Guard Member Child Beneficiary Education Act, at all Pennsylvania State-owned colleges or universities, approved trade schools, State-related institutions of higher learning or community colleges in this Commonwealth for a period not exceeding eight semesters or four years, whichever is greater. In order to be eligible for waiver of tuition and fees under this section, the member of the Pennsylvania National Guard must have been a bona fide resident of Pennsylvania at the time of his death, and the member's children must be bona fide residents of Pennsylvania, eligible for resident tuition at the institution to which they have applied, at the time they apply for the tuition and fee waiver.

(a.1) Spouses.--The spouse of a member of the Pennsylvania National Guard who was killed or dies as a result of injuries received while performing duty in an official duty status authorized under Federal or State law shall be entitled to a waiver of all tuition costs and fees remaining after receipt of other scholarships and education benefits and Federal and State grants at any Pennsylvania State-owned college or university, approved trade school, State-related institution of higher learning or community college in this Commonwealth for a period not exceeding eight semesters or four years, whichever is greater. A spouse shall be eligible for a waiver of all tuition costs and fees remaining after receipt of other scholarships and education benefits and Federal and State grants under this subsection for a period not to exceed ten years from the date the member is killed or dies as a result of injuries while in Federal or State active duty or until the spouse remarries, whichever occurs first. In order to be eligible for waiver of tuition and fees under this section, the member of the Pennsylvania National Guard must have been a bona fide resident of Pennsylvania at the time of his death, and the member's spouse must be a bona fide resident of Pennsylvania, eligible for resident tuition at the institution to which the spouse has applied, at the time the spouse applies for the tuition and fee waiver.

(b) Department [of Military and Veterans Affairs] to administer program.--The department shall adopt rules and regulations to carry out the provisions of this section and shall administer the tuition cost and fee waiver program established under this section.

(51 Pa.C.S. § 3503)

### **§ 8701. Definitions [relating to education gratuity program].**

The following words and phrases when used in this chapter [51 Pa.C.S. Ch. 87 (relating to educational gratuity program)] 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 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);

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- (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).

(51 Pa.C.S. § 8701)

### **§ 8702. Educational gratuity payments.**

(a) General rule.--The [State Veterans'] 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 [of Military and Veterans Affairs] may adjust the payments per term or semester per child so that the total payments do not exceed the amount of the appropriation.

(51 Pa.C.S. § 8702)

### **§ 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 [State Veterans'] 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).

(51 Pa.C.S. § 8703)

## **Chapter 3. Employment Rights and Preferences**

### **Subchapter A. Employment Preferences**

**Section 1. [Civil service preference for veterans in second class cities]** Be it enacted, &c., That on and after the first day of July, one thousand nine hundred and seven,

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appointments to, and promotions in, the civil service of the cities of the second class shall be made only according to qualifications and fitness, to be ascertained by examinations, which, so far as practicable, shall be competitive, as hereinafter provided. On and after the said date, no person shall be appointed, transferred, reinstated, or promoted, as an officer, clerk, employe, or laborer, in the civil service under the government of any city of the second class, in any manner or by any means other than those prescribed in the act: Provided, however, That among those persons possessing equal qualifications and eligible for appointment to any office, preference in appointment shall be given to honorably discharged soldiers and sailors who served in the Army or Navy of the United States during the War of the Rebellion, or to honorably discharged soldiers, sailors, and marines, who served in the armed forces of the United States or its Allies during its war against the Imperial German Government: Provided further, however, That if the preference hereby provided for be for any reason invalid, all the other provisions of this act [the act of May 23, 1907, P.L.206, No.167] shall remain in force with like effect as if said preference had not been contained therein, it being the intention of the Legislature not to make the other provisions of the act dependent upon the validity of said preference.

The term "civil service" of a city shall include all offices, positions, and employments, in which the officers or employes are paid by the city treasurer, either directly or through some official or agent, and all offices, positions, and employments, in or under institutions, departments, boards, or commissions, wherein the city, through any official or board or commission, has the exclusive right to select the officials and employes.  
(1907, P.L.206, No.167, § 1)

**Section 8. [State Police employment preference for veterans]** (a) No applicant shall be appointed to the Pennsylvania State Police Force until he has satisfactorily passed a physical and mental examination, based upon the standard provided by the rules and regulations of the police force of the cities of the first class, in addition to which each applicant must be a citizen of the United States, and of sound constitution, able to ride, of good moral character, and between the ages of twenty-one and forty years.

(b) When any person who has been honorably discharged from service in the armed forces of the United States during any war or armed conflict in which the United States was engaged, and has successfully passed the examinations as required by this section, and shall thus establish that he possesses the qualifications required by law for appointment to the Pennsylvania State Police Force, such person'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 person, and shall determine his standing on any eligible list.

(c) When any person who is the child of any State trooper killed in the line of duty has successfully passed the examinations as required by this section, and shall thus establish that he possesses the qualifications required by law for appointment to the Pennsylvania State Police Force, such person'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 person, and shall determine his standing on any eligible list. The preference granted by this subsection shall be available only to persons who are ineligible for the veterans' preference permitted by subsection (b).  
(1919, P.L.366, No.179, § 8)

**Section 2. [Civil service preference for veterans in municipalities]** The board or commission shall arrange the names of the persons on any eligible list according to their percentage, and shall certify to the appointing power, upon request, the four names standing highest on said list, and the appointing power shall appoint any one of such four persons in like manner as other appointments are made, except as hereinafter provided in the case of honorably discharged soldiers, sailors and marines.  
(1919, P.L.444, No.220, § 2)

**Section 3. [Disregard of standing on list]** Preference may be given, by the appointing

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power, to all honorably discharged soldiers, sailors, and marines, who served in the Army or Navy of the United States during times of war, who have passed the required civil service examinations, notwithstanding the fact that the names of such soldiers, sailors, and marines may not be among the four names standing highest upon the eligible lists as hereinbefore provided. Such appointments of soldiers, sailors, and marines, may be made without regard to any age limitations now provided for by law or the rules and regulations of any board or commission having in charge civil service regulations in any county, city, or borough. (1919, P.L.444, No.220, § 3)

**Section 14. [Civil service preference for veterans in first class cities]** All examinations shall be free, impartial, and practical in their character, and shall deal with the duties and requirements of the position to be filled. They may include examinations of physical fitness and manual skill. Examinations shall be in charge of the chief examiner, except when a commissioner acts as examiner. The [civil service] commission [of the first class city] may call on other persons, either within or without the city service, to draw up, conduct, or mark examinations, and when such persons are connected with the city service, it shall be deemed a part of their official duty to act as examiners without extra compensation. In entrance and promotion examinations, the oral part shall not receive a mark exceeding one-fourth of the whole mark attainable in such examination. Honorably discharged soldiers, sailors, and marines, who have served as such in the Army, Navy, or Marine Corps of the United States, or in the National Guard of this State, shall be given full credit for their experience gained in such service, having due regard to the position for which the examination is held. As many examinations shall be held as may be necessary to provide eligibles for each grade of the service and to meet all requisitions and to fill all positions held by temporary appointees. From the return and report of the examiners, or from the examinations made by the commission, it shall prepare a list of eligibles for such grade. Such persons shall take rank upon the list in the order of their relative fitness as determined by the examination, without reference to priority of time of examination. The markings of all examinations shall be completed and the resulting eligible list posted within sixty days from the date of the examinations: Provided, That if the number of applicants taking the examination shall exceed one thousand, the time for completion of the markings and posting of the eligible list shall be extended by fifteen days, and shall be further extended by fifteen days for each additional thousand applicants who actually competed in the examination. The commission shall maintain a civil list of all persons in the classified service, showing, in connection with each name, the position held, the date and character of every appointment, and of every subsequent change in status. Each appointing officer shall promptly transmit to the commission all information required for the establishment and maintenance of said civil list. The commission shall keep minutes of its own proceedings. All minutes, examination papers, eligible lists, and other records of the commission, except as hereinafter specifically provided, as well as all recommendations and correspondence relating to applicants for office or employment received by the commission or by any officer having authority to make appointments, shall be preserved, and shall, subject to reasonable regulations as to the time of examination, be open to public inspection during ordinary business hours: Provided, however, That statements of former employers of applicants for office or employment shall be considered strictly confidential, and that these alone shall not be open to examination by any person not employed by the commission nor by such applicant even though employed by the commission.

(1919, P.L.581, No.274, Art. XIX, § 14)

### **Section 1728-F.3. Department of Labor and Industry.**

The following apply to appropriations to the Department of Labor and Industry:

(1) From money appropriated for Industry Partnerships, no less than the amount allocated in the 2014-2015 fiscal year shall be used for a work force development program that links veterans with employment in a home rule county that was formerly a county of the second class A.

\* \* \*

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(1929, P.L.343, No.176, § 1728-F.3)

### **Section 1727-J. Department of Labor and Industry.**

The following apply to appropriations to the Department of Labor and Industry:

(1) From money appropriated to the Department of Labor and Industry for Industry Partnerships:

(i) No less than the amount allocated in the 2014-2015 fiscal year shall be allocated for a work force development program that links veterans with employment in a home rule county that was formerly a county of the second class A.

\* \* \*

(1929, P.L.343, No.176, § 1727-J)

### **Section 1729-J. Department of Human Services.**

The following apply to appropriations for the Department of Human Services:

(1) From money appropriated for mental health services or from Federal money, \$580,000 shall be used for the following:

\* \* \*

(ii) The expansion of the existing web portals, including services and resources for military veterans and their families, including comprehensive referral services for transitional, temporary and permanent housing, job placement and career counseling and other services for military veterans returning to civilian life.

\* \* \*

(1929, P.L.343, No.176, § 1729-J)

**Section 635. General Provisions Relating to Examinations.**--(a) The [civil service] commission [of the first class township] shall make rules and regulations to be approved as provided in section 630, providing for the examination of applicants for positions in the police force and as paid firefighters and for promotions, which rules and regulations shall prescribe the minimum qualifications of all applicants to be examined and the passing grades. All examinations for positions or promotions shall be practical in character and shall relate to matters and include inquiries as will fairly test the merit and fitness of the individuals examined to discharge the duties of the employment sought by them. All examinations shall be open to all applicants who have the minimum qualifications required by the rules and regulations. Each applicant for examination for an original position shall:

- (1) be subject to the regulations adopted by the commission;
- (2) either before or after the written examination, submit to a physical fitness or agility examination that is job-related and consistent with business necessity;
- (3) if made a conditional offer of employment, be given a physical and psychological medical examination in accordance with section 643 of this act [the act of June 24, 1931, P.L.1206, No.331]; and
- (4) be subject to a background investigation. Background investigations may be restricted to those candidates on an eligibility list or those to be certified to the board of commissioners for appointment in accordance with section 638.

(a.1) An applicant for promotion shall be subject to the regulations adopted by the commission and to examination and selection in accordance with section 642. A physical fitness or agility examination that is job related and consistent with business necessity and physical and psychological medical examinations may, but need not, be required for promotions.

(b) Public notice of the time and place of every examination, together with the information as to the kind of position to be filled, shall be given by publication once in a newspaper of general circulation at least two weeks prior to each examination, and a copy of the notice shall be prominently posted in the office of the commission or other public place.

(c) The commission shall post in its office the eligibility list containing the names and grades of those who have passed the examination.

(1931, P.L.1206, No.331, § 635)



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**Section 638. Eligibility List and Manner of Filling Appointments.**---(a) At the completion of the testing process, including a physical agility or other examination, with the exception of a background investigation to be conducted after the establishment of an eligibility list and physical and psychological medical examination under section 643, the [civil service] commission [of the first class township] shall rank the candidates who have satisfied the minimum requirements for appointment on an eligibility list. The eligibility list shall contain the names of individuals eligible for appointment listed from highest to lowest based on their scores on the examinations administered by the commission and any points for which the applicant was entitled by virtue of 51 Pa.C.S. Ch. 71 (relating to veterans' preference). The eligibility list will be valid for one year from the date the commission formally adopts the eligibility list. Prior to expiration of the one-year period, the commission may extend the validity of the eligibility list for up to an additional twelve (12) months by a majority vote of the commission at a duly authorized commission meeting. In the absence of a lawful extension by the commission, the list shall expire.

\* \* \*

(1931, P.L.1206, No.331, § 638)

**Section 4. Definitions [relating to unemployment compensation].**---The following words and phrases, as used in this act [the Unemployment Compensation Law], shall have the following meanings, unless the context clearly requires otherwise.

\* \* \*

(x) "Wages" means all remuneration, (including the cash value of mediums of payment other than cash, except that only cash wages shall be used to determine the coverage of agricultural labor as defined in section 4(l)(3)(G) and domestic service as defined in section 4(l)(3)(H)), paid by an employer to an individual with respect to his employment except that the term "wages" shall not include:

\* \* \*

(5) Payments made by an employer to employees while in the military or naval service of the United States and performing no services for the employer.

\* \* \*

(1936, Sp.Sess.2, P.L.2897, No.1, § 4)

**Section 301. Contributions by Employers and Employees; Successors-In-Interest; Appeals.**---

\* \* \*

(i) For purposes of determining whether or not an employer has paid contributions in order to be eligible for consideration for an adjusted rate, an employer who shall have served in the active military or naval service of the United States, at any time after the sixteenth day of September, one thousand nine hundred and forty, and prior to the termination of World War II, and who shall have been discharged or released from active service under conditions other than dishonorable shall be deemed to have paid contributions under this act during any fiscal year ending on the thirtieth day of June, any part of which is included in such period of military or naval service: Provided, That he has actually paid contributions under this act for one or more quarters in either the fiscal year ending on the thirtieth day of June in which he entered such military service or in the immediately preceding fiscal year ending on the thirtieth day of June. The provisions of this section shall be operative insofar as applicable with respect to an employer who shall have served in the active military or naval service of the United States at any time after the twenty-fourth day of June, one thousand nine hundred and fifty, and prior to the termination of the present state of emergency.

\* \* \*

(1936, Sp.Sess.2, P.L.2897, No.1, § 301)

**Section 3.1. [Civil service preference for veterans in fire departments in second class cities]** (a) Both original appointments and promotions to any position in the competitive

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class in any bureau of fire in any city of the second class shall be made only from the top of the competitive list: Provided, however, That the appointing officer may pass over the person on the top of the competitive list for just cause in writing. Any person so passed over shall, upon written request, be granted a public hearing before the Civil Service Commission.

(b) No oral examination shall be conducted as a means of determining the mental qualifications of any applicant for appointment or promotion in the competitive class in the bureau of fire.

(c) Any person taking a competitive examination for appointment or promotion in the competitive class in the bureau of fire shall, if he so requests within five days after receiving notice of the results of such examination, be permitted to see his examination papers and to review his answers with those who conducted the examination. Any person who is refused such review or who is dissatisfied with the results of such review shall, upon written request, be granted a public hearing before the Civil Service Commission.

(d) Any person taking a competitive examination for promotion within the competitive class in the bureau of fire shall be entitled to have added to the grade obtained in such examination, provided such grade is over the passing grade of seventy-five, a credit of one-half point for each year of service which such person has had in the bureau of fire, but in no case shall more than ten points be so added.

(e) Any vacancy which may occur within the competitive class in the bureau of fire shall be filled from the next lowest rank.

(f) Any person who served in the Armed Forces of the United States during any war or armed conflict in which the United States engaged and who has as honorable discharge from such service and who shall successfully pass a civil service examination for the position of hoseman in the bureau of fire shall be marked or graded an additional ten points above the mark or grade he received on the examination and the total mark or grade thus obtained shall represent the final mark or grade of such person and shall determine his standing on the competitive list, but otherwise the provisions of subsection (a) of this section shall apply to such person.

(1939, P.L.1207, No.405, § 3.1)

**Section 11. General Provisions Relating to Examinations.--**(a) Each [civil service] commission [in boroughs, incorporated towns and townships of the first class] shall make rules and regulations, to be approved as provided in section 6 hereof [the act of June 5, 1941, P.L.84, No.45], providing for the examination of applicants for positions in the police force and for promotions therein, which rules and regulations shall prescribe the minimum qualifications of all applicants to be examined and the passing grades. All examinations for positions or promotions in the police force of any municipality shall be practical in character and shall relate to such matters and include such inquiries as will fairly test the merit and fitness of the persons examined to discharge the duties of the employment sought by them. All examinations shall be open to all applicants who have the minimum qualifications required by the rules and regulations. Each applicant for examination shall:

- (1) be subject to the regulations adopted by the commission;
- (2) either before or after the written examination, be required to submit to a physical fitness or agility examination that is job related and consistent with business necessity; and
- (3) if made a conditional offer of employment, be given a physical and psychological medical examination in accordance with section 19 of this act.

(b) Public notice of the time and place of every examination, together with the information as to the kind of position or place to be filled, shall be given by publication once in a newspaper of general circulation in the municipality or in a newspaper circulating generally in the municipality at least two weeks prior to each examination, and a copy of the notice shall be prominently posted in the office of the commission or other public place.

(c) The commission shall post in its office the eligibility list containing the names and grades of those who have passed the examination for a position under this act.

(1941, P.L.84, No.45, § 11)

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**Section 14. Eligibility List and Manner of Filling Appointments.**--(a) At the completion of the testing process, including any background, physical agility or other examinations, with the exception of physical and psychological medical examinations pursuant to section 19 of this act [the act of June 5, 1941, P.L.84, No.45], the [civil service] commission [of the borough, incorporated town or township of the first class] shall rank the candidates who have satisfied the minimum requirements for appointment on an eligibility list. The eligibility list shall contain the names of individuals eligible for appointment listed from highest to lowest based on their scores on the examinations administered by the commission and any points for which the applicant was entitled by virtue of 51 Pa.C.S. Ch. 71 (relating to veterans' preference). The eligibility list shall be valid for one year from the date the commission ranks all passing applicants, assigns veterans' preference points and formally adopts the eligibility list. Prior to expiration of the one-year period, the commission may extend the validity of the eligibility list for up to an additional twelve months by a majority vote of the commission at a duly authorized commission meeting. In the absence of a lawful extension by the commission, the list shall expire at the end of the original one-year period.

\* \* \*

(1941, P.L.84, No.45, § 14)

**Section 1. [Police, firemen and park guards in first class cities]** In order that policemen, firemen and park guards of cities of the first class, who, after their appointment to such position, have entered the armed forces of the United States during the present hostilities shall not be put to a disadvantage because of such service after the effective date of this act [the act of May 15, 1945, P.L.546, No.215]; the rate of pay accorded to such policemen, firemen or park guards in cities of the first class shall be the same at the time of their honorable discharge from the armed services and their re-entry into the police, fire or park guard service as it would have been had such policemen, firemen or park guards in the cities of the first class been continuously employed as policemen, firemen or park guards for the days, months or years they served in the armed forces of the United States.

(1945, P.L.545, No.215, § 1)

**Section 1176. Leave of Absence [for School Employees in Military Service in Time of War or National Emergency].**--

(a) Any employe of any school district, who shall have been regularly employed by any school district or vocational school district for any period, and who shall volunteer for military service in the armed forces of the United States of America in time of war or during a state of national emergency or who shall be inducted for military service in the Armed Forces of the United States of America at any time, shall, within thirty (30) days after the receipt of notice to report for duty, send a copy of such notice to the secretary of the school board by which he is employed.

(b) The secretary of the school board shall verify the information contained in the notice from any employe concerning selection or induction into military or naval service, and, upon verification of such facts, shall record the same in the records of the school board and send notice thereof to said employe.

(c) Without further action by the board of school directors, the employe inducted into military or naval service shall forthwith be considered to be upon leave of absence for the entire duration of such service. All rights and privileges shall be reserved to such employe as if he continued in the service of said school board: Provided, That no such leave of absence shall be granted unless said employe shall in writing agree upon termination of the said leave to return to employment in said school district for a period of not less than one year.

(1949, P.L.30, No.14, § 1176)

**Section 1177. Reinstatement in Former School Position.**--Upon termination of the military service of such an employe, the school board shall immediately return said employe to the same position in the same school or schools, from which said employe was granted leave of absence, or if this is impracticable in the opinion of the board, then to a similar position.

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(1949, P.L.30, No.14, § 1177)

**Section 1178. Rights Preserved During Leave of Absence.**---(a) Wherever a contract is required by law and wherever a contract actually exists between the school board and the employe, the same shall be considered to continue in full force and effect during said leave of absence.

(b) Increments shall not be abated during said leave of absence, but shall continue to accrue to such employes.

(c) The school district shall pay into the School Employees' Retirement Fund on behalf of each such employe, in addition to the contributions required by law to be made by it, the full amount of the contribution required by law to be paid by the employe, so that such employe's retirement rights shall in no way be affected by such leave of absence. If any such employe resigns, or fails to return to his employment as provided in this act [the Public School Code of 1949], the amount contributed by the school district under this subsection shall be deducted from the refund payable to such employe under existing law, and the amount so deducted shall be refunded to the school district by which it was paid. If any such employe shall return within one year from the date of his discharge from military service to school service in any other school district within this Commonwealth, or as an employe of any institution or board, the employes of which are entitled to membership in the School Employees' Retirement Association in accordance with the provisions of the act, approved the eighteenth day of July, one thousand nine hundred seventeen (Pamphlet Laws 1043), as amended, he shall be entitled to have full credit for each year he spent in military or naval service upon his restoring to the School Employees' Retirement Fund, to the credit of the annuity savings account, his total accumulated deductions in the amount they should have been at the time he resigned from, or failed to return to, the school district from which he entered the military or naval service. Such back payments may either be paid in a lump sum or by such monthly payroll deductions as may be approved by the school employees' retirement board.

(d) The period of said leave of absence shall be considered as service to the school board in the matter of seniority rights.

(e) Notwithstanding this section, for military service for leaves granted on or after July 1, 2013, an employe who is an active or inactive member of the Public School Employees' Retirement System at the time he is granted a military leave shall be entitled to receive credit in the Public School Employees' Retirement System for the leave as provided in 24 Pa.C.S. Pt. IV (relating to retirement for school employees).

(1949, P.L.30, No.14, § 1178)

**Section 1180. Rights of Persons on Eligibility Lists.**---(a) No person who shall have acquired a place upon the eligibility list for any position in any school district shall suffer the loss of such listing and the position thereon as the result of such inducting into military or naval service. It shall be the duty of the school board to provide a fair and equitable method of preserving rights of such persons.

(b) Any person who shall have entered the military or naval services as aforesaid and whose name shall be reached upon said eligibility lists for any position in any school district shall be appointed to said position as if such person were in fact available for actual service in said position, and such person shall be so notified by the secretary of the school board of said district, and thereafter all of the provisions of this subdivision of this article [Article XI of the Public School Code of 1949] shall apply.

(1949, P.L.30, No.14, § 1180)

**Section 1181. Applicability and Intent.**---The provisions of this subdivision [Subdivision (g)] of this article [Article XI of the Public School Code of 1949] shall apply to all employes of all school districts who volunteer or are inducted into the military or naval service under the laws of the United States of America.

It is the intention that such employes so effected shall retain all of the rights and privileges they shall have acquired prior to assignment to service under Federal statutes or any such

## PENNSYLVANIA LAWS RELATING TO VETERANS

rights and privileges they would have acquired or received if they had not been assigned to such service. It is intended that such employees assigned to such service shall be considered in all respects to be continuing in the service of the school board for which they were last working prior to such assignment to military or naval service.  
(1949, P.L.30, No.14, § 1181)

**Section 1216.1. Professional Educator Discipline Fee.**--(a) Except as provided under subsection (d), in addition to any application fee established by the Department of Education, an applicant for certification from the department shall pay a professional educator discipline fee of twenty-five dollars (\$25).

(b) The following shall apply:

(1) There is created in the General Fund a restricted receipts account to be known as the Professional Educator Discipline Account.

(2) The Professional Educator Discipline Account shall be funded by money received under this section and any interest derived from funds in the Professional Educator Discipline Account.

(3) The funds in the Professional Educator Discipline Account shall be appropriated to the department for administration, enforcement and adjudication by the department and the Professional Standards and Practices Commission under the act of December 12, 1973 (P.L.397, No.141), known as the "Educator Discipline Act."

(c) Notwithstanding any other provision of law, the department may increase the fee established under subsection (a) if the department determines that the cost of enforcement exceeds the revenue generated by the fee and by all other fees, fines and civil penalties provided for under the "Educator Discipline Act."

(d) Notwithstanding any other provision of law or regulation, an individual who is a member of the United States Armed Forces, including a reserve component or National Guard, or a veteran, or the spouse of the member of the United States Armed Forces or the spouse of the veteran, shall be required to pay only the following fees to the department with respect to the individual's certification:

(1) A certification fee not to exceed ten dollars (\$10).

(2) A professional educator discipline fee not to exceed twenty-five dollars (\$25).

(e) For the purposes of this section, the term "veteran" shall mean an individual who has served in the United States Armed Forces, including a reserve component or National Guard, and who was discharged or released from such service under conditions other than dishonorable.

(1949, P.L.30, No.14, § 1216.1)

### **Section 1202-C. Authority to execute compact.**

The Governor of Pennsylvania, on behalf of this State, is authorized to execute a compact in substantially the following form with any one or more of the states of the United States and the General Assembly hereby signifies in advance its approval and ratification of the compact:

#### INTERSTATE TEACHER MOBILITY COMPACT

##### ARTICLE I- PURPOSE

The purpose of this Compact is to facilitate the mobility of Teachers across the Member States, with the goal of supporting Teachers through a new pathway to licensure. Through this Compact, the Member States seek to establish a collective regulatory framework that expedites and enhances the ability of Teachers to move across State lines.

This Compact is intended to achieve the following objectives and should be interpreted accordingly. The Member States hereby ratify the same intentions by subscribing hereto.

\* \* \*

B. Support the relocation of Eligible Military Spouses;

\* \* \*

##### ARTICLE II- DEFINITIONS

As used in this Compact, and except as otherwise provided, the following definitions shall govern the terms herein:

## PENNSYLVANIA LAWS RELATING TO VETERANS

A. "Active Military Member" - means any person with full-time duty status in the armed forces of the United States, including members of the National Guard and Reserve.

\* \* \*

I. "Eligible Military Spouse" - means the spouse of any individual in full-time duty status in the active armed forces of the United States including members of the National Guard and Reserve moving as a result of a military mission or military career progression requirements or are on their terminal move as a result of separation or retirement (to include surviving spouses of deceased military members).

\* \* \*

### ARTICLE III- LICENSURE UNDER THE COMPACT

\* \* \*

D. For Active Military Members and Eligible Military Spouses who hold a license that is not Unencumbered, the Receiving State shall grant an equivalent license or licenses that, in the Receiving State's sole discretion, is equivalent to the license or licenses held by the Teacher in any other Member State, except where the Receiving State does not have an equivalent license.

E. For a Teacher holding an Unencumbered Career and Technical Education License, the Receiving State shall grant an Unencumbered License equivalent to the Career and Technical Education License held by the applying Teacher and issued by another Member State, as determined by the Receiving State in its sole discretion, except where a Career and Technical Education Teacher does not hold a bachelor's degree and the Receiving State requires a bachelor's degree for licenses to teach Career and Technical Education. A Receiving State may require Career and Technical Education Teachers to meet State industry recognized requirements, if required by law in the Receiving State.

### ARTICLE V- TEACHER QUALIFICATIONS AND REQUIREMENTS FOR LICENSURE UNDER THE COMPACT

A. Except as provided for Active Military Members or Eligible Military Spouses in Article III.D above, a Teacher may only be eligible to receive a license under this Compact where that Teacher holds an Unencumbered License in a Member State.

\* \* \*

(1949, P.L.30, No.14, § 1202-C)

### Section 1306.1-B. Targeted School Safety Grants for Nonpublic Schools and School Entities Program.

\* \* \*

(l) Other duties.--The committee shall have the following duties as to targeted grants:

\* \* \*

(2) The committee shall:

\* \* \*

(iv) For school entities or nonpublic schools that apply for funding for school police officers under subsection (j) or (k), give priority to school entities and nonpublic schools that utilize school police officers who satisfy all of the following:

(A) Are retired Federal agents or retired State, municipal or military police officers.

\* \* \*

(1949, P.L.30, No.14, § 1306.1-B)

### Section 1509. General Provisions Relating to Examinations.--

(a) Each [civil service] commission [of the second class county] shall make rules and regulations, to be approved as herein prescribed, providing for the examination of applicants for positions in the police force or fire department or as a fire inspector and promotions therein. The rules and regulations shall prescribe the minimum qualifications of all applicants to be examined and the passing grades.

(b) All examinations for positions or promotions in the police force and for positions or

## PENNSYLVANIA LAWS RELATING TO VETERANS

promotions as firemen or fire inspectors shall be practical in character and shall relate to such matters and include such inquiries as will fairly test the merit and fitness of the persons examined to discharge the duties of the employment sought by them. All examinations shall be open to all applicants who have the minimum qualifications required by the rules and regulations, but in no case shall an applicant for promotion in the police force be considered until such applicant shall have first served three years in the police force in which he seeks promotion. Each applicant for examination shall be subject to the rules adopted by the commission, and shall be required to submit to a physical examination.

(c) Public notice of the time and place of every examination, together with the information as to the kind of position or place to be filled, shall be given by publication once in a newspaper or papers of general circulation in the county at least two weeks prior to each examination. A copy of the notice shall be prominently posted in the office of the commission or other public place.

(d) The commission shall post in its office the eligible list containing the names and grades of those who have passed the examination for positions under this article [Article XV of the Second Class County Code].

(e) In cases of applications for position to the police force or for positions as firemen or fire inspectors, soldiers, as defined by the act, approved the twenty-second day of May, one thousand nine hundred forty-five (Pamphlet Laws 837), 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 in which the United States engaged; and in certain cases for the widows and wives of such persons," shall be entitled to all the preferences and benefits therein provided, so far as applicable.

(1953, P.L.723, No.230, § 1509)

**Section 1520. Present Employees Exempted.**--(a) All members (except superintendent of police) of the county police force upon the fourth day of May, one thousand nine hundred forty-three, shall continue to hold their positions, and shall not be required to take any examination under the provisions of this article except such as may be required for promotion. Any member of a county police force who was dismissed from such force between the first day of January, one thousand nine hundred forty-three, and the fourth day of May, one thousand nine hundred forty-three, for any reason except those as specified in section 1511 of this act [the Second Class County Code], shall be reinstated to his former position in the police force without any examination whatsoever.

(a.1) All members (except the fire chief) of the county fire department and all fire inspectors upon the effective date of this amending act shall continue to hold their positions and shall not be required to take any examination under the provisions of this article except such as may be required for promotion.

(b) Each member of the county police force and every fireman or fire inspector now or hereafter serving in the armed forces of the United States during any war or any police action in which the United States is engaged shall, upon his honorable discharge from such service and return to such police force or as a fireman or fire inspector, be reinstated in the force in a position of equal grade to that which he held immediately before entering the armed forces of the United States. He shall continue to hold such position, and shall not be required to take any examination under the provisions of this article except such as may be required for promotion.

(1953, P.L.723, No.230, § 1520)

### **Section 1. [Reemployment with transportation authorities of third class cities] \* \* \***

(c) Employees who have left the employ of any acquired transportation system or leave the employ of the city of the third class, authority thereof or joint authority, to enter the military service of the United States shall have such re-employment rights with the city of the third class, authority thereof or joint authority, as may be granted under any law of the United States or the Commonwealth of Pennsylvania.

\* \* \*

## PENNSYLVANIA LAWS RELATING TO VETERANS

(1967, P.L.628, No.288, § 1)

**Section 15. [Reemployment rights with third class city port authorities]** Employees who have left the employ of the authority to enter the military service of the United States shall have such reemployment rights with the authority as may be granted under any law of the United States or the Commonwealth of Pennsylvania.

(1972, P.L.1392, No.298, § 15)

### **Section 12. Present Employees Exempted.--\* \* \***

(b) Each member of the force of deputy sheriffs [of second class counties] now or hereafter serving in the armed forces of the United States during any war or any police action in which the United States is engaged shall, upon his honorable discharge from such service and return to such force, be reinstated in the force in a position of equal grade to that which he held immediately before entering the armed forces of the United States. He shall continue to hold such position and shall not be required to take any examination under the provisions of this act [the act of May 31, 1974, P.L.296, No.94] except such as may be required for promotion.

(1974, P.L.296, No.94, § 12)

### **Section 8. Supervisors [of Pennsylvania Conservation Corps].**

\* \* \*

(f) Veterans' preference.--In the hiring of crewleaders, preference shall be given to honorably discharged veterans of the armed forces of the United States.

(1984, P.L.561, No.112, § 8)

### **Section 502. Membership.**

(a) Composition.--The following apply:

(1) The Governor, in partnership with the board, shall establish criteria for use by chief elected officials in local workforce development areas for appointment of members to local workforce development boards. The following apply:

\* \* \*

(v) Board membership may include individuals who represent community-based organizations, which may include organizations representing minorities, individuals with disabilities, older workers and veterans, from a local workforce development area in which such organizations are present. If an organization demonstrates experience and expertise in addressing the employment needs of individuals with barriers to employment, including organizations that serve veterans or that provide support or competitive integrated employment for individuals with disabilities, the representative of the organization shall be included within those members under subparagraph (iii) for purposes of determining the percentage of members that are representatives of the workforce within the local area.

\* \* \*

(2001, P.L.949, No.114, § 502)

### **Section 615. Diversity goals.**

\* \* \*

(d) Definitions.--The following words and phrases when used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

\* \* \*

"Diverse group." A disadvantaged business, minority-owned business, women-owned business, service-disabled veteran-owned small business or veteran-owned small business that has been certified by a third-party certifying organization.

\* \* \*

"Service-disabled veteran-owned small business." As defined in 51 Pa.C.S. § 9601 (relating to definitions).

\* \* \*



## PENNSYLVANIA LAWS RELATING TO VETERANS

"Veteran-owned small business." As defined in 51 Pa.C.S. § 9601.

\* \* \*

(2016, P.L.84, No.16, § 615)

### **§ 1184. Eligibility list and manner of filling appointments [in boroughs].**

(a) Ranking of candidates.--

(1) At the completion of the testing process, including a physical agility or other examination, with the exception of a background investigation to be conducted after the establishment of an eligibility list and physical and psychological medical examination under section 1189 (relating to physical and psychological medical examination), the [civil service] commission shall rank the candidates who have satisfied the minimum requirements for appointment on an eligibility list.

(2) The eligibility list shall contain the names of individuals eligible for appointment listed from highest to lowest based on their scores on the examinations administered by the commission and any points for which an applicant was entitled by virtue of 51 Pa.C.S. Ch. 71 (relating to veterans' preference).

(3) The eligibility list will be valid for one year from the date the commission formally adopts the eligibility list.

(4) Prior to expiration of the one-year period, the commission may extend the validity of the eligibility list for up to an additional 12 months by a majority vote of the commission at a duly authorized commission meeting.

(5) In the absence of a lawful extension by the commission under paragraph (4), the list shall expire.

\* \* \*

(8 Pa.C.S. § 1184)

### **§ 14405.1. Veterans' preference [in third class cities].**

In accordance with 51 Pa.C.S. Ch. 71 (relating to veterans' preference), the following shall apply to the appointment of a uniformed civil service position:

(1) A veteran who meets the qualifications for and conditions of the position under uniform eligibility rules, which include successful passage of an examination, shall receive an additional 10 points on the examination pursuant to 51 Pa.C.S. § 7103(a) (relating to additional points in grading civil service examinations).

(2) If, after the additional 10 points are granted, a veteran is on the list of three eligible applicants, the veteran shall receive a preference in hiring over nonveterans on that list.

(3) The preference provided by this section shall constitute the only preference with regard to a uniformed civil service position to which a veteran is entitled under this chapter.

(11 Pa.C.S. § 14405.1)

### **§ 8545. Preference.**

Preference shall be given to investment managers deemed to meet the objectives, goals and required criteria contained under this subchapter, plus demonstration of at least one of the following characteristics:

\* \* \*

(2) Be a:

(i) veteran-owned investment management firm, with proper DD-214 verification and honorable discharge; or

(ii) service-disabled-veteran-owned investment management firm with a letter from the United States Department of Veteran Affairs.

\* \* \*

(24 Pa.C.S. § 8545)

### **§ 7101.1. Purpose [hiring preference to qualified veterans].**

The purpose of this chapter [Chapter 71 relating to veterans' preference] is to provide a

## PENNSYLVANIA LAWS RELATING TO VETERANS

hiring preference to qualified veterans seeking public employment in classified and unclassified services for the discipline and experience represented by the veteran's military training and by the loyalty and public spirit demonstrated by the veteran's service for the preservation of this nation and this Commonwealth.

(51 Pa.C.S. § 7101.1)

### § 7101.2. 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:

"DD214." A United States Department of Defense Report of Separation Form 214 or a similarly effective form issued by the Department of Defense relating to separation from military service.

"DD215." A United States Department of Defense Incomplete Awards, Decorations and Discharges Form 215 or similarly effective form issued by the Department of Defense to correct errors or make additions to a DD214 in order to ensure that the veteran has accurate discharge documentation.

"Discharge papers or separation documents." A DD214, DD215 or NGB-22 form.

"NGB-22." A National Guard Bureau Report of Separation and Record of Service Form 22 or a similarly effective form issued by the National Guard Bureau relating to separation from military service, specifically in the National Guard.

"Requisite qualifications." The experience, education, academic success, training, certifications, proficiencies, interpersonal skills and intangibles required for an applicant to successfully perform in a public position.

"Spouse of a disabled veteran." The spouse of a veteran who has been classified by the United States Department of Veterans Affairs' Veterans Benefits Administration as having a permanent total disability.

"Statement of service." A statement of service for veterans on active duty or individuals who are still members of a reserve component or National Guard who must provide a statement signed by, or at the direction of the adjutant, personnel office or commander of the unit or higher headquarters to which the applicant has completed their initial contractual service obligations or is transitioning from active duty of the United States Armed Forces on terminal or transitional leave.

"Surviving spouse." An unmarried spouse of a deceased veteran or of a service member who died on active duty in the United States Armed Forces, including a reserve component or National Guard.

"Under conditions other than dishonorable." A condition in which a recipient of a discharge from service is any of the following:

- (1) A recipient of an honorable discharge.
- (2) A recipient of a general, under honorable conditions, discharge.
- (3) A recipient of a discharge under other than dishonorable conditions for which the recipient has been determined to be eligible for benefits afforded by the United States Department of Veterans Affairs.

"Veteran." The term includes:

- (1) An individual who served, as evidenced by the veteran's discharge papers, separation documents or statement of service, or hereafter serves in any of the following:
  - (i) in the armed forces of the United States, including a reserve component or National Guard, has completed their initial contractual military service obligation and their last discharge or release was under conditions other than dishonorable;
  - (ii) in the armed forces of the United States, including a reserve component or National Guard, has served during a period of war or armed conflict as determined by the United States Department of Defense, has completed a tour of active duty for purposes other than training, was released from that period of active duty under conditions other than dishonorable and continues to serve;
  - (iii) in the armed forces of the United States, including a reserve component or National Guard, has completed an initial contractual military service obligation and

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continues to serve; or

(iv) in the armed forces of the United States, including a reserve component or National Guard, whose last discharge was due to a disability and under conditions other than dishonorable.

(2) An active duty member of the armed forces of the United States who is completing a tour of active duty that is three years or more and is within 90 days of an approved discharge or release, as evidenced by documentation of the projected discharge or release from active duty under conditions other than dishonorable.

(51 Pa.C.S. § 7101.2)

### **§ 7103. Additional points in grading civil service examinations.**

(a) Commonwealth examinations.--Whenever a veteran successfully passes a civil service appointment examination for a public position with the Commonwealth, or any political subdivision thereof, an additional 10 points shall be added to the veteran's final examination score and such score shall determine the veteran's standing on any eligible list certified or provided to the appointing authority. A veteran may not begin or hold the public position until proof of discharge papers, separation documents or statement of service are provided to the appointing authority.

(b) Municipal examinations.--Whenever a veteran successfully passes an examination for appointment 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, an additional 10 points shall be added to the veteran's final examination score and such score shall determine the veteran's standing on any eligible list certified or provided to the municipal agency. A veteran may not begin or hold the public position for a municipal agency until proof of discharge papers, separation documents or statement of service are provided to the municipal agency.

(51 Pa.C.S. § 7103)

### **§ 7104. Preference in appointment.**

(a) Non-civil service.--Whenever a veteran possesses the requisite qualifications for appointment to a public position that is not subject to civil service appointment examination and the veteran is otherwise eligible for appointment, the appointing authority in making the appointment shall give preference to the veteran. A veteran may not begin or hold the public position until proof of discharge papers, separation documents or statement of service are provided to the appointing authority.

(b) Name on civil service list.--Whenever a veteran's name appears on an eligible list certified or provided as the result of a civil service examination, the appointing authority in making an appointment to a public position shall give preference to the veteran, notwithstanding the veteran's standing on the eligible list if the appointment is otherwise made in accordance with 71 Pa.C.S. § 2402 (relating to selection and appointment of eligibles). A veteran may not begin or hold the public position until proof of discharge papers, separation documents or statement of service are provided to the appointing authority.

(c) Name not on civil service list.--In making an appointment to a public position where a civil service examination is required, an appointing authority may give preference to a veteran who has passed the required examination for appointment to such position and otherwise possesses the requisite qualifications of the public position, notwithstanding that the veteran's name does not appear on the eligible list certified or provided to the appointing authority. A veteran may not begin or hold the public position until proof of discharge papers, separation documents or statement of service are provided to the appointing authority.

(51 Pa.C.S. § 7104)

### **§ 7105. Lack of formal training and education, age or physical impairment.**

(a) Training and education.--In determining whether a veteran possesses the requisite qualifications for an appointment, appointing authorities shall consider relevant training or education received by a veteran during the veteran's service in the armed forces of the United

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States, including a reserve component or National Guard, in lieu of formal training and education.

(b) Age or physical impairment.--The age or loss of limb or other physical impairment that does not incapacitate a veteran shall not be used to disqualify the veteran, provided the veteran possesses the requisite qualifications to satisfactorily perform in a public position.  
(51 Pa.C.S. § 7105)

### **§ 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 hiring preference similar to that given by the Commonwealth to any veteran making application for employment upon such public works.  
(51 Pa.C.S. § 7106)

### **§ 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 veteran shall be determined by adding the veteran's total years of service in the civil service or on public works to the veteran's total years of service as a member of the armed forces of the United States, including a reserve component or National Guard, during any period of war or armed conflict in which the United States engaged other than for periods of active duty training.  
(51 Pa.C.S. § 7107)

### **§ 7108. Preference of spouses.**

The same preference given to veterans under the provisions of this chapter [51 Pa.C.S. Ch. 71 (relating to veterans' preference)] shall be extended to the surviving spouse or spouse of a disabled veteran.  
(51 Pa.C.S. § 7108)

### **§ 7109. Law exclusive.**

This chapter [51 Pa.C.S. Ch. 71 (relating to veterans' preference)] shall be construed as being the exclusive law applying to the Commonwealth, and its political subdivisions and municipal agencies, in giving preference to veterans in appointment to, or retention in, public position or on public works.  
(51 Pa.C.S. § 7109)

### **§ 7110. Reporting requirement.**

(a) Office of Administration report.--The Office of Administration shall provide a consolidated report to the Adjutant General depicting the previous fiscal year's statistics for veterans appointed by the Commonwealth into non-civil service and civil service positions, including aggregate totals by agency.

(b) Department [of Military and Veterans Affairs] report.--The department shall provide an annual report on this chapter to the chair and minority chair of the State Government Committee of the Senate, the chair and minority chair of the State Government Committee of the House of Representatives, the chair and minority chair of the Veterans Affairs and Emergency Preparedness Committee of the Senate and the chair and minority chair of the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives.  
(51 Pa.C.S. § 7110)

### **§ 7111. Guidelines [for veterans' preference].**

The department [of Military and Veterans Affairs] shall annually establish veterans' preference guidelines and verify the Federal qualifying periods of service during a war or armed conflict to ensure understanding of the required documents and compliance with this chapter [51 Pa.C.S. Ch. 71 (relating to veterans' preference)] and Chapter 72 (relating to voluntary

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veterans' preference in private employment).  
(51 Pa.C.S. § 7111)

### **§ 7201. Scope of chapter [51 Pa.C.S. Ch. 72 (relating to voluntary veterans' preference in private employment)].**

This chapter relates to private employer's veterans' preference policies.  
(51 Pa.C.S. § 7201)

### **§ 7202. Definitions [relating to voluntary veterans' preference in private employment].**

The following words and phrases when used in this chapter [51 Pa.C.S. Ch. 72 (relating to voluntary veterans' preference in private employment)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"DD214." A United States Department of Defense Report of Separation Form 214 or a similarly effective form issued by the Department of Defense relating to separation from military service.

"DD215." A United States Department of Defense Incomplete Awards, Decorations and Discharges Form 215 or a similarly effective form issued by the Department of Defense to correct errors or make additions to a DD214 in order to ensure that the veteran has accurate discharge documentation.

"Discharge papers or separation documents." A DD214, DD215 or NGB-22.

"NGB-22." A National Guard Bureau Report of Separation and Record of Service Form 22 or a similarly effective form issued by the National Guard Bureau relating to separation from military service, specifically in the National Guard.

"Private employer." A sole proprietor, corporation, partnership, limited liability company or any other legal entity, including nonprofits, with more than one employee.

"Soldier." (Deleted by amendment).

"Spouse of a disabled veteran." The spouse of a veteran who has been classified by the United States Department of Veterans Affairs' Veterans Benefits Administration as having a permanent total disability and is a United States citizen.

"Surviving spouse." An unmarried spouse of a deceased veteran or of a service member who died on active duty in the United States Armed Forces, including a reserve component or National Guard.

"Under conditions other than dishonorable." A condition in which a recipient of a discharge from service is any of the following:

- (1) A recipient of an honorable discharge.
- (2) A recipient of a general, under honorable conditions, discharge.
- (3) A recipient of a discharge under other than dishonorable conditions for which the recipient has been determined to be eligible for benefits afforded by the United States Department of Veterans Affairs.

"Veteran." The term includes:

- (1) An individual who served, as evidenced by the veteran's discharge papers or separation documents, or hereafter serves in any of the following:

- (i) in the armed forces of the United States, including a reserve component or National Guard, has completed their initial contractual military service obligation and their last discharge or release was under conditions other than dishonorable;

- (ii) in the armed forces of the United States, including a reserve component or National Guard, has served during a period of war or armed conflict as determined by the United States Department of Defense, has completed a tour of active duty for purposes other than training, was released from that period of active duty under conditions other than dishonorable and continues to serve;

- (iii) in the armed forces of the United States, including a reserve component or National Guard, has completed an initial contractual military service obligation and continues to serve; or

- (iv) in the armed forces of the United States, including a reserve component or National Guard, whose last discharge was due to a disability and under conditions

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other than dishonorable.

(2) An active duty member of the armed forces of the United States who is completing a tour of active duty that is three years or more and is within 90 days of an approved discharge or release, as evidenced by documentation of the projected discharge or release from active duty under conditions other than dishonorable.

"Veterans' preference employment policy." A voluntary policy adopted by a private employer for hiring, promoting or retaining a veteran, a spouse of a disabled veteran or a surviving spouse over another qualified applicant or employee.

(51 Pa.C.S. § 7202)

### **§ 7203. Veterans' preference private employment policy.**

(a) Authority.--A private employer may adopt and apply a veterans' preference employment policy.

(b) Policy.--A veterans' preference employment policy shall:

- (1) be in writing;
- (2) require the inclusion of a statement in any job posting that indicates that the employer has and applies a veterans' preference employment policy;
- (3) be provided to the applicant at time of hiring and provided to all employees on an annual basis; and
- (4) be applied uniformly to employment decisions regarding:
  - (i) the hiring of new applicants;
  - (ii) the promotion of current employees; and
  - (iii) the retention of employees during a reduction in the work force.

(51 Pa.C.S. § 7203)

### **§ 7204. Eligibility for preference.**

A veteran, spouse of a disabled veteran or surviving spouse shall submit the discharge papers or separation documents of the veteran to a private employer with a veterans' preference employment policy for consideration by the employer.

(51 Pa.C.S. § 7204)

### **§ 7205. Nonviolation of equal opportunity laws.**

A voluntary veterans' preference employment policy adopted and applied in accordance with this chapter [51 Pa.C.S. Ch.72 (relating to voluntary veterans' preference in private employment)] shall not be considered a violation of any State or local equal employment opportunity law.

(51 Pa.C.S. § 7205)

### **§ 7301. Definitions [relating to military leave of absence].**

The following words and phrases when used in this chapter [51 Pa.C.S. Ch. 73 (relating to military leave of absence)] 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

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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.

(51 Pa.C.S. § 7301)

### **§ 7302. Granting military leaves of absence.**

(a) Enlistment or draft.--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 may receive remuneration from his civilian employer.

(b) Reserve components.--Whenever any employee who is a member of a reserve component of the armed forces shall be called or ordered to active duty by the United States and whenever any employee who is a member of the Pennsylvania National Guard shall be ordered to active State duty or special State duty by the Governor or his designee, he shall automatically be granted a military leave of absence.

(51 Pa.C.S. § 7302)

### **§ 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.

(c) Employees who were members of reserve components.--Every military leave of absence granted to an employee by reason of his having been called or ordered to military duty as a member of a reserve component of the armed forces of the United States shall expire 90 days after the expiration of the period of the military duty. Every military leave of absence granted to an employee by reason of his having been ordered to active State duty or special State duty as a member of the Pennsylvania National Guard shall expire 30 days after the expiration of the period of the State duty.

(51 Pa.C.S. § 7303)

### **§ 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.

(51 Pa.C.S. § 7304)

### **§ 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.

(51 Pa.C.S. § 7305)

### **§ 7306. Retirement rights.**

(a) Options available to employees.--Any employee who is a member of a retirement

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system other than an active member or inactive member on leave without pay of the State Employees' Retirement System, an active participant or inactive participant on leave without pay of the State Employees' Defined Contribution Plan, an active or inactive member of the Public School Employees' Retirement System or an active or inactive participant of the School Employees' Defined Contribution Plan 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 semiannually. 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 [51 Pa.C.S. Ch. 73 (relating to military leave of absence)], 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.

(d) Members of State Employees' Retirement System.--An employee who is an active member or inactive member on leave without pay of the State Employees' Retirement System at the time he is granted a military leave of absence shall be entitled to receive credit in the State Employees' Retirement System for the leave as provided in 71 Pa.C.S. Pt. XXV (relating to retirement for State employees and officers).

(e) Members of Public School Employees' Retirement System.--An employee who is an active member or inactive member of the Public School Employees' Retirement System at the time he is granted a military leave of absence shall be entitled to receive credit in the Public School Employees' Retirement System for the leave as provided under 24 Pa.C.S. Pt. IV (relating to retirement for school employees).

(f) Participant of a defined contribution plan.--

(1) (Reserved).

(2) An employee who is an active participant or inactive participant on leave without



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pay of the State Employees' Defined Contribution Plan at the time the employee is granted a military leave of absence shall be entitled to make contributions to the State Employees' Defined Contribution Trust for the leave as provided by 71 Pa.C.S. Pt. XXV.  
(51 Pa.C.S. § 7306)

### **§ 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 [51 Pa.C.S. Ch. 73 (relating to military leave of absence)].  
(51 Pa.C.S. § 7307)

### **§ 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 [51 Pa.C.S. Ch. 73 (relating to military leave of absence)], 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).  
(51 Pa.C.S. § 7308)

### **§ 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 other reserve components of the armed forces of the United States, or because he is called or ordered to active State duty or special State duty by the Governor during an emergency or as otherwise authorized by law, or because he is called or ordered to active duty by the Federal Government under provisions of 10 U.S.C. (relating to armed forces) or 32 U.S.C. (relating to National Guard), 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 or ordered to active State duty by the Governor during an emergency or because he is called or ordered to other military duty authorized by law.

(b) Reemployment following emergency or other military duty.--Upon the completion of such emergency or other military duty any such member of the Pennsylvania National Guard or any other reserve component of the armed forces of the United States shall be restored by such public or 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 or other military duty, but if any such member is not qualified to perform the duties of such position by reason of disability sustained during such emergency or other military 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 public or private employer's or his successor in interests, circumstances have so changed as to make it impossible or unreasonable to do so.

(c) Extension of benefits during military duty.--Whenever a member of the Pennsylvania National Guard is called or ordered into active Federal service or active State duty under orders authorized by law or a member of any reserve component is called or ordered onto active duty, other than active duty for training, the public or private employer of the member shall, at no cost to the member, continue health insurance and other benefits in effect for at least the first 30 days of the military duty. After the expiration of the first 30 days, the public or private employer shall give the member of the National Guard or other reserve component the voluntary option of continuing such health insurance and other benefits in effect at his own expense by paying for the insurance or benefits at the same rates paid by the employer, and the insurance

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coverage shall continue, except for injuries incurred in the line of military duty.

(d) Termination of certain health insurance benefits.--

(1) As used in this subsection, the term "eligible member" applies to full-time students who are eligible for health insurance coverage or ancillary service plans under their parents' health insurance policies when the students are:

(i) members of the Pennsylvania National Guard or any reserve component of the armed forces of the United States who are called or ordered to active duty, other than active duty for training, for a period of 30 or more consecutive days; or

(ii) members of the Pennsylvania National Guard ordered to active State duty, including duty under 35 Pa.C.S. Ch. 76 (relating to Emergency Management Assistance Compact), for a period of 30 or more consecutive days.

(2) As used in this subsection, the term "full-time student" shall have the same meaning set forth in Chapter 32 (relating to Educational Assistance Program).

(3) The eligibility for health insurance coverage or ancillary service plans under a parent's health insurance policy for eligible members as defined in paragraph (1) shall be extended for a period equal to the duration of the eligible member's service on active duty or active State duty or until the eligible member is no longer a full-time student. The eligibility of an eligible member who is a full-time student for health insurance coverage or ancillary service plans under a parent's policy shall not terminate because of the age of the eligible member when the member's educational program was interrupted because of military duty.

(4) In order to qualify for this extension, the eligible member must:

(i) Submit a form approved by the Department of Military and Veterans Affairs notifying the insurer that the eligible member has been placed on active duty.

(ii) Submit a form approved by the Department of Military and Veterans Affairs notifying the insurer that the eligible member is no longer on active duty.

(iii) Submit a form approved by the Department of Military and Veterans Affairs showing that the student has reenrolled as a full-time student for the first term or semester starting 60 or more days after his or her release from active duty.

(5) The provisions of this subsection shall not apply to a health insurance policy or ancillary service plan that has been terminated.

(d.1) Applicability to out-of-State members.--This section shall also apply to an individual who is a member of a National Guard or reserve component from another state.

(e) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Ancillary service plans." Any individual or group health insurance plan, subscriber contract or certificate that provides exclusive coverage for dental services or vision services.

"Health insurance policy." An individual or group health, sickness or accident policy or subscriber contract or certificate issued by an entity subject to any one of the following:

(1) The act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921.

(2) The act of December 29, 1972 (P.L.1701, No.364), known as the Health Maintenance Organization Act.

(3) The act of May 18, 1976 (P.L.123, No.54), known as the Individual Accident and Sickness Insurance Minimum Standards Act.

(4) 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations) or 63 (relating to professional health services plan corporations).

(51 Pa.C.S. § 7309)

### **§ 2103. Definitions [relating to civil service reform].**

Subject to additional definitions contained in subsequent provisions of this part [75 Pa.C.S. Pt. III (relating to civil service reform)] which are applicable to specific provisions of this part, the following words and phrases when used in this part shall have the meanings given to them in this section unless the context clearly indicates otherwise:

\* \* \*

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"Veteran." An individual who served in the United States Armed Forces, including a reserve component or National Guard, and who was honorably discharged or released from service.

(71 Pa.C.S. § 2103)

### **§ 2202. Duties of Office of Administration.**

(a) Duties.--The Office of Administration shall have the power and duty to implement and administer this part as follows:

\* \* \*

(5) Advertise, on the Office of Administration's publicly accessible Internet website and in each Office of Administration announcement and advertisement, that:

- (i) veterans' preference is the law of this Commonwealth;
- (ii) to determine standing on each certified eligibility list, an additional 10 points shall be applied to the final examination score obtained by a veteran, in accordance with 51 Pa.C.S. § 7103 (relating to additional points in grading civil service examinations); and
- (iii) the same preferential rating given to veterans under this chapter [71 Pa.C.S. Ch.22 (relating to merit system employment)] shall be extended to include spouses of deceased or disabled veterans, in accordance with 51 Pa.C.S. § 7108 (relating to preference of spouses).

\* \* \*

(12) Appoint a special advisor for veterans' programs who shall be a veteran and who will:

- (i) ensure compliance under this part with the provisions of 51 Pa.C.S. Pt. V (relating to employment preferences and pensions); and
- (ii) promote and implement policies to increase the awareness and understanding of the value of recruiting, hiring and retaining veterans for the Commonwealth workforce under this part.

\* \* \*

(71 Pa.C.S. § 2202)

### **§ 2302. Nature of examinations [for selection of employees for entrance to or promotion in classified service].**

\* \* \*

(d) Military service.--In evaluating experience in order to compute the final rating in an examination to establish eligible lists, an individual discharged other than dishonorably after active service during a war or armed conflict in which the United States engaged, from a branch of the armed forces of the United States or from a women's uniformed service directly connected with the armed forces of the United States, may not be given less credit for experience than would be given for continued experience in the position held at the time of induction into the service.

\* \* \*

(71 Pa.C.S. § 2302)

### **§ 2403. Substitution during military leave.**

(a) Substitution for military leave.--When an employee in the classified service is granted military leave, the position vacated shall be filled only by substitute appointment or promotion and the employee appointed or promoted shall vacate the position upon return of the employee from military leave. A substitute employee, when required to vacate a position upon the return of the regular employee, shall have the right to return to the substitute employee's previous civil service position and status.

(b) Substitute lists.--The substitute appointment or promotion shall be made from lists certified by the Office of Administration under this chapter [71 Pa.C.S. Ch. 24 (relating to appointment and promotion of employees in classified service)].

(71 Pa.C.S. § 2403)

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### § 3001. State Civil Service Commission.

\* \* \*

(e) Veteran requirement.--At least one member of the commission shall be a veteran.

\* \* \*

(71 Pa.C.S. § 3001)

### § 3003. Duties of [State Civil Service] commission.

It shall be the duty of the commission:

\* \* \*

(4) To report by June 1 of each year to the General Assembly on all complaints, grievances and cases arising from questions by veterans about the application of and the results attained by use of the veterans' preference provisions of this chapter [71 Pa.C.S. Ch. 30 (relating to State Civil Service Commission and Director)] with regard to hiring, promotion and firing of employees covered by this chapter.

\* \* \*

(71 Pa.C.S. § 3003)

### § 3006. Powers and duties of [executive] director [of State Civil Service Commission].

Under the direction and supervision of the commission, the director, except as otherwise provided in this part, shall direct and supervise the administrative work of the commission. The director shall have the power and duty to:

\* \* \*

(9) Advertise on the commission's publicly accessible Internet website and in all commission announcements and advertisements that veterans' preference is the law of this Commonwealth and that, to determine standing on all certified eligible lists, an additional 10 points shall be applied to the final examination score obtained by a veteran in accordance with 51 Pa.C.S. § 7103 (relating to additional points in grading civil service examinations), and the same preferential rating given to veterans under this part shall be extended to include spouses in accordance with 51 Pa.C.S. § 7108 (relating to preference of spouses).

(71 Pa.C.S. § 3006)

### § 3303. Veterans' preference.

Nothing in this part (75 Pa.C.S. Pt. III (relating to civil service reform)) shall be construed to repeal or supersede the provisions of 51 Pa.C.S. Pt. V (relating to employment preferences and pensions).

(71 Pa.C.S. § 3303)

## Subchapter B. Professional and Occupational Licenses

**Section 1. [County peddlers' licenses for veterans]** Be it enacted, &c., That hereafter any county treasurer of the respective counties of this Commonwealth is hereby authorized to issue a license to any person or persons to hawk, peddle or sell, within the county where such license is granted, clothing, dry goods, notions, crockery and tinware, other than their own manufacturing or product; and each person so applying for and taking out a license, shall pay to such county treasurer, yearly, as follows, to-wit: The sum of ten dollars for each person hawking, peddling or selling, where the same is done on foot or by traveling without any conveyance, for the sale of such goods, and the sum of forty dollars for the hawking, peddling and selling of such goods, wares or merchandise, where a horse and carriage, or any vehicle, is used in carrying on the business of hawking, peddling or selling goods, wares and merchandise, aforesaid: Provided, however, That this act [the act of June 14, 1901, P.L.563, No.270] shall not apply to any person or persons, nor alter existing laws, in the hawking, peddling or selling goods, wares and merchandise, where the manufacturer or producer hawks, peddles or sells his own manufactured goods or products: Provided further, That nothing in this

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act shall apply to an act, entitled "An act to permit disabled soldiers to peddle by procuring a license therefor, without charge," approved the eighth day of April, one thousand eight hundred sixty-seven, extending such privilege to all soldiers, sailors and marines who are unable to procure a livelihood by manual labor, approved the ninth day of June, one thousand eight hundred and ninety-one: Provided also, That this act shall not apply to any boroughs, townships or counties of this State where, under existing laws, hawking and peddling is entirely prohibited by law.

(1901, P.L.563, No.270, § 1)

**Section 1. [City peddlers' licenses for veterans]** Be it enacted, &c., That the mayor of any city in this Commonwealth may appoint a committee of three persons, each of whom shall be an honorably discharged soldier, sailor, or marine of the military or naval service of the United States, who shall investigate the claims of any applicant for a permit or license to peddle in such city when such applicant claims to be entitled to such permit or license on the grounds of being an honorably discharged soldier, sailor, or marine.

(1925, P.L.59, No.38, § 1)

**Section 3. [Barbers' licenses for veterans]** (a) Each applicant for a barber's license shall, as a condition precedent to obtaining a license, take the barber's license examination and score a passing grade. Prior to taking the examination the applicant shall be at least sixteen years of age, have completed the eighth grade or its equivalent and have completed a barbering study and training period of at least one thousand two hundred fifty (1250) hours and not less than nine months either in a licensed barber school under the instruction of a licensed teacher, or in a licensed barber shop under the instruction of a licensed teacher. A notarized application for a license as a barber shall be made in such form as the [State] board [of Barber Examiners] shall prescribe. The application shall also be accompanied by a notarized statement, from either the licensed barber school the applicant attended or the licensed barber-teacher in the licensed barber shop in which the applicant studied and trained, that the student has completed the study and training period required in this subsection. At the time of filing the application and accompanying notarized statements, the applicant shall pay to the department [of State] an examination fee to be determined by regulation and shall present himself or herself at the next examination of applicants as provided in section 6. The board shall not have the power to require a photograph as part of an application for a barber's license.

(b) Any person who has been honorably discharged from service with the armed forces of the United States, and who takes an examination for licensure as a barber under the provisions of this act [the act of June 19, 1931, P.L.589, No.202], shall have ten per centum added to his or her examination score. Any person, registered as an apprentice barber prior to induction into the armed forces of the United States, may be admitted to an examination for licensure as a barber under the provisions of this act upon presentation of his or her certificate of honorable discharge from such service within one year from date thereof.

\* \* \*

(1931, P.L.589, No.202, § 3)

**Section 5.2. [Barbering credit for veterans children]** Any person who practiced barbering during any period while a resident at the Scotland School for Veterans Children shall receive credit for such period of practice toward the registered student period required by this act [the act of June 19, 1931, P.L.589, No.202] upon furnishing a notarized statement from the person in charge of such school or such other official documents as may be proof to the [State] board [of Barber Examiners] that he or she did practice barbering for such period, and such person was registered with the board while practicing.

(1931, P.L.589, No.202, § 5.2)

**Section 4.1. [Cosmetology] Educational Requirement Waived for Certain Persons.--**A person thirty-five years of age or over, or a veteran desiring to take an examination to receive a license as a cosmetologist, shall not be required to have completed a tenth grade education, or

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the equivalent thereof, as set forth in clause (2) of section 4 of this act [the act of May 3, 1933, P.L.242, No.86].  
(1933, P.L.242, No.86, § 4.1)

### **Section 8.2. Licenses to Practice [Public Accounting].--\* \* \***

(d) In issuing rules, regulations and individual orders with respect to requirements of continuing education, the [State] board [of Accountancy] may rely upon guidelines and pronouncements of recognized educational and professional organizations; may prescribe for content, duration and organization of courses; shall take into account the accessibility of such continuing education as it may require, and any impediments to interstate practice of public accounting which may result from differences in such requirements in other states; and may provide for relaxation or suspension of such requirements in instances of individual hardship such as for reasons of health, military service or other good cause.

\* \* \*

(1947, P.L.318, No.140, § 8.2)

### **Section 8.9. Peer Review [for Accounting Firms].--\* \* \***

(g) A firm shall be exempt from the requirement to undergo a peer review if any of the following applies:

\* \* \*

(3) For reasons of personal health, military service or other good cause, the firm shall provide to the [State] board [of Accountancy] a copy of a grant of an extension, including the resulting new due date, within thirty days of receipt from the administering organization.

\* \* \*

(1947, P.L.318, No.140, § 8.9)

**Section 16. Refusal, Suspension or Revocation of [Practical Nurse] License; Grounds.--**(a) The [State] board [of Nursing] may refuse, suspend or revoke any license in any case where the board shall find, that the licensee

\* \* \*

(5) Has been convicted or has pleaded guilty or entered a plea of nolo contendere or has been found guilty by a judge or jury of a felony or a crime of moral turpitude in the courts of this Commonwealth, the United States, or any other state, territory or country, or has received probation without verdict, disposition in lieu of trial or an Accelerated Rehabilitative Disposition in the disposition of felony charges, or has been dishonorably discharged or has been discharged under circumstances amounting to dishonorable discharge from the military forces of the United States or of any other country;

\* \* \*

(b) When the board finds that the license of any nurse may be refused, revoked or suspended under the terms of subsection (a), the board may:

(1) Deny the application for a license.

(2) Administer a public reprimand.

(3) Revoke, suspend, limit or otherwise restrict a license as determined by the board.

(4) Require a licensee to submit to the care, counseling or treatment of a physician or a psychologist designated by the board.

(5) Suspend enforcement of its finding thereof and place a licensee on probation with the right to vacate the probationary order for noncompliance.

(6) Restore or reissue, in its discretion, a suspended license to practice practical nursing and impose any disciplinary or corrective measure which it might originally have imposed.

(1955, P.L.1211, No.376, § 16)

**Section 1. [Credit with State licensing boards for training received in armed services]** Any person who is now required by law to serve an apprenticeship, internship, clerkship or other job training as a prerequisite for licensure before any State board or agency, shall receive credit for any period of such qualifying training in the armed services of the United

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States toward such requirement of training upon furnishing such official documents or other proof, as may be required by the board or agency, that he did engage in such qualifying training while in the armed services of the United States as such requirement is interpreted by the responsible board or agency.

(1959, P.L.663, No.214, § 1)

**Section 2. [Nonacceptance of credit by State licensing board for training received in armed services]** The credit for training under section 1 of this act [the act of August 11, 1959, P.L.663, No.214] shall not be accepted by a board or agency, unless it meets the minimum requirements for such training as is now provided by law or any rules or regulation promulgated thereunder.

(1959, P.L.663, No.214, § 2)

### **Section 3. Licensing of Pharmacists.--\* \* \***

(e) Any person enrolled or accepted as a student of pharmacy in an accredited pharmacy degree program may, upon completion of his second year of college, file with the State Board of Pharmacy an application for registration as a pharmacy intern in which said application he shall be required to furnish such information as the board may, by regulation, prescribe and, simultaneously with the filing of said application, shall pay to the board a fee established by the board through regulation. All certificates issued to pharmacy interns shall be valid for a period not exceeding six years from the date of issue exclusive of time spent in the military service.

\* \* \*

(1961, P.L.1700, No.699, § 3)

**Section 107. Eligibility for Appointment as an Anthracite Coal Mine Inspector.--**The qualifications for certification of a candidate for the office of mine inspector shall be as follows: The candidate shall be a citizen of the Commonwealth of Pennsylvania, of temperate habits, of good repute as a man of personal integrity, in good physical condition, shall be between the ages of thirty and fifty-five years, shall have successfully passed the examination for mine inspector provided in section 109 hereof, shall have had at least ten years' practical experience in anthracite coal mines, five years of which shall have been immediately preceding the examination, and shall have had practical experience with explosive gas and other dangerous and noxious gases found in coal mines: Provided, however, That any candidate who has honorably served in the armed forces of the United States or any ally thereof shall be eligible to take such examination, where the required continuity of practical experience has been interrupted by such military service.

(1965, P.L.721, No.346, § 107)

**Section 108. Eligibility for Appointment as an Electrical Inspector.--**The qualifications for certification of a candidate for the office of electrical inspector shall be as follows: The candidate shall be a citizen of the Commonwealth of Pennsylvania, shall be between the ages of thirty and fifty-five years, of temperate habits, of good repute as a man of personal integrity, in good physical condition, shall have had five years' experience in gassy mines of this Commonwealth as a mine electrician or an electrical engineer, and shall have successfully passed the examination for electrical inspectors provided in section 109 of this article [Article I of the act of the Pennsylvania Anthracite Coal Mine Act]: Provided, however, That any candidate who has honorably served in the armed forces of the United States or an ally thereof shall be eligible to take such examination, where the required continuity of practical experience has been interrupted by such military service.

(1965, P.L.721, No.346, § 108)

### **Section 109. Anthracite Mine Inspectors' and Electrical Inspectors' Examining Board.--\* \* \***

(g) Candidates for the office of electrical inspector who have submitted such proof as the examining board shall require that they are otherwise qualified as set forth in section 108 of this

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article [Article of the Pennsylvania Anthracite Coal Mine Act], shall be examined on and must give evidence of having such theoretical as well as practical knowledge and general intelligence respecting the use and installation of both alternating current and direct current electricity in the mines, machinery powered thereby, and the laws of the Commonwealth relating to the application of electricity in mines as will satisfy the examining board of their capacity and fitness to perform the duties of electrical inspectors under this act and must pass the examination with an average of eighty-five percent.

\* \* \*

(2) The names and percentages of all successful candidates who are properly qualified under the provisions of this article to fill the office of inspector shall be certified by the examining board to the Governor and to the department [of Mines and Mineral Industries, now Department of Environmental Protection]. A certificate of qualification shall be issued to each successful candidate by the secretary. A certificate so granted shall be valid for a period of four years from the date of the examination unless the holder has received an appointment in the interim period in which case the certificate shall become permanent unless the appointee has voluntarily relinquished the position within a period of one year after appointment. A certificate of qualification of a person honorably discharged from the armed forces of the United States shall not expire until the first examination occurring more than six months following his release from military service.

\* \* \*

(1965, P.L.721, No.346, § 109)

### **Section 303. License requirements and exemptions [for mortgage bankers and brokers].**

(a) License required.--On and after the effective date of this act [the Mortgage Bankers and Brokers and Consumer Equity Protection Act], no person shall act as a mortgage banker, loan correspondent, mortgage broker or limited mortgage broker in this Commonwealth without a license as provided for in this chapter [Chapter 3 of the Mortgage Bankers and Brokers and Consumer Equity Protection Act], provided, however, that any person licensed as a mortgage banker may also act as a loan correspondent or mortgage broker and any person licensed as a loan correspondent may also act as a mortgage broker without a separate license. A person licensed as a mortgage broker may only perform the services of a mortgage broker.

(b) Exceptions.--The following persons shall not be required to be licensed under this chapter in order to conduct the first mortgage loan business but shall be subject to those provisions of this chapter as specifically provided in this section:

\* \* \*

(7) Any agency or instrumentality of the Federal Government or a corporation otherwise created by an act of the United States Congress, including, but not limited to, the Federal National Mortgage Association, the Government National Mortgage Association, the Veterans' Administration, the Federal Home Loan Mortgage Corporation and the Federal Housing Administration.

\* \* \*

(1989, P.L.687, No.90, § 303)

### **§ 8113. Emergency medical services providers.**

(a) Certification.--The department [of Health] shall issue certifications for the following types of EMS providers, which shall be permanent, subject to disciplinary action pursuant to section 8121 (relating to certification sanctions):

- (1) Emergency medical responder.
- (2) Emergency medical technician.
- (3) Advanced emergency medical technician.
- (4) Paramedic.
- (5) Prehospital registered nurse.
- (6) Prehospital physician extender.
- (7) Prehospital EMS physician.
- (8) Any other class of EMS provider the department establishes by regulation.



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\* \* \*

(o) Exceptions for members of armed forces returning from tour of duty.--EMS providers and EMS vehicle operators returning from active military service who have a certification registration that expired during their tours of duty or will expire within 12 months after their return from military duty may secure an exception to satisfying the continuing education requirements for certification registration as follows:

(1) EMS providers who have a triennial certification registration requirement may secure an exception to the period of time in which they would otherwise need to meet continuing education requirements for triennial registration of their certifications, as the department deems appropriate.

(2) EMS providers and EMS vehicle operators who have a biennial certification registration requirement may secure an exception to the period of time in which they would otherwise need to meet continuing education requirements for biennial registration of their certifications, as the department deems appropriate. Before an EMS provider without a current biennial registration begins to work for an EMS agency, the EMS agency medical director must determine that the EMS provider has continuing competency in the knowledge and skills required to provide the services the EMS agency will assign to the EMS provider.

(3) EMS providers may seek an exception to their continuing education requirements for certification registration by asking the department to endorse their relevant military training as satisfying some or all of the applicable continuing education requirements.

(35 Pa.C.S. § 8113)

### **§ 7501. Definitions [relating to processional and occupational licenses for veterans].**

The following words and phrases when used in this chapter [51 Pa.C.S. Ch. 75 (relating to professional and occupational licenses)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Person." An 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.

"Veteran." An individual who has served in the United States Armed Forces, including a reserve component and National Guard, and who has been discharged or released from the service under conditions other than dishonorable.

(51 Pa.C.S. § 7501)

### **§ 7502. Retention of licenses and certifications of persons entering military service.**

(a) General rule.--Any person licensed or certified by the Department of State, Department of Labor and Industry, Department of Education, Insurance Department, Department of Banking, Department of Health, Department of Agriculture or the Municipal Police Officers' Education and Training Commission or pursuant to the act of October 10, 1974 (P.L.705, No.235), known as the Lethal Weapons Training Act, 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 and shall be exempt from any continuing educational requirements or in-service training requirements.

(b) Renewal of license or certification following discharge.--A person shall, after presentation of a discharge from service described under subsection (a) within one year from the date of discharge and payment of the fee prescribed by law for the current renewal period only, be entitled to a renewal of his or her license, certification or registration in the same manner as though:

(1) The renewal had been made prior to the expiration of his or her last preceding renewal.

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(2) All intermediate renewal fees had been paid.

(3) All continuing education or in-service training requirements have been satisfied.

(c) Exemptions.--A veteran's military service, education, training and service experience shall be taken into consideration by the entities listed under subsection (a) to determine whether a licensing or certification requirement has been met by or can otherwise be waived by reason of that military service, education, training or experience. The veteran shall only be required to meet a licensing or certification requirement which has not been met by or waived under this subsection.

(51 Pa.C.S. § 7502)

### **§ 7503.1. Applicability of chapter [51 Pa.C.S. Ch. 75 (relating to professional and occupational licenses)].**

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

(51 Pa.C.S. § 7503.1)

### **§ 3301. 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:

"Bureau." The Bureau of Professional and Occupational Affairs in the Department of State.

"License." A registration, permit, certificate or license issued by a licensing board.

"Licensing board." A departmental or administrative board or commission under the bureau.

"Military applicant." A servicemember, veteran or military spouse who submits an application for a license and documentation demonstrating status as a servicemember, veteran or military spouse.

"Military Occupational Codes Crosswalk." A module created by the bureau to provide guidance when evaluating servicemembers' and veterans' applications for licensure to identify skills, experience, credentials and education that have been obtained in the military and crosswalking those skills, experience, credentials and education into substitute licensure requirements.

"Military spouse." The spouse of a servicemember or veteran. The term includes an unmarried spouse of a deceased servicemember where the servicemember died within one year prior to the date an application for a license is submitted to a licensing board.

"Servicemember." An active duty member of the armed forces of the United States, a reserve component or the national guard of a state.

"Veteran." A former servicemember who was discharged from active duty under conditions other than dishonorable.

(63 Pa.C.S. § 3301)

### **§ 3302. Bureau requirements.**

The bureau shall:

(1) Include a question on an application for licensure, renewal and reactivation asking whether the individual submitting the application is a servicemember, veteran or military spouse.

(2) Expedite an application for a military applicant who submits documentation demonstrating status as a servicemember, veteran or military spouse.

(3) Update the Military Occupational Codes Crosswalk as necessary to accommodate changes in a license or military skills, experience, credentials and education.

(4) Develop criteria for temporary licensure at the discretion of each licensing board specific to a military applicant.

(5) Submit to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin and post on each licensing board's publicly accessible Internet website the

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licensure process for military applicants.  
(63 Pa.C.S. § 3302)

### **§ 3303. Licensing for military applicants.**

(a) Issuance.--A licensing board may issue a license to a military applicant who does not meet the educational requirements for a license if the military applicant:

- (1) Submits an application and fee as prescribed by the board by regulation.
- (2) Passes all exams required for licensure.
- (3) Has engaged in active practice for at least two of the previous five years before submitting the application. Relevant military service experience and official duties shall be credited in the calculation of the number of years of practice in the profession.
- (4) Meets all other noneducational requirements for licensure.
- (5) Meets necessary qualifications outlined in section 3304 (relating to relevant military experience).

(b) Temporary license.--The following shall apply:

- (1) A licensing board may issue a temporary license to a military applicant who:
  - (i) Is assigned to a duty station in this Commonwealth or has established legal residence in this Commonwealth.
  - (ii) Complies with the licensing board's requirements for temporary licensure for a limited period of time at the discretion of the licensing board while the military applicant completes additional requirements for licensure in this Commonwealth.
- (2) The temporary license shall be valid until the earlier of:
  - (i) six months after the date of issuance of the temporary license by the licensing board;
  - (ii) the date a license is granted; or
  - (iii) the date a notice to deny a license is issued.

(63 Pa.C.S. § 3303)

### **§ 3304. Relevant military experience.**

A licensing board shall use the Military Occupational Codes Crosswalk to facilitate the acceptance of military practice or experience if training or education requirements for licensure are incomplete. The Military Occupational Codes Crosswalk shall include:

- (1) Notwithstanding any other provision of law, in calculating a military applicant's years of practice or experience in an occupation or a profession, a licensing board shall give credit to the military applicant for relevant experience obtained as a servicemember.
- (2) A licensing board shall give credit for training and education provided by the military and completed by a military applicant toward training or education requirements for licensure if the training or education is determined by the licensing board to be substantially equivalent to the training or education required for licensure in this Commonwealth.

(63 Pa.C.S. § 3304)

### **§ 3305. Renewal of license for deployed servicemembers.**

(a) Renewal application submission before deployment.--The following shall apply:

- (1) A servicemember who is scheduled to be deployed outside this Commonwealth may apply for renewal of a license if the deployment will occur when the license is eligible for renewal.
- (2) The servicemember may submit to the licensing board all requirements for renewal prior to deployment outside this Commonwealth.
- (3) The licensing board shall provide a review of the application and information received.
- (4) If the licensing board finds that a requirement is not met, the licensing board shall notify the servicemember of the deficiency.
- (5) The licensing board shall process the application upon the opening of the next licensing renewal.

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(b) Reactivation after deployment.--A licensing board may reactivate a license of a servicemember after the expiration of the license without penalty if the renewal period occurred during deployment outside of this Commonwealth. The servicemember must seek reactivation of the license within one month following the end of the deployment.

(c) Extension of continuing education.--A licensing board shall extend a requirement to complete continuing education or continued competency requirements for up to six months after the end of deployment outside of this Commonwealth of a servicemember if the servicemember meets all other requirements for license renewal.

(d) Military spouse.--This section shall apply to a military spouse if the military spouse resides with the servicemember during deployment outside of this Commonwealth.  
(63 Pa.C.S. § 3305)

### **§ 3306. Fees.**

A licensing board may not assess a fee for an initial licensure of a military spouse who relocates to this Commonwealth as a result of the servicemember's military orders.  
(63 Pa.C.S. § 3306)

### **§ 3307. Reports.**

(a) Submission and content.--The bureau shall submit an annual report to the chairperson and minority chairperson of the Consumer Protection and Professional Licensure Committee of the Senate, the chairperson and minority chairperson of the Professional Licensure Committee of the House of Representatives, the chairperson and minority chairperson of the Veterans Affairs and Emergency Preparedness Committee of the Senate and the chairperson and minority chairperson of the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives. The report shall include:

- (1) The number of military applicants.
- (2) The number of military applicants who were approved for licensure.
- (3) The number of military applicants who were denied licensure, including data on the reasons for denial.
- (4) Data on the licensing board's application processing times for military applicants, including reasons for delays.
- (5) Recommendations on ways to improve the licensing board's ability to meet the licensing needs of servicemembers, veterans and military spouses.

(b) Expiration.--This section shall expire six years after the effective date of this section.  
(63 Pa.C.S. § 3307)

## **Subchapter C. Blind Veterans Preference**

**Section 2224. Business Enterprises [for Blind Veterans]; Equipment; Leases; Repayment.**--(a) The department [of Labor and Industry] is authorized to purchase, own, install, maintain, license and lease equipment, accessories and vending machines to be used for suitable business enterprises for or on behalf of the blind and to advance to deserving blind persons out of money in the fund reasonable amounts as proper to enable blind persons to purchase the merchandise, equipment, stock and accessories necessary to put into operation a vending or refreshment stand or other suitable business enterprises in some suitable location to be leased or arranged for by the department. Pennsylvania blind veterans of the world wars shall be given first preference for locations established in accordance with the provisions of the Randolph-Sheppard Act (49 Stat. 1559, 20 U.S.C. § 107 et seq.) and the regulations pursuant to that act.

(b) Business enterprises under subsection (a) must be approved by the department and shall be supervised periodically by the department.

(c) The leases or permits for the installation and operation of stands or other suitable business enterprises under subsection (a) shall be secured by the department in its own name.

(d) Money advanced to a blind person under this subarticle or subarticle (c) shall be repaid by such person in monthly installments, which shall in no case be less than two per centum

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(2%) of the gross monthly sales made at the stand or business in question.

(e) Equipment and accessories purchased, owned, installed and maintained by the department may be leased to deserving blind persons for an amount not to exceed four per centum (4%) of the gross monthly sales except in those locations in which the gross monthly sales do not exceed one thousand dollars (\$1,000). Rental in these locations shall not exceed one per centum (1%) of the gross monthly sales. The department shall periodically regulate the rental fees charged to blind persons in accordance with the regulations, in such a manner as to achieve approximate equality of opportunity to blind persons. The department shall transmit all repayments and rental fees into the State Treasury where they shall be credited to the fund.

(f) The department is authorized to receive and transmit to the State Treasury for credit to the fund all money received by the Commonwealth on account of contracts between the Commonwealth, acting through the Department of General Services, and vending machine owners, whereby the Commonwealth is to receive a percentage of the profits from vending machines operated in State buildings, except for those vending machines in State buildings in which a restaurant or cafeteria is operated by the Department of General Services.  
(1929, P.L.177, No.175, § 2224)

**Section 2236. Veterans Preference.**--Pennsylvania blind veterans shall be given preference in placement at their first vending location. This preference shall be applicable only for entry to the program and only in competition with other entering trainees. It may only be used once under the business enterprises regulations as provided for in section 2222(6).  
(1929, P.L.177, No.175, § 2236)

### Subchapter D. Veteran-owned Small Businesses

#### § 4602. 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:

\* \* \*

"Qualified veteran." A qualified entity that:

(1) is a veteran of one or more of the armed forces of the United States, including the United States Army, the United States Navy, the United States Marine Corps, the United States Air Force or the United States Coast Guard; and

(2) has received an honorable discharge or a general discharge under honorable conditions.

"Qualified veteran business entity." A qualified entity to which:

(1) The entity is a corporation, partnership, association or other business organization.

(2) Qualified veterans make up 50% or more of the entity's ownership and a minimum of 50% of the entity's management control.

\* \* \*

(3 Pa.C.S. § 4602)

#### § 4616. Pennsylvania Preferred® Trademark and Pennsylvania Preferred Organic® Trademark Licensing Fund.

\* \* \*

(c) Use.--Money deposited in the fund shall be used as follows:

\* \* \*

(4.1) To promote participation under this chapter by qualified veterans and qualified veteran business entities.

(4.2) To promote, encourage and facilitate cooperation by the department with military, government or private sector marketing efforts that identify, emphasize and encourage the production and marketing of Pennsylvania-produced agricultural commodities or Pennsylvania-produced organic agricultural commodities by qualified veterans and qualified veteran business entities.

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\* \* \*

(3 Pa.C.S. § 4616)

## **§ 4631. Purpose.**

The purpose of this subchapter is to:

(1) Benefit qualified veterans and qualified veteran business entities that are licensed by the department under Subchapter B (relating to Pennsylvania Preferred® Program) by allowing and encouraging the use of other trademarks or descriptive labels, packaging or advertisement information to inform consumers that agricultural commodities or organic agricultural commodities were produced by veterans of the armed forces of the United States.

(2) Encourage qualified veterans and qualified veteran business entities to avail themselves of marketing opportunities for Pennsylvania-produced agricultural commodities or Pennsylvania-produced organic agricultural commodities through licensure under Subchapter B and partnership with organizations such as the Farmer Veteran Coalition Homegrown By Heroes program and similar programs intended to encourage veterans to farm or to otherwise benefit farmers who are veterans.

(3 Pa.C.S. § 4631)

## **§ 4633. Qualified veterans and qualified veteran business entities.**

(a) Encouragement of participation.--The department shall promote participation under this subchapter by qualified veterans and qualified veteran business entities and shall conduct outreach and education efforts to encourage and facilitate veteran participation.

(b) Coordination of effort.--The department shall cooperate with military, government or private sector marketing efforts that identify, emphasize and encourage the production and marketing of Pennsylvania-produced agricultural commodities or Pennsylvania-produced organic agricultural commodities by qualified veterans and qualified veteran business entities and may allow the use of the Pennsylvania Preferred® trademark or Pennsylvania Preferred Organic® trademark in a cooperative effort.

(3 Pa.C.S. § 4633)

## **§ 9601. Definitions [relating to veteran-owned small businesses].**

Subject to section 9602 (relating to regulations), the following words and phrases when used in this chapter [51 Pa.C.S. Ch. 96 (relating to veteran-owned small businesses)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Commonwealth agency." As defined in 62 Pa.C.S. § 103 (relating to definitions).

"Executive agency." As defined in 62 Pa.C.S. § 103 (relating to definitions).

"Purchasing agency." As defined in 62 Pa.C.S. § 103 (relating to definitions).

"Service-disabled." Being in possession of:

(1) a disability rating letter issued by the United States Department of Veterans Affairs; or

(2) a disability determination from the United States Department of Defense.

"Service-disabled veteran-owned small business." A small business owned and controlled by:

(1) a service-disabled veteran or veterans; or

(2) if approved by the Department of General Services, a surviving spouse or permanent caregiver of a service-disabled veteran.

"Small business." As defined in 62 Pa.C.S. § 2102 (relating to definitions).

"State-affiliated entity." As defined in 62 Pa.C.S. § 103 (relating to definitions).

"Veteran." An individual who served in the United States Armed Forces, including a reserve component or the National Guard, and who was discharged or released from service under conditions other than dishonorable.

"Veteran-owned small business." A small business owned and controlled by a veteran or veterans.

(51 Pa.C.S. § 9601)

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### **§ 9602. Regulations [relating to veteran-owned small businesses].**

\* \* \*

(c) Antifraud provisions.--The Department of General Services shall establish policy and promulgate regulations establishing antifraud provisions to deter and penalize businesses that are not owned by those who are service-disabled or by veterans but who falsely claim that they are in order to receive any action authorized by this subchapter.

(d) Notice.--Notice of the antifraud provisions and an e-mail address and telephone number to report violations of the antifraud provisions to the Department of General Services shall be included, if feasible, in any application to be certified or to be included in any source list authorized by this subchapter. The Department of General Services shall include in its annual reports to the General Assembly information about the number of businesses penalized for violating antifraud provisions.

(51 Pa.C.S. § 9602)

### **§ 9603. Participation goal.**

A Statewide annual goal of not less than 3% participation by veteran-owned small businesses, including service-disabled veteran-owned small businesses, is established. The participation goal shall apply to the total value of all contracts available to small businesses in each fiscal year.

(51 Pa.C.S. § 9603)

### **§ 9604. Duties of Department of General Services.**

The Department of General Services, with the assistance of the department, shall have the following duties:

(1) If feasible, provide appropriate staff, who shall be responsible to the Department of General Services and who shall serve within designated Commonwealth agencies to assist veteran-owned small businesses and service-disabled veteran-owned small businesses in this Commonwealth in learning how to do business with Commonwealth agencies.

(2) Give special publicity to procurement procedures and issue special publications designed to assist veteran-owned small businesses and service-disabled veteran-owned small businesses in learning how to do business with Commonwealth agencies.

(3) Compile, maintain and make available source lists of veteran-owned small businesses and service-disabled veteran-owned small businesses for the purpose of encouraging procurement from veteran-owned small businesses.

(4) Include veteran-owned small businesses and service-disabled veteran-owned small businesses on solicitation mailing lists.

(5) Assure that veteran-owned small businesses and service-disabled veteran-owned small businesses are solicited on procurements for which the businesses may be suited.

(6) Develop special training programs to assist veteran-owned small businesses and service-disabled veteran-owned small businesses in learning how to do business with Commonwealth agencies.

(7) Assure that participation by veteran-owned small businesses and service-disabled veteran-owned small businesses is, if appropriate, factored into the evaluation of proposals for supplies, services or construction when a purchasing agency uses the competitive sealed proposals method under 62 Pa.C.S. § 513 (relating to competitive sealed proposals).

(8) Verify the current certification of businesses claiming to be certified as veteran-owned small businesses and service-disabled veteran-owned small businesses.

(51 Pa.C.S. § 9604)

### **§ 9605. Bonding and progress payments.**

(a) Bonding.--Notwithstanding 62 Pa.C.S. Pt. I (relating to Commonwealth Procurement

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Code):

(1) Except as provided in paragraph (2), a purchasing agency may reduce the level or change the types of bonding normally required or accept alternative forms of security to the extent reasonably necessary to encourage procurement from veteran-owned small businesses and service-disabled veteran-owned small businesses.

(2) For contracts under \$25,000, veteran-owned small businesses and service-disabled veteran-owned small businesses shall be exempt from any bonding requirements.

(b) Progress payments.--A purchasing agency may make special provisions for progress payments as it deems reasonably necessary to encourage procurement from veteran-owned small businesses and service-disabled veteran-owned small businesses.

(51 Pa.C.S. § 9605)

### **§ 2316. Small business participation.**

(a) Requirement.--Producers shall provide maximum practicable contracting opportunities for diverse small businesses, including minority-owned business enterprises, women-owned business enterprises and veteran-owned businesses.

(b) Duties.--Producers shall do all of the following:

\* \* \*

(2) Use the database available on the Internet website of the Department of General Services to identify certified diverse small businesses, including minority-owned business enterprises, women-owned business enterprises and veteran-owned businesses, as potential contractors, subcontractors and suppliers for opportunities related to unconventional natural gas extraction.

\* \* \*

(e) Definition.--As used in this section, the term "diverse small business" means minority-owned business, women-owned business and veteran-owned business as determined by the Department of General Services.

(58 Pa.C.S. § 2316)

### **§ 2201. Definitions [relating to diverse and disadvantaged businesses].**

The following words and phrases when used in this chapter [62 Pa.C.S. Ch. 22 (relating to diverse and disadvantaged businesses)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Diverse and disadvantaged businesses." A woman-owned business, a minority-owned business or a veteran-owned business.

\* \* \*

"Veteran." Shall have the meaning given in 51 Pa.C.S. § 9601 (relating to definitions).

"Veteran-owned business." A for-profit business that is at least 51% owned and controlled by one or more veterans. The term includes a corporation in which at least 51% of the stock is owned by one or more veterans.

\* \* \*

(62 Pa.C.S. § 2201)

### **§ 2202. Woman-owned business, minority-owned business or veteran-owned business.**

(a) Department [of General Services] verification.--The following shall apply:

(1) The department shall establish a process to verify a diverse or disadvantaged business as Pennsylvania home state-certified for the purpose of other state or national disadvantaged business programs.

(2) The department shall verify a business that has been certified as a diverse or disadvantaged business by a third-party organization recognized by the department.

(b) Notice.--A business verified under subsection (a)(2) may request the department to provide notice of the business status under this chapter [62 Pa.C.S. Ch.22 (relating to diverse and disadvantaged businesses)].

(c) Lists.--The department shall compile, maintain and make available source lists of businesses verified by the department as a diverse or disadvantaged business for the purpose



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of encouraging procurement from those businesses.

(d) Regulations.--The department may promulgate regulations to administer this section.  
(62 Pa.C.S. § 2202)

### **§ 3101. Definitions [relating to microenterprise assistance].**

The following words and phrases when used in this chapter [72 Pa.C.S. Ch. 31 (relating to microenterprise assistance)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

\* \* \*

"Diverse group." A disadvantaged business, minority-owned business, women-owned business, service-disabled veteran-owned small business or veteran-owned small business that has been certified by a third-party certifying organization.

\* \* \*

"Service-disabled veteran-owned small business." As defined in 51 Pa.C.S. § 9601 (relating to definitions).

\* \* \*

"Veteran-owned small business." As defined in 51 Pa.C.S. § 9601.

\* \* \*

(72 Pa.C.S. § 3101)

### **§ 3111. Purpose.**

An administrative entity may create a microenterprise loan program to assist start-up entrepreneurs and, to the extent possible, low-income individuals and diverse groups in the establishment of a microenterprise.

(72 Pa.C.S. § 3111)

### **§ 3112. Powers of administrative entity.**

(a) General rule.--In addition to powers granted to an administrative entity in other laws, an administrative entity shall have the following powers necessary to operate a program:

(1) To issue loans to microenterprises that will operate on property owned by the administrative entity and leased to the microenterprise. The program shall target microenterprises owned by low-income individuals and diverse groups who are residents of this Commonwealth.

\* \* \*

(72 Pa.C.S. § 3112)

### **§ 303. Diverse business participation.**

(a) General rule.--In administering contracts for construction and professional services relating to transportation projects which are funded pursuant to the provisions of this title or 75 Pa.C.S. (relating to vehicles), the contracting entities shall:

(1) Be responsible for ensuring that all competitive contract opportunities subject to this section which are issued by the contracting entities seek to maximize participation by diverse businesses.

(1.1) Include in solicitations for bids and requests for proposals on all competitive contracting opportunities subject to this section notice to the bidder or offeror that:

(i) The bidder or offeror shall document and submit to the applicable contracting entity all good faith efforts to solicit subcontractors that are diverse businesses during the bidding or proposal process.

(ii) The bidder or offeror shall provide within seven days of being declared the low bidder or successful offeror the name and business address of each subcontractor that is a diverse business that will provide the contractor with construction or professional services in connection with the performance of the contract.

(2) Include in the solicitations for bids and requests for proposals under paragraph (1.1) language encouraging bidders and offerors to utilize and give consideration to

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contractors offering to utilize diverse businesses in the selection and award of contracts.

(3) Ensure that the contracting entities' commitment to participation by diverse businesses is clearly understood and appropriately implemented and enforced by all the contracting entities.

(4) Designate a responsible official to supervise the contracting entities' diverse business program and ensure compliance within the contracting entities.

(5) (Reserved).

(6) Impose sanctions, as may be appropriate under 62 Pa.C.S. § 531 (relating to debarment or suspension), against businesses that fail to comply with this section or the policies of the Commonwealth related to diverse businesses. This paragraph shall not apply to a local transportation organization.

(7) Ensure that each contract entered into with a contractor under this section includes provisions prohibiting discrimination in accordance with 62 Pa.C.S. § 3701 (relating to contract provisions prohibiting discrimination).

(a.1) Additional duties of department [of Transportation].--The department, with the assistance of a diverse business enterprise supportive services center, shall have the following duties:

(1) Conduct the necessary and appropriate outreach, including using the database available on the Internet website of the Department of General Services and the Federal Government's system of award management database, for purposes of identifying diverse businesses in general construction or professional services capable of performing contracts subject to this section.

(2) By October 1, 2014, and each October 1 thereafter, submit a report to the chairman and minority chairman of the Transportation Committee of the Senate and the chairman and minority chairman of the Transportation Committee of the House of Representatives summarizing the participation level of diverse businesses in all competitive contract opportunities issued by contracting entities. The [Pennsylvania Turnpike] commission and local transportation organizations shall cooperate with the department to complete the report. The report shall include:

(i) The percentage of participation by diverse businesses.

(ii) The total value of all contracts executed which include participation by diverse businesses pursuant to this section in the prior year.

(iii) The number of businesses penalized for violating this section.

(3) Transmit the report under paragraph (2) to the Pennsylvania Minority Business Development Authority, established under the act of July 22, 1974 (P.L.598, No.206), known as the Pennsylvania Minority Business Development Authority Act. The authority shall review the report to assess the effectiveness in advancing this section and to make any recommendations for changes in this section deemed necessary or desirable to the secretary and the chairman and minority chairman of the Transportation Committee of the Senate and the chairman and minority chairman of the Transportation Committee of the House of Representatives.

(a.2) Replacement of diverse business.--If, at any time during the evaluation of a bid or proposal or the construction of a project or the performance of a professional service pursuant to a bid, proposal or contract subject to this section, it becomes necessary to replace a subcontractor that is a diverse business, the bidder, offeror or contractor, as appropriate, shall immediately notify the contracting entity of the need to replace the diverse business. The notice shall include the reasons for the replacement.

(a.3) Applicability.--The following shall apply to a contractor and contract subject to subsection (a):

(1) The provisions of 62 Pa.C.S. § 2108 (relating to compliance with Federal requirements).

(2) Prompt payment policies between a contractor and subcontractor adopted by the Department of General Services pursuant to 62 Pa.C.S. Pt. II (relating to general procurement provisions).

(a.4) Construction.--Nothing in this section shall be construed to supersede, nullify or

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otherwise affect 51 Pa.C.S. § 9603 (relating to participation goal). In the case of an inconsistency between this section and 51 Pa.C.S. Ch. 96 (relating to veteran-owned small businesses), the provisions of 51 Pa.C.S. Ch. 96 shall prevail.

(b) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Commission." As defined in section 8102 (relating to definitions).

"Contract." As defined in 62 Pa.C.S. § 103 (relating to definitions).

"Contracting entities." The following:

- (1) The department.
- (2) The commission.
- (3) A local transportation organization.

"Disadvantaged business." A business that is owned or controlled by a majority of persons, not limited to members of minority groups, who are subject to racial or ethnic prejudice or cultural bias.

"Diverse business." A disadvantaged business, minority-owned or women-owned business or service-disabled veteran-owned or veteran-owned small business that has been certified by a third-party certifying organization.

"Local transportation organization." Any of the following:

(1) A political subdivision or a public transportation authority, port authority or redevelopment authority organized under the laws of this Commonwealth or pursuant to an interstate compact or otherwise empowered to render, contract for the rendering of or assist in the rendering of transportation service in a limited area in this Commonwealth, even though it may also render or assist in rendering transportation service in adjacent states.

(2) A nonprofit association that directly or indirectly provides public transportation service.

(3) A nonprofit association of public transportation providers operating within this Commonwealth.

"Minority-owned business." A business owned and controlled by a majority of individuals who are African Americans, Hispanic Americans, Native Americans, Asian Americans, Alaskans or Pacific Islanders.

"Professional services." An industry of infrequent, technical or unique functions performed by independent contractors or consultants whose occupation is the rendering of the services.

The term includes:

(1) Design professional services as defined in 62 Pa.C.S. § 901 (relating to definitions).

(2) Legal services.

(3) Advertising or public relations services.

(4) Accounting, auditing or actuarial services.

(5) Security consultant services.

(6) Computer and information technology services.

(7) Insurance underwriting services.

"Service-disabled veteran-owned small business." As defined in 51 Pa.C.S. § 9601 (relating to definitions).

"Third-party certifying organization." An organization that certifies a small business, minority-owned business, women-owned business or veteran-owned small business as a diverse business. The term includes:

(1) The National Minority Supplier Development Council.

(2) The Women's Business Development Enterprise National Council.

(3) The Small Business Administration.

(4) The Department of Veterans Affairs.

(5) The Pennsylvania Unified Certification Program.

"Veteran-owned small business." As defined in 51 Pa.C.S. § 9601 (relating to definitions).

"Women-owned business." A business owned and controlled by a majority of individuals who are women.

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(74 Pa.C.S. § 303)

## Chapter 4. Retirement and Pensions

**Section 11. [Service credit for second class city employees]** The time of service herein specified, namely twenty years, shall be computed from the time of the first or original employment; said employment to consist of service to such city of the second class, and need not be continuous: Provided, That in no case shall a period of more than eighteen years be credited to the service record of any person who shall be employed after the passage of this act and who shall have been employed by such city prior to the passage of this act [the act of May 28, 1915, P.L.596, No.259]. If an employe shall have enlisted or shall have been drafted to serve in the Army or Navy of the United States in time of war, or shall have been drafted to serve in the Army or Navy of the United States in time of peace, such service in the Army or Navy of the United States shall be credited in full to the service record of such employe as service to such city of the second class.  
(1915, P.L.596, No.259, § 11)

### **Section 1304-B. Support of Pennsylvania National Guard units.**

(a) Annual appropriation.--The board of commissioners may appropriate annually a sum not to exceed \$1,500 for the support, maintenance, discipline and training of a unit of the Pennsylvania National Guard. If the units are organized as a battalion, regiment or similar organization, the total amount due may be paid to the commanding officer of the battalion, regiment or similar organization.

(b) Condition.--Money appropriated under this section shall be paid by warrant drawn to the order of the commanding officer of the unit conditioned upon certification by the Adjutant General of the Commonwealth to the township that the unit has satisfactorily passed the annual inspection provided by law.

(c) Use of funds.--Money appropriated under this section shall be used and expended solely and exclusively for the support, maintenance, discipline and training of the company, battalion, regiment or similar organization.

(d) Accounting required.--

(1) The commanding officer shall account, by proper vouchers to the township each year, for the expenditure of money appropriated under this section.

(2) No appropriation may be made for any subsequent year until the expenditure of the previous year is duly and satisfactorily accounted for.

(3) The accounts of the expenditures shall be subject to the inspection of the Department of Military and Veterans Affairs and shall be audited by the Auditor General in accordance with law.

(1931, P.L.1206, No.331, § 1304-B)

**Section 11. [Service credit for firemen in second class cities] Members of the [firemen's relief and pension] fund** [for the second class city] shall be eligible to pension under said fund upon written application of such member, stating his desire to withdraw from service in said city, which application shall show that such employe has rendered at least twenty years service to the said city, at least one year of which was immediately prior to his application, but which does not otherwise necessitate continuous service but that such service shall total twenty years and shall include service in the armed forces of the United States or active service in the Pennsylvania State Militia when said militia has been mobilized for internal police duty whether such armed forces or militia service occurs prior to or during such city service not to exceed three years. Each member desiring such credit shall be required to pay to the fund an amount equal to five per centum of the salary or wages he or she would have earned had he or she been a member of the bureau of fire during the period of military service, with interest at the rate of five per centum of the amount paid into the fund.  
(1933, P.L.1050, No.242, § 11)

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**Section 11.1. [Service credit for disabled firemen in second class cities]** In addition to applicants eligible for pension pursuant to section eleven of this act [the act of May 25, 1933, P.L.1050, No.242], any member who has been admitted to membership in this fund, who has become totally and permanently disabled after ten years of service, shall be entitled to the said pension. Any person who has become totally and permanently disabled by reason of injury sustained in the actual performance of duty, shall be entitled to such pension. Such service shall include service in the armed forces of the United States or active service in the Pennsylvania State Militia when it has been mobilized for internal police duty whether such armed forces or militia service occurs prior to or during such city service. Proof of total and permanent disability shall consist of the sworn statement of three practicing physicians designated by the board that the employee is in a permanent condition of health which would totally disable him or her from performing the duties of his or her position or office. If the employee is a patient in a hospital operated by the United States, the Commonwealth of Pennsylvania, or any political subdivision thereof, the board may accept the sworn statement of the administrator of such hospital that the members of the medical staff of such hospital attending said employee are of the opinion that said employee is in a permanent condition of health which would totally disable him or her from performing the duties of his or her position or office. Once a year, or sooner if recommended by a physician, the board of pensions may require a disability pensioner to undergo a medical examination by three physicians appointed by the board, or if the pensioner is a patient in a hospital operated by the United States, the Commonwealth of Pennsylvania, or any political subdivision thereof, the board may require from the administrator of such hospital additional certification as to the continuance of the disability of said employee, and should such physicians or administrator thereupon report and certify to the board that such beneficiary is no longer incapacitated, and should the pension board concur in such report, the pension payments to such beneficiary shall be discontinued when the beneficiary is returned to active duty or has refused to return to active duty.

Payments to disabled members shall be made on or after July 1, 1959.  
(1933, P.L.1050, No.242, § 11.1)

**Section 13. [Service credit for policemen in second class cities]** Members of the [policemen's relief and pension] fund [of the second class city] shall be eligible to receive pensions from said fund as follows--

(1) A member, who has been admitted into membership under the provisions of sub-section (4) of section 8 hereof, shall at once and automatically be entitled to receive a pension as hereinafter stipulated.

(2) A member, who has been admitted to membership in this fund within sixty days from the effective date of this act, under the provisions of sub-section (2) or sub-section (3) of section 8 hereof [the act of May 25, 1933, P.L.233, No.99], shall be entitled to receive a pension from this fund, upon written application of such member, stating his desire to withdraw from service in said city, or that his employment by the said city has been terminated, and showing that such member has rendered at least twenty years' service to the said city, at least one year of which was immediately prior to his application; but which need not have been otherwise continuous service. Such service shall total twenty years and shall include service in the armed forces of the United States in times of war: Provided, That the board of managers, for good cause shown to their satisfaction, may permit a member, who has been admitted to membership more than sixty days after the effective date of this act, to go on pension upon filing a written application, containing the statements prescribed by this sub-section.

(3) Any member, who has become a member of this fund, under the provisions of sub-section (1) of section 8 hereof, or who has been admitted to membership under the provisions of sub-section (2) or sub-section (3) of section 8 hereof, more than sixty days after the effective date of this act, shall be entitled to receive a pension from said fund upon written application of such member, stating his desire to withdraw from service in said city or that his employment by the said city has been terminated, and showing that such member has attained the age of fifty years and has rendered at least twenty years' service whether or not continuous to the said city and shall include service in the armed forces of the United States or active service in the

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Pennsylvania State Militia when said militia has been mobilized for internal police duty whether such armed forces or militia service occurs prior to or during such city service not to exceed three years. Each member desiring such credit shall be required to pay to the fund an amount equal to five per centum of the salary or wages he or she would have earned had he or she been a member of the bureau of police during the period of military service, with interest at the rate of five per centum of the amount paid into the fund.

(4) Any member, who, while a member of the fund, is injured in the line of duty and disabled through such injury, shall be entitled to receive a pension from the fund created by this act, upon written application of such member, stating such facts and further showing that such disability continues, and that the applicant is no longer entitled to payments from the city under the provisions of the Workmen's Compensation Act and its amendments. Upon approval by the board, such member of the fund shall become a beneficiary thereunder.

(5) In addition to applicants eligible for pension pursuant to section 11 of this act, any member, who has been admitted to membership in this fund, who has become totally and permanently disabled after ten years of service, shall be entitled to said pension. Any member who has become totally and permanently disabled by reason of injury sustained in the actual performance of duty, shall be entitled to such pension. Such service shall include service in the armed forces of the United States in time of war, armed conflict, or active service in the Pennsylvania State Militia, when it has been mobilized for internal police duty whether such armed forces or militia service occurs prior to or during such service. Proof of total and permanent disability shall consist of the sworn statement of three practicing physicians designated by the board that the employe is in a permanent condition of health which would totally disable him or her from performing the duties of his or her position of office. Once a year, the board of pensions may require a disability pensioner to undergo, or the disability pensioner may demand, a medical examination by three physicians appointed by the board and approved by the civil service commissioners, and should such physicians thereupon report and certify to the board that such beneficiary is no longer incapacitated, and should the pension board concur in such report, the pension payments to such beneficiary shall be discontinued, and the beneficiary shall be reinstated to the position he formerly held or be returned to active duty in the next vacancy that occurs: Provided, That the beneficiary has been found to be fully qualified to perform the duties required in the position to which reinstatement or appointment is made.

Payments for disability shall be made on or after July 1, 1959.  
(1935, P.L.233, No.99, § 13)

**Section 1. [Definitions relating to retirement systems in third class cities]** The following words and phrases, unless a different meaning is plainly required by the context, shall have the following meanings:--

\* \* \*

"Years of Service" shall include any time not exceeding six years spent by the employe on active duty with the armed forces of the United States, providing that he received an honorable discharge or a certificate of satisfactory service and he pays to the [Officers and Employees Retirement] board an amount equal to three per centum of his last monthly salary or wage prior to entering on active duty for each month he is not employed by the city because of his active duty with the armed forces.

(1945, P.L.903, No.362, § 1)

**Section 1. [Police and fire pensions in second class A cities]** There shall be paid over, as hereinafter provided, to the organization or association constituting and having in charge the distribution of police and firemen's pension funds in every city of the second class A, three per centum (3%) of all city taxes collected by the city, other than taxes levied to pay interest on or to extinguish the debt of the city, or any part thereof, to be divided equally between the police and firemen's association or organization. In addition to the three per centum (3%) of city taxes required to be paid pursuant to this section, moneys shall be appropriated by cities of the second class A to organizations and associations distributing police and firemen's pension

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funds, whenever necessary to enable the organizations or associations to pay the amounts of minimum pensions prescribed by act of Assembly, pursuant to section 11 of article III of the Constitution of Pennsylvania. In addition to the above payments and appropriations, moneys shall be appropriated by cities of the second class A to organizations and associations distributing police and firemen's pension funds, whenever necessary, to entitle any policeman or fireman who is a member of the pension fund and who served in the armed forces of the United States subsequent to September 1, 1940, and who was not a member of the police or firemen's pension funds prior to such military service, and who commenced employment as a policeman or fireman in a city of the second class A after the date of release from active duty to have full credit for each year or fraction thereof, not to exceed five (5) years of such service upon his payment to the police or firemen's pension fund an amount equal to that which he would have paid had he been a member during the period for which he desires credit computed with reference to the compensation he received upon entry into city service as a policeman or fireman and his current percentage of salary deductions, and an additional amount as the equivalent of the contributions of the city on account of such military service, which amount may be paid in a lump sum or by installments as may be approved by the organizations or associations distributing pension funds to police and firemen.  
(1947, P.L.1242, No.507, § 1)

**Section 1. [Pension credit for police force members in political subdivisions]** Any member of the police force employed by a political subdivision who has been a regularly appointed employe of any such political subdivision for a period of at least six months and who thereafter shall, heretofore or hereafter, be inducted into the military service of the United States in time of war, armed conflict or national emergency, so proclaimed by the President of the United States, shall have credited to his employment record, for pension or retirement benefits, all of the time spent by him in such military service during the continuance of such war, armed conflict or national emergency if such person returns or has heretofore returned to his employment within six months after his separation from the service.  
(1949, P.L.872, No.235, § 1)

### **Section 1710. [Second Class County] Employees Eligible for Retirement Allowances.--\* \* \***

(d) Any county employe who on and after the sixteenth day of September, one thousand nine hundred forty, has been employed by the county or county institution district for a period of six or more months, and who, on or subsequent to such date, shall have enlisted or been inducted into military service of the United States in time of war or national emergency, so proclaimed by the President or the Congress of the United States, or any police action in which the United States is engaged, or shall serve in the military service of the United States during any armed conflict, shall have credited to his employment record, for retirement benefits, all of the time spent by him in such military service during the continuance of such war, armed conflict, national emergency or police action, if such person returns or has heretofore returned to his employment within one year after his separation from military service and such payments as are required to be made by such county employe into the county employes' retirement fund shall be paid into such fund by the county or county institution district, upon application by such county employe for retirement benefits. Any county employe who has been in military service and returned to the employ of the county or county institution district shall, within one year after the effective date of this article [Article XVII of the Second Class County Code], file with the board a record of the time spent by him in such military service. Any county employe who has been in military service prior to the effective date of this article and has made payments into the county employes' retirement fund to secure for his employment record credit for his military service shall be reimbursed to the full extent of such payments by the [county employes' retirement] board.

(e) Any person who became a county employe through the consolidation of a Department of Health of a city of the second class with a Department of Health of a county of the second class may have the period of his or her city employment credited as a county employe for all

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purposes under this article, including any credit for United States military service for which such person of said city has been given credit for retirement benefits. Such person shall, within three years from the effective date of the consolidation, make application to the board and, upon approval thereof, pay into the retirement fund the contributions which such person would have been required to pay into the fund had such person been a county employe from the date of his or her original employment in the city. The gross sum shall be paid into the retirement fund at one time and in one amount or, upon approval of the board, the gross sum shall be paid in twelve or less equal consecutive monthly installments. Full payment thereof, as well as the gross sum to be paid by the city as herein provided, shall be a condition precedent to the county employe being eligible to receive the benefits of the retirement allowances. The city by which such person was formerly employed shall pay into the retirement fund an amount equal to the gross sum as paid into the said fund by the former city employe in accordance with the provisions of this article. Included in said gross sum to be paid by such city, shall be an amount in payment for said employes' United States military service credit, if any, for retirement benefits, which amount shall be based on the contribution which such employe would have been required to pay into the retirement fund had he or she been a county employe during such period. The city is herewith authorized and empowered to make an appropriation out of the funds of the city to pay into the retirement fund the necessary amounts as herein provided.

If such county employe leaves the employ of the county before he or she shall be eligible to receive the benefits of the retirement allowances, a refund of his or her contributions as paid into the retirement fund, less the amount as paid by said city for United States military service credit, if any, for retirement benefits, shall be made in accordance with the provisions of section one thousand seven hundred fourteen.

(f) Any person who is an employe of any city of the third class, borough or township, and who is a member of a retirement or pension system established by such city of the third class, borough or township, who shall heretofore or hereafter be employed by a department of health of a county of the second class, may have the period of his or her employment in any of the aforesaid municipalities credited as a county employe for all purposes under this article, including any credit for United States military service for which such person of said municipalities has been given credit for retirement benefits. Such person shall, within three years from the date of his or her employment in the county department of health, make application to the board and, upon approval thereof, pay into the retirement fund the contributions which such person would have been required to pay into the fund had such person been a county employe from the date of his or her original employment in any of the aforesaid municipalities. The gross sum shall be paid into the retirement fund at one time and in one amount or, upon approval of the board, the gross sum shall be paid in twelve or less equal consecutive monthly installments. Full payment thereof as well as the gross sum to be paid by any city of the third class, borough or township or the retirement or pension board of such municipalities shall be a condition precedent to the county employe being eligible to receive the benefits of the retirement allowances. Any city of the third class, borough or township by which such person was formerly employed shall pay into the retirement fund an amount equal to the gross sum as paid into the fund by such former employe of any of the aforesaid municipalities in accordance with the provisions of this article. Included in said gross sum to be paid by such municipalities, shall be an amount in payment for such employes' United States military service credit, if any, for retirement benefits, which amount shall be based on the contribution which such employe would have been required to pay into the retirement fund had he or she been a county employe during such period.

Any city of the third class, borough or township is herewith authorized and empowered to make an appropriation out of the funds of such city of the third class, borough or township to pay into the retirement fund the necessary amounts as herein provided, or any of the aforesaid municipalities which have an established retirement or pension system, the retirement or pension board thereof shall certify to the county board, upon request, the period of service as set forth in the records of such municipal retirement or pension board, the period of service for which credit has been allowed such former municipal employe, and to transfer to the county retirement fund a sum equal to all contingent and annuity reserves and accumulated



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deductions as recorded to the credit of its former employe in its retirement or pension system as determined by the retirement or pension board of such municipality, for the purpose of establishing credit in the County Employees' Retirement System under which he or she may receive credit in said system as a county employe for services previously credited to him or her in the aforesaid municipal retirement or pension system. Upon receipt of the aforesaid request, the retirement or pension board of such municipalities shall make such certification and transfer of funds to the County Employees' Retirement System as herein provided.

If such county employe leaves the employ of the county before he or she shall be eligible to receive the benefits of the retirement allowances, a refund of his or her contributions as paid into the retirement fund less the amount as paid by such municipalities for United States military service credit, if any, for retirement benefits, shall be made in accordance with the provisions of section one thousand seven hundred fourteen.

\* \* \*

(i) Upon application to the board, all members of the fund who are contributors and who served in the Armed Forces of the United States subsequent to September 1, 1940, or who become members of the retirement fund on or after the effective date of this act shall be entitled to have full military service credit for each of the most recent years of military service or fraction thereof, not to exceed three full years of such service; provided, they have a retirement credit of the minimum number of years specified in subsection (a) of this section or more. The formula to be followed for payment to the fund shall be in an amount equal to the maximum rate of contribution had they been members of the fund plus an additional amount as the equivalent of the county matching appropriation, plus interest, if applicable, at the rate of six per centum per year from the date of each year of credited military service to date of repayment or by applying the employe's basic contribution rate plus the county's normal contribution rate for active members at the time of entry, subsequent to such military service, of the employe into county service to his average annual rate of compensation over the first three years of such subsequent county service and multiplying the result by the number of years and fractional part of a year of creditable nonintervening military service being purchased, together with interest, if applicable, during all periods of subsequent county service to date of purchase. Should it be determined by the retirement board that verifiable compensation data is not available it shall have the discretion to determine which formula shall be used: Provided, That said member is not entitled to receive, eligible to receive now or in the future, or is receiving retirement benefits for such service under a retirement system administered and wholly or partially paid for by any other governmental agency or private industry. Both principal and interest, if applicable, shall be consolidated into one amount and paid. Full payment thereof shall be a condition precedent to receive the benefits of the retirement allowance. If the member pays the entire principal back within the three-year period immediately following attainment of the minimum number of years of service credit specified in subsection (a) of this section or within three years from the date this amendatory act takes effect for those who already have the minimum numbers of years of service credit specified in subsection (a) of this section, no interest will be charged. Otherwise, interest will be charged at the rate of six per centum per year from the date of each year of credited military service to date of repayment. Only those employes who are active members of the retirement fund on or after the effective date of this amendatory act shall be permitted to avail themselves of either of these programs.

\* \* \*

(1953, P.L.723, No.230, § 1710)

**Section 4. [Service credit for municipal police pensions]** (a) Any member of the police force employed by a borough, town, township or regional police department, who has been a regularly appointed employe of any such political subdivision or regional police department for a period of at least six months and who thereafter shall enter into the military service of the United States, shall have credited to his employment record for pension or retirement benefits all of the time spent by him in such military service, if such person returns or has heretofore returned to his employment within six months after his separation from the service.

(b) The ordinance or resolution establishing the police pension fund may provide full

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service credit for each year of military service or fraction thereof, not to exceed five years, to any member of the police force who was not employed by the political subdivision or regional police department prior to such military service. The amount due for the purchase of credit for military service other than intervening military service shall be computed by applying the average normal cost rate for borough, town, township and regional police pension plans as certified by the Public Employee Retirement Commission, but not to exceed ten per centum, to the member's average annual rate of compensation over the first three years of municipal service and multiplying the result by the number of years and fractional part of a year of creditable nonintervening military service being purchased together with interest at the rate of four and three-quarters per centum compounded annually from the date of initial entry into municipal service to the date of payment.

(c) Any member of the police force shall be eligible to receive service credit for intervening or nonintervening military service as provided in subsections (a) and (b) provided that he is not entitled to receive, eligible to receive now or in the future or is receiving retirement benefits for such service under a retirement system administered and wholly or partially paid for by any other governmental agency with the exception of a member eligible to receive or receiving military retirement pay earned by a combination of active duty and nonactive duty with a reserve or national guard component of the armed forces which retirement pay is payable only upon the attainment of a specified age and period of service under 10 U.S.C. Ch. 67 (relating to retired pay for non-regular service).

\* \* \*

(1955, P.L.1804, No.600, § 4)

**Section 12. [Second Class A City Employee Pension] Credit for Military Service; Payment into Fund; Reimbursement.**--Any city employee who, on or after September 16, 1940, has been employed by the city for a period of six months and who, on or subsequent to such date, shall have enlisted or been inducted into the military service of the United States in time of war, armed conflict or national emergency so proclaimed by the President or the Congress of the United States, shall have credited to his employment record, for retirement benefits, all of the time spent by him in such military service during the continuance of such war, armed conflict, or national emergency, and such payments as were heretofore or shall hereafter be required to be made during such period by such city employee into the city employees' retirement fund shall be paid into such fund by the city. Any employees who have made payments into the city employees' retirement fund, for which payments the city is liable under the provisions of this act, shall be reimbursed by the city to the full extent of such payments or be given credit towards future payments under this act [the act of September 23, 1959, P.L.970, No.400, § 12].

Any member of the pension fund who is a contributor and who served in the armed forces of the United States subsequent to September 1, 1940, and who was not a member of the pension fund prior to such military service, and who commenced employment in city service after the date of release from active duty, shall be entitled to have full credit for each year or fraction thereof, not to exceed five years of such service upon his payment to the pension fund an amount equal to that which he would have paid had he been a member during the period for which he desires credit, computed with reference to the compensation he received upon entry into city service and his current percentage of salary deductions, and an additional amount as the equivalent of the contributions of the city and school district on account of such military service, which amount may be paid in a lump sum or by installments as may be approved by the [city retirement] board.

(1959, P.L.970, No.400, § 12)

**Section 432.23. Verification System.**--(a) The department [of Human Services] shall establish a computerized income eligibility verification system to verify eligibility, eliminate duplication of assistance and deter fraud: Provided, however, that the department, in good faith, attempts to obtain the cooperation by Federal authorities or other states, or both; and further provided, that the data be accessible by the department. Subject to section 432.19, prior

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to authorizing assistance under section 432.2(b) or continuing assistance under section 432.2(c), the department shall match the social security number of each applicant and recipient with the following:

\* \* \*

(15) Veterans Benefits and Veterans Medical (PARIS) maintained by the Department of Veterans Affairs with coordination through the Department of Health and Human Services.

\* \* \*

(1967, P.L.31, No.21, § 432.23)

**Section 506. Eligibility [for State blind pensions].**--The department [of Human Services] shall provide a State blind pension to any blind person who:

- (1) Resides in Pennsylvania;
- (2) Is not an inmate of any penal institution or hospital for mental disease;
- (3) Has actual annual income of his own of less than four thousand two hundred sixty dollars (\$4,260);
- (4) Owns real or personal property of a combined value of not more than seven thousand five hundred dollars (\$7500); and who
- (5) Has not disposed of any property without fair consideration within the two years immediately preceding the date of application for State blind pension, or while receiving such pension, if ownership of such property, together with his other property, would render him ineligible for such pension;
- (6) Is not receiving supplemental security income for the aged, blind and disabled pursuant to Title XVI of the Federal Social Security Act.

With respect to the determination of eligibility for State blind pension, the value of real property shall be deemed to be its assessed value minus encumbrances but in no case shall the assessed value be more than thirty percent of the official market value; the value of personal property shall be deemed to be its actual value; and interest in property owned by the entireties shall be deemed to be a one-half interest. Determination of the amount of an applicant's income and the value of his property shall be made by the department without regard to any Federal laws or regulations respecting income and resources of applicants for aid to the blind. The valuation of real property for the purposes of clause (4) shall not be increased by reason of reassessment, except to the extent that the real property has been actually enlarged or improved. Determination of the amount of an applicant's income shall exclude any increase in (i) social security payments to him provided under Federal law and taking effect subsequent to January 1, 1971; (ii) railroad retirement benefits provided to him under the Railroad Retirement Act of 1937, 45 U.S.C. § 228 et seq., and taking effect subsequent to January 1, 1976; and (iii) veterans' benefits provided to him and administered by the Veterans' Administration and taking effect subsequent to January 1, 1976.

(1967, P.L.31, No.21, § 506)

**Section 13. [County Pension] Credit for Military Service; Payments into Fund; Reimbursement.**--(a) Any county employe who, on or after September 16, 1940 has been employed by the county for a period of six months and who, on or subsequent to such date, shall have enlisted or been inducted into the military service of the United States in time of war, armed conflict or national emergency, so proclaimed by the President or the Congress of the United States, shall have credited to his employment record, for retirement benefits, all of the time spent by him in such military service during the continuance of such war, armed conflict or national emergency. Contributions on account of credit for intervening military service shall be determined by the employe's contribution rate and compensation at the time of entry of the member into active military service, together with interest during all periods of subsequent county service to date of purchase. Said contributions shall be paid into the fund by the county. Any employes who have made payments into the fund for which payments the county is liable shall be reimbursed by the county to the full extent of such payments, or be given credit towards future employe payments.

(b) With the approval of the county retirement board, all members of the fund who are

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contributors and who served actively in the armed forces of the United States shall be entitled to have full service credit for each year or fraction thereof, not to exceed five years of such service. The amount due for the purchase of credit for military service other than intervening military service shall be determined by applying an employee's contribution rate of five per cent plus a county contribution rate of five per cent to his average annual rate of compensation over the first three years of credited membership service and multiplying the result by the number of years and fractional part of a year of creditable nonintervening military service being purchased together with regular interest from the commencement of such credited membership service to date of purchase. Said contributions shall be paid into the fund by the employee: Provided, That the member has three years of county service subsequent to such military service: Provided further, That he is not entitled to receive, eligible to receive now or in the future, or is receiving retirement benefits for such service under a retirement system administered and wholly or partially paid for by any other governmental agency.  
(1971, P.L.398, No.96, § 13)

**Section 204. Service Allowance [for municipal employees]; Change of Employment; Military Service.**--In computing the length of service of a contributor for retirement purposes, full credit shall be given to each original member for each year of service rendered to the municipality prior to the time the municipality joined the system, whether or not such service was continuous.

As soon as practicable, the [Pennsylvania Municipal Retirement] board shall issue to each original member a certificate certifying the aggregate length of service rendered to the municipality prior to the time it joined the system. Such certificate shall be final and conclusive as to his prior service unless thereafter modified by the board, upon application of the member.

The time during which a member was absent from service without pay shall not be counted in computing the service of a contributor in his certificate, or upon retirement, unless specifically allowed by the municipality, with the approval of the board.

When a contributor leaves the employ of a municipality which has joined the system, and enters into the employ of another municipality which has also joined the system, his service credits shall remain unimpaired, but in such cases the unpaid municipal liability for prior service shall be prorated by the board between the municipalities on an equitable basis. Such basis will be determined, with the advice of the actuary, according to the number of years of service performed by the contributor for each municipality.

A contributor who has been employed by a municipality for a period of at least six months and is an active member of the system and who thereafter, heretofore, or hereafter, shall be inducted into the military service of the United States in times of war, armed conflict, or National emergency, so proclaimed by the President of the United States, shall have credited to his employment record, for pension or retirement benefits, all of the time spent by him in such military service during the continuance of such war, armed conflict, or National emergency if such person returns or has heretofore returned to his employment within six months after his separation from the service. The municipality shall, during the period of the member's intervening military service, continue to make current service contributions toward the municipal annuity of the member. An active member may file an application with the board for permission to purchase credit toward his member's share of the annuity for intervening military service. These contributions shall be computed by applying the member's contribution rate to his annual rate of compensation at the time of entry of the member into active military service, and multiplying the result by the number of years and fractional part of a year of creditable intervening military service, together with interest from date of return to employment to date of purchase. The amount due from the member shall be certified by the board in accordance with methods approved by the actuary, and may be paid by (1) regular monthly payments during active military service, or (2) a lump sum payment within thirty days or (3) it may be amortized with additional interest through salary deductions in amounts agreed upon by the member of the board.

An active member may also purchase credit for other than intervening military service performed for the United States in times of war, armed conflict or National emergency, so

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proclaimed by the President of the United States, for a period not to exceed five years: Provided, That the member has completed five years of service to the municipality subsequent to such military service. An active member may file an application with the board for permission to purchase credit for nonintervening military service upon completion of five years of subsequent service to the municipality. The type of service credit for such service shall be determined by the date of entry of the municipality into the system. If the date of the member's separation from military service is prior to the date on which the municipality joined the system, then the credit purchased shall be considered as prior service credit. In this case the amount due from the member shall be computed by applying the member's basic contribution rate plus the rate of contribution the municipality paid for current service during its first year of entry into the system to his prior salary and multiplying the result by the number of years and fractional part of a year of creditable nonintervening military service, plus interest from the date of the member's employment by the municipality to the date of purchase. If, on the other hand, the date of the member's separation from military service is later than the date of entry of the municipality into the system, then the credit purchased shall be considered as current service credit. In this case the amount due from the member shall be computed by applying the member's basic contribution rate plus the municipality's normal contribution rate for current service which was in effect on the date of the member's entry into employment with the municipality to his average annual rate of compensation over the first five years of his subsequent employment and multiplying the result by the number of years and fractional part of a year of creditable nonintervening military service being purchased, plus interest from the date of employment by the municipality to date of purchase.

The amount due from the member shall be certified by the board in accordance with methods approved by the actuary, and may be paid in a lump sum within thirty days or it may be amortized with additional interest through salary deductions in amounts agreed upon by the member and the board.

The rate of interest to be charged to members on their purchase of credit for intervening or nonintervening military service shall be the rate being credited by the system to member's contribution accounts in effect on the date of the member's application, compounded annually.

A member may purchase credit for intervening or nonintervening military service only if his discharge or separation from the service was granted under other than dishonorable conditions.

A member may not purchase credit for any military service for which he is entitled to receive, eligible to receive now or in the future, or is receiving retirement benefits for such service under a retirement system administered and wholly or partially paid for by any other governmental agency, or private employer.

Applications for permission to purchase credit for military service must be accompanied by proof of the nature of his discharge or separation from the military service.

(1974, P.L.34, No.15, § 204)

**Section 305. Service Allowance [for Municipal Firemen and Police]; Change of Employment; Military Service.**--In computing the length of service of a contributor for retirement purposes, full credit shall be given to each original member for each year of service rendered to the municipality prior to the time the municipality joined the system.

As soon as practicable, the [Pennsylvania Municipal Retirement] board shall issue to each original member a certificate certifying the aggregate length of service rendered to the municipality prior to the time it joined the system. Such certificate shall be final and conclusive as to his prior service unless thereafter modified by the board, upon application of the member.

The time during which a member was absent from service without pay, except for military service, shall not be counted in computing the service of a contributor in his certificate, or upon retirement unless specially allowed by the municipality, with the approval of the board.

When a contributor leaves the employ of a municipality which has joined the system, and enters into the employ of another municipality which has also joined the system, his service credits shall remain unimpaired, but in such cases the unpaid municipal liability for prior service shall be prorated by the board between the municipalities on an equitable basis. The basis will

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be determined, with the advice of the actuary, according to the number of years of service performed by the contributor for each municipality.

Any municipal fireman or municipal policeman employed by a municipality who has been a regularly appointed fireman or policeman for a period of at least six months and is an active member of the system and who thereafter, heretofore, or hereafter, shall be inducted into the military service of the United States in times of war, armed conflict, or National emergency, so proclaimed by the President of the United States, shall have credited to his employment record, for pension or retirement benefits, all of the time spent by him in such military service during the continuance of such war, armed conflict, or National emergency if such person returns or has heretofore returned to his employment within six months after his separation from the service. The municipality shall, during the period of the member's intervening military service, continue to make current service contributions toward the municipal annuity of the member. An active member may file an application with the board for permission to purchase credit toward his member's share of the annuity for intervening military service. These contributions shall be computed by applying the member's contribution rate to his annual rate of compensation at the time of entry of the member into active military service, and multiplying the result by the number of years and fractional part of a year of creditable intervening military service, together with interest from date of return to employment to date of purchase. The amount due from the member shall be certified by the board in accordance with methods approved by the actuary, and may be paid by (1) regular monthly payments during active military service, or (2) a lump sum payment within thirty days, or (3) it may be amortized with additional interest through salary deductions in amounts agreed upon by the member and the board.

An active member may also purchase credit for other than intervening military service performed for the United States in times of war, armed conflict or National emergency, so proclaimed by the President of the United States, for a period not to exceed five years: Provided, That the member has completed five years of service to the municipality subsequent to such military service. An active member may file an application with the board for permission to purchase credit for nonintervening military service upon completion of five years of subsequent service to the municipality. The type of service credit for such service shall be determined by the date of entry of the municipality into the system. If the date of the member's separation from military service is prior to the date on which the municipality joined the system, then the credit purchased shall be considered as prior service credit. In this case the amount due from the member shall be computed by applying the member's basic contribution rate plus the rate of contribution the municipality paid for current service during its first year of entry into the system to his prior salary and multiplying the result by the number of years and fractional part of a year of creditable nonintervening military service, plus interest from the later of the date of entry into the system and the date of the member's employment by the municipality to the date of purchase. The amount due from the member shall be certified by the board in accordance with methods approved by the actuary, and may be paid in a lump sum within thirty days or it may be amortized with additional interest through salary deductions in amounts agreed upon by the member and the board. If, on the other hand, the date of the member's separation from military service is later than the date of entry of the municipality into the system, then the credit purchased shall be considered as current service credit. In this case the amount due from the member shall be computed by applying the member's basic contribution rate plus the municipality's normal contribution rate for current service which was in effect on the date of the member's entry into employment with the municipality to his average annual rate of compensation over the first five years of his subsequent employment and multiplying the result by the number of years and fractional part of a year of creditable nonintervening military service being purchased, plus interest from the date of employment by the municipality to date of purchase.

The amount due from the member shall be certified by the board in accordance with methods approved by the actuary, and may be paid in a lump sum within thirty days or it may be amortized with additional interest through salary deductions in amounts agreed upon by the member and the board.

The rate of interest to be charged to members on their purchase of credit for intervening or

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nonintervening military service shall be the rate being credited by the system to member's contribution accounts in effect on the date of the member's application, compounded annually.

A member may purchase credit for intervening or nonintervening military service only if his discharge or separation from the service was granted under other than dishonorable conditions.

A member may not purchase credit for any military service for which he is entitled to receive a retirement allowance from the United States Government.

Applications for permission to purchase credit for military service must be accompanied by proof of the nature of his discharge or separation from the military service.

(1974, P.L.34, No.15, § 305)

**Section 403. Contract Provisions [for Optional Municipal Retirement Plans].**--Any contract for an optional retirement plan entered into between a municipality and the [Pennsylvania Municipal Retirement] board shall not provide for any benefits in excess of or minimum member's contribution rates less than those available to that municipality for that class of employees under any existing law pertaining to the establishment of a retirement or pension system, except to the extent that excess investment earnings are allocated to provide for additional pension benefits or member accruals as otherwise provided in this law.

The contract shall specifically state the following terms and conditions:

\* \* \*

(13) The manner in which credit for any allowable military service shall be determined and the manner in which costs of service shall be paid.

\* \* \*

(1974, P.L.34, No.15, § 403)

**Section 6. Credited Service [for Employees of City of Pittsburgh].**--(a) Credited service shall be computed from the time of the first or original employment; said employment shall consist of service to the city, and need not be continuous, provided that contributions have been made in accordance with section 4 (a) and (h) for all periods of service.

(b) Any employee shall receive full credit for each year of service for which credit has been purchased under the provision of section 4 (e) and (f).

(c) Any employee who shall have enlisted or been drafted to serve in the Army or Navy of the United States in time of war or shall have been drafted to serve in the Army or Navy of the United States in time of peace, shall have such service credited in full to his service record as service to the city.

(d) Any person who terminated service prior to January 1, 1975, having at least 20 years of credited service and who upon termination of service continued making contributions, shall upon completion of 25 years of continuous contributions be entitled to receive credited service for all such years of contributions.

(1975, P.L.169, No.87, § 6)

### **§ 19. Appropriations for support of widows and orphans of persons who served in the armed forces.**

The General Assembly may make appropriations of money to institutions wherein the widows of persons who served in the armed forces are supported or assisted, or the orphans of persons who served in the armed forces are maintained and educated; but such appropriations shall be applied exclusively to the support of such widows and orphans.

(Pennsylvania Constitution, Art. III, § 19)

### **§ 29. Appropriations for public assistance, military service, scholarships.**

No appropriation shall be made for charitable, educational or benevolent purposes to any person or community nor to any denominational and sectarian institution, corporation or association: Provided, That appropriations may be made for pensions or gratuities for military service and to blind persons 21 years of age and upwards and for assistance to mothers having dependent children and to aged persons without adequate means of support and in the

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form of scholarship grants or loans for higher educational purposes to residents of the Commonwealth enrolled in institutions of higher learning except that no scholarship, grants or loans for higher educational purposes shall be given to persons enrolled in a theological seminary or school of theology.

(Pennsylvania Constitution, Art. III, § 29)

### **§ 14302. Retirement and final discharge [for police in third class cities].**

(a) Requirements for ordinance.--With regard to continuous service and minimum retirement age requirements, the ordinance establishing the police pension fund shall prescribe as follows:

(1) A minimum period of continuous service of not less than 20 years.

(2) If a minimum retirement age is prescribed, a minimum age of 50 years.

(b) Retired member.--If not unfit by reason of age, disability or otherwise, a retired member shall be subject to service as a police reserve under terms and conditions as may be established by council.

(c) Military service.--With the approval of council, a member of the police pension fund shall be entitled to have full credit for each year or fraction of a year, not to exceed five years, of the service upon the member's payment to:

(1) the police pension fund of an amount equal to that which the member would have paid had the member been a member during the period for which credit is desired; and

(2) the fund of an additional amount as the equivalent of the contributions of the city on account of the military service.

To be eligible under this subsection, the member must be a contributor who served in the armed forces of the United States after September 1, 1940, and was not a member of the police pension fund prior to the military service.

(11 Pa.C.S. § 14302)

### **§ 14303. Allowance and service increments [for police pension fund in third class cities].**

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(d) Conditions.--In addition to the retirement allowance authorized to be paid from the police pension fund by this chapter [11 Pa.C.S. Ch.143 (relating to pensions)] and notwithstanding the limitations placed upon the retirement allowances and upon contributions, a contributor who becomes entitled to the retirement allowance shall be entitled to the payment of a service increment in accordance with and subject to the following conditions:

(1) The following shall apply:

(i) Service increment shall be the sum obtained by computing:

(A) the number of whole years after having served the minimum required by this chapter during which a contributor has been employed by the city and paid out of the city treasury, including credit for military service as provided in section 14302 (relating to retirement and final discharge); and

\*\*\*

(11 Pa.C.S. § 14303)

### **§ 14321. Retirement and final discharge [firefighters pension fund in third class cities].**

\*\*\*

(c) Military service.--With the approval of council, a member of the firefighters pension fund shall be entitled to have full credit for each year or fraction of a year, not to exceed five years, of service upon:

(1) the member's payment to the firefighters pension fund of an amount equal to that which the member would have paid had the member been a member during the period for which the member desires credit; and

(2) the member's payment to the fund of an additional amount as the equivalent of the contributions of the city plus the interest the city would have been required to pay on the contributions on account of the military service. To be eligible under this paragraph, the



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member must be a contributor who served in the armed forces of the United States after September 1, 1940, and was not a member of the firefighters pension fund prior to the military service.

\* \* \*

(11 Pa.C.S. § 14321)

### **§ 14322. Pensions and service increments [in firefighters pension funds in third class cities].**

\* \* \*

(b) Service increment.--In addition to the pension which is authorized to be paid from the firefighters pension fund under this chapter [11 Pa.C.S. Ch.143 (relating to pensions)] and notwithstanding the limitations placed upon the pensions and upon contributions under this chapter, every contributor entitled to the pension shall also be entitled to the payment of a service increment in accordance with and subject to the conditions imposed under this chapter.

(1) A service increment shall be the sum obtained by computing the number of whole years after having served the minimum required by this chapter during which a contributor has been employed by the city and paid out of the city treasury, including credit for military service as provided in section 14321 (relating to retirement and final discharge), and multiplying the number of years by an amount equal to 0.025% of the retirement allowance which has become payable to the contributor in accordance with the provisions of this chapter. In computing the service increment, no employment after the contributor has reached 65 years of age shall be included and no service increment shall be paid in excess of \$100 per month.

(2) After September 18, 1968, each contributor shall pay into the pension fund a monthly sum in addition to the contributor's pension contribution which shall not exceed the sum of \$1 per month, provided that the service increment contribution shall not be paid after a contributor has reached 65 years of age.

(3) Any individual who is a member of the department on September 18, 1968, and who has reached 65 years of age shall have the individual's service increment computed on the years of employment prior to the member reaching 65 years of age.

(4) Service increment contributions shall be paid at the same time and in the same manner as pensions and may be withdrawn in full, without interest, by individuals who leave the employment of the city, subject to the same conditions by which retirement contributions may be withdrawn, or by individuals who retire before becoming entitled to any service increment.

(5) All members of the fire department who are now contributors to the pension fund and all those employed by the city after September 18, 1968, if required to become contributors to the pension fund, shall be subject to the provisions of this chapter.

(6) After June 19, 2002, a city may agree to make service increment payments in excess of \$100 per month as long as the payments do not exceed \$500 per month, and, in computing the service increments, no employment after the contributor has reached 65 years of age shall be included, provided that any agreement to provide an increase in service increment payments shall include a proportionate increase in the amount each contributor shall pay into the retirement fund under paragraph (2), not to exceed \$5 per month.

(11 Pa.C.S. § 14322)

### **§ 5536. Distributions of income and principal during incapacity.**

(a) In general.--All income received by a guardian of the estate of an incapacitated person, including (subject to the requirements of Federal law relating thereto) all funds received from the Veterans' Administration, Social Security Administration and other periodic retirement or disability payments under private or governmental plans, in the exercise of a reasonable discretion, may be expended in the care and maintenance of the incapacitated person, without the necessity of court approval. The court, for cause shown and with only such notice as it considers appropriate in the circumstances, may authorize or direct the payment or application

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of any or all of the income or principal of the estate of an incapacitated person for the care, maintenance or education of the incapacitated person, his spouse, children or those for whom he was making such provision before his incapacity, or for the reasonable funeral expenses of the incapacitated person's spouse, child or indigent parent. In proper cases, the court may order payment of amounts directly to the incapacitated person for his maintenance or for incidental expenses and may ratify payments made for these purposes. For purposes of this subsection, the term "income" means income as determined in accordance with the rules set forth in Chapter 81 (relating to principal and income), other than the power to adjust and the power to convert to a unitrust.

\* \* \*

(20 Pa.C.S. § 5536)

### **§ 3501. Definitions [relating to property rights].**

(a) General rule.--As used in this chapter [23 Pa.C.S. Ch. 35 (relating to property rights)], "marital property" means all property acquired by either party during the marriage and the increase in value of any nonmarital property acquired pursuant to paragraphs (1) and (3) as measured and determined under subsection (a.1). However, marital property does not include:

\* \* \*

(6) Veterans' benefits exempt from attachment, levy or seizure pursuant to the act of September 2, 1958 (Public Law 85-857, 72 Stat. 1229), as amended, except for those benefits received by a veteran where the veteran has waived a portion of his military retirement pay in order to receive veterans' compensation.

(7) Property to the extent to which the property has been mortgaged or otherwise encumbered in good faith for value prior to the date of final separation.

(8) Any payment received as a result of an award or settlement for any cause of action or claim which accrued prior to the marriage or after the date of final separation regardless of when the payment was received.

\* \* \*

(b) Presumption.--All real or personal property acquired by either party during the marriage is presumed to be marital property regardless of whether title is held individually or by the parties in some form of co-ownership such as joint tenancy, tenancy in common or tenancy by the entirety. The presumption of marital property is overcome by a showing that the property was acquired by a method listed in subsection (a).

\* \* \*

(23 Pa.C.S. § 3501)

### **§ 4302. Definitions [relating to support matters generally].**

The following words and phrases when used in this chapter [23 Pa.C.S. Ch. 43 (relating to support matters generally)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

\* \* \*

"Income." Includes compensation for services, including, but not limited to, wages, salaries, bonuses, fees, compensation in kind, commissions and similar items; income derived from business; gains derived from dealings in property; interest; rents; royalties; dividends; annuities; income from life insurance and endowment contracts; all forms of retirement; pensions; income from discharge of indebtedness; distributive share of partnership gross income; income in respect of a decedent; income from an interest in an estate or trust; military retirement benefits; railroad employment retirement benefits; social security benefits; temporary and permanent disability benefits; workers' compensation; unemployment compensation; other entitlements to money or lump sum awards, without regard to source, including lottery winnings; income tax refunds; insurance compensation or settlements; awards or verdicts; and any form of payment due to and collectible by an individual regardless of source.

\* \* \*

(23 Pa.C.S. § 4302)

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### **§ 8102. Definitions [relating to public school employees' retirement].**

The following words and phrases when used in this part [24 Pa.C.S. Pt. IV (relating to retirement for school employees)] shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Accumulated deductions." The total of pickup contributions and the contributions paid into the fund by the member on account of current school service, previous school service, or creditable nonschool service and the statutory interest credited on all such contributions.

\* \* \*

"Activated military service." Military service by a member of a reserve component of the armed forces, pursuant to an order on or after July 1, 1990, and prior to July 1, 2013, to enter into active military service, other than an order to enter into active duty to meet periodic training requirements, who was an active member of the system immediately preceding the order into active military service and to whom the military leave provisions of 51 Pa.C.S. Ch. 73 (relating to military leave of absence) do not apply.

"Active member." A school employee for whom pickup contributions are being made to the fund or for whom such contributions otherwise required for current school service are not being made solely by reason of any provision of this part relating to the limitations under section 401(a)(17) or 415 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 401(a)(17) or 415).

\* \* \*

"Approved leave of absence." A leave of absence for activated military service or which has been approved by the employer for sabbatical leave, service as an exchange teacher, service with a collective bargaining organization or professional study.

\* \* \*

"Compensation." Pickup contributions and mandatory pickup participant contributions plus any remuneration received as a school employee excluding reimbursements for expenses incidental to employment and excluding any bonus, severance payments, any other remuneration or other emolument received by a school employee during his school service which is not based on the standard salary schedule under which he is rendering service, payments for unused sick leave or vacation leave, bonuses or other compensation for attending school seminars and conventions, payments under health and welfare plans based on hours of employment or any other payment or emolument which may be provided for in a collective bargaining agreement which may be determined by the Public School Employees' Retirement Board to be for the purpose of enhancing compensation as a factor in the determination of final average salary, and excluding payments for military leave and any other payments made by an employer while on USERRA leave, leave of absence granted under 51 Pa.C.S. § 4102 (relating to leaves of absence for certain government employees), military leave of absence granted under 51 Pa.C.S. § 7302 (relating to granting military leaves of absence), leave granted under section 1178 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, or other types of military leave, including other types of leave payments, stipends, differential wage payments as defined in IRC § 414(u)(12) and any other payments, provided, however, that the limitation under section 401(a)(17) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 401(a)(17)) taken into account for the purpose of member contributions, including regular or joint coverage member contributions, regardless of class of service, shall apply to each member who first became a member of the Public School Employees' Retirement System on or after July 1, 1996, and who by reason of such fact is a noneligible member subject to the application of the provisions of section 8325.1 (relating to annual compensation limit under IRC § 401(a)(17)), and shall apply to each participant pertaining to the participant's participation in the plan.

"Concurrent service." Simultaneously credited school and State service.

"Creditable nonschool service." Service other than service as a school employee for which an active member may obtain credit in the system.

"Credited service." School or creditable nonschool service for which the required contributions have been made to the fund, or for which the contributions otherwise required for such service were not made solely by reason of any provision of this part relating to the

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limitations under section 401(a)(17) or 415 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 401(a)(17) or 415), or for which salary deductions to the system or lump sum payments have been agreed upon in writing.

\* \* \*

"Eligibility points." Points which are accrued by an active member, a participant, a multiple service member who is an active member of the State Employees' Retirement System for credited service or by a member or participant who has been reemployed from USERRA leave or dies while performing USERRA leave and are used in the determination of eligibility for benefits as provided in section 8306 (relating to eligibility points). A participant shall earn one eligibility point for each fiscal year in which the participant contributes to the trust. Eligibility points earned as Class T-G or Class T-H participants shall apply only for purposes of determining vesting of employer defined contributions under section 8409(b) (relating to vesting).

\* \* \*

"Final average salary." As follows:

(1) For purposes of calculating annuities and benefits from the system attributable to a class of service other than Class T-G and Class T-H, the highest average compensation received as an active member during any three nonoverlapping periods of 12 consecutive months with the compensation for part-time service being annualized on the basis of the fractional portion of the school year for which credit is received; except, if the employee was not a member for three such periods, the total compensation received as an active member annualized in the case of part-time service divided by the number of such periods of membership; in the case of a member with multiple service credit, the final average salary shall be determined by reference to compensation received by him as a school employee or a State employee or both; and, in the case of a noneligible member, subject to the application of the provisions of section 8325.1 (relating to annual compensation limit under IRC § 401(a)(17)). Final average salary shall be determined by including in compensation, payments deemed to have been made to a member reemployed from USERRA leave to the extent member contributions have been made as provided in section 8302(d)(2) (relating to credited school service) and payments made to a member on leave of absence under 51 Pa.C.S. § 4102 (relating to leaves of absence for certain government employees) as provided in section 8302(d)(6).

(2) For purposes of calculating annuities and benefits from the system attributable to Class T-G and Class T-H service, the following shall apply:

(i) The highest average compensation received as an active member during any five nonoverlapping periods of 12 consecutive months, with the compensation for part-time service being annualized on the basis of the fractional portion of the school year for which credit is received, shall be used or the calculation shall be made in accordance with the following:

(A) If the employee was not a member for five periods, the total compensation received as an active member annualized in the case of part-time service divided by the number of periods of membership.

(B) In the case of a member with multiple service credit, the final average salary shall be determined by reference to compensation received by the member as a school employee or a State employee or both.

(C) In the case of a noneligible member, subject to the application of the provisions of section 8325.1.

(ii) Final average salary shall be determined by including in compensation, payments deemed to have been made to a member reemployed from USERRA leave to the extent member contributions have been made as provided in section 8302(d)(2) and payments made to a member on leave of absence under 51 Pa.C.S. § 4102 as provided in section 8302(d)(6).

\* \* \*

"Inactive member." A member for whom no pickup contributions are being made to the fund, except in the case of an active member for whom such contributions otherwise required

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for current school service are not being made solely by reason of any provision of this part relating to the limitations under section 401(a)(17) or 415 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 401(a)(17) or 415) or because the member is on USERRA leave, who has accumulated deductions standing to his credit in the fund and for whom contributions have been made within the last two school years or a multiple service member who is active in the State Employees' Retirement System.

\* \* \*

"Intervening military service." Active military service of a member who was a school employee and an active member of the system immediately preceding his induction into the armed services or forces of the United States in order to meet a draft obligation excluding any voluntary extension of such obligational service and who becomes a school employee and an active member of the system within 90 days of the expiration of such service.

\* \* \*

"Military service." All active military service for which a member has received a discharge other than an undesirable, bad conduct, or dishonorable discharge.

\* \* \*

"Reemployed from USERRA leave." Resumption of active membership or active participation as a school employee after a period of USERRA leave, if the resumption of active membership or active participation was within the time period and under conditions and circumstances such that the school employee was entitled to reemployment rights under 38 U.S.C. Ch. 43 (relating to employment and reemployment rights of members of the uniformed services).

\* \* \*

"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 Army National Guard and Pennsylvania Air National Guard.

\* \* \*

"USERRA." The Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. Ch. 43 (relating to employment and reemployment rights of members of the uniformed services).

"USERRA leave." Any period of time for service in the uniformed services as defined in 38 U.S.C. Ch. 43 (relating to employment and reemployment rights of members of the uniformed services) by a school employee or former school employee who terminated school service to perform the service in the uniformed services, if the current or former school employee is entitled to reemployment rights under 38 U.S.C. Ch. 43 with respect to the uniformed service.

\* \* \*

(24 Pa.C.S. § 8102)

### § 8302. Credited school service.

\* \* \*

(b.1) Optional credit for leave of absence for activated military service.--

(1) Notwithstanding any other provision of this part [24 Pa.C.S. Pt. IV (relating to retirement for school employees)] to the contrary, a member who is granted leave of absence for activated military service shall be entitled to exercise any one of the following options in regard thereto:

(i) He may continue to make payments into the fund as provided for in this part during the period of his leave of absence for activated military service.

(ii) He may discontinue making payments into the fund during the period of his leave of absence for activated military service. In such event, the employer shall continue to make its contributions during this period. The employee's retirement rights shall be determined by completely disregarding the period of his leave of absence for activated military leave for all purposes.

(2) Any member desiring to exercise option (i) in paragraph (1) shall file in writing with the [Public School Employees' Retirement] board such an election within 60 days after

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the commencement of his leave of absence for activated military service or within 60 days after the effective date of this subsection, whichever shall later occur. Any member who does not exercise option (i) in this manner will be deemed to have exercised option (ii).

(3) Any member who has exercised option (ii) in paragraph (1), but who, upon the expiration of his leave of absence for activated military service, returns to his employment and desires to receive the benefits of option (i), shall have the right to receive such benefits if he shall comply with the following requirements:

(i) He shall, within one year after he returns to his employment, give written notice to the board of his desire to receive the benefits of option (i).

(ii) He shall pay into the fund an amount equal to the total payments he would have made had he exercised option (i), plus statutory interest that would have been credited to his members' savings account, had such contributions been credited with statutory interest during the period the contributions would have been made and during all periods of subsequent school and State service up to the date of payment. Upon certification of the amount due, payment may be made in a lump sum within 90 days or, in the case of an active member, it may be amortized with statutory interest through salary deductions or by personal checks in amounts agreed upon by the member and board.

(4) This subsection shall apply to leaves of absence for activated military service that commence on or before June 30, 2013.

\* \* \*

(d) Credit for military service.--A school employee who has performed USERRA leave may receive credit in the system as follows:

(1) For purposes of determining whether a member is eligible to receive credited service in the system for a period of active military service, other than active duty service to meet periodic training requirements, rendered after August 5, 1991, and that began before the effective date of this paragraph, the provisions of 51 Pa.C.S. Ch. 73 (relating to military leave of absence) shall apply to all individuals who were active members of the system when the period of military service began, notwithstanding if the member is not defined as an employee under 51 Pa.C.S. § 7301 (relating to definitions). School employees may not receive service credit or exercise the options under 51 Pa.C.S. § 7306(a), (b) and (c) (relating to retirement rights) for military leaves that begin on or after the effective date of this subsection, except otherwise provided under this subsection.

(2) A school employee who has performed USERRA leave may receive credit as provided by this paragraph.

(i) A school employee who is reemployed from USERRA leave as an active member of the system shall be treated as not having incurred a break in school service by reason of the USERRA leave and shall be granted eligibility points as if the school employee had not been on the USERRA leave. If a school employee who is reemployed from USERRA leave as an active member of the system subsequently makes regular member contributions, shared-risk member contributions and any other member contributions in the amounts and in the time periods required by 38 U.S.C. Ch. 43 (relating to employment and reemployment rights of members of the uniformed services) and IRC § 414(u) as if the school employee had continued in his school office or employment and performed school service and been compensated during the period of USERRA leave, then the school employee shall be granted school service credit for the period of USERRA leave. The employee shall have his benefits, rights and obligations determined under this part as if he was an active member who performed creditable school service during the USERRA leave in the job position that he would have held had he not been on USERRA leave and received the compensation on which the member contributions to receive school service credit for the USERRA leave were determined.

(ii) For purposes of determining whether a school employee has made the required employee contributions for school service credit for USERRA leave, if an employee who is reemployed from USERRA leave as an active member of the

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system terminates school service or dies in school service before the expiration of the allowed payment period, school service credit for the USERRA leave shall be granted as if the required member contributions were paid the day before termination or death. The amount of the required member contributions shall be treated as an incomplete payment subject to the provisions of section 8325 (relating to incomplete payments). Upon a subsequent return to school service or to State service as a multiple service member, the required member contributions treated as incomplete payments shall be treated as member contributions that were either withdrawn in a lump sum at termination or paid as a lump sum under section 8345(a)(4) (relating to member's options). For this purpose, the exclusion of Class T-E and Class T-F members from electing a form of payment under section 8345(a)(4)(iii) shall be ignored.

(iii) A school employee who is reemployed from USERRA leave as an active member of the system and who does not make the required member contributions or makes only part of the required member contributions within the allowed payment period shall not be:

(A) Granted credited service for the period of USERRA leave for which the required member contributions were not timely made.

(B) Eligible to subsequently make contributions.

(C) Granted either school service credit or nonschool service credit for the period of USERRA leave for which the required member contributions were not timely made.

(3) A school employee who is a member of the system and performs USERRA leave from which the employee could have been reemployed from USERRA leave had the school employee returned to school service in the time frames required by 38 U.S.C. Ch. 43 for reemployment rights, but did not do so, shall be able to receive creditable nonschool service as nonintervening military service for the period of USERRA leave if the employee later returns to school service and is otherwise eligible to purchase the service as nonintervening military service.

(4) An active or inactive member who, on or after the effective date of this subsection, is granted a leave of absence under section 1178 of the Public School Code, a leave of absence under 51 Pa.C.S. § 4102 (relating to leaves of absence for certain government employees) or a military leave under 51 Pa.C.S. Ch. 73, that is not USERRA leave shall be able to receive creditable nonschool service as nonintervening military service should the employee return to school service as an active member of the system and is otherwise eligible to purchase the service as nonintervening military service.

(5) If a member dies while performing USERRA leave, the beneficiaries or survivor annuitants of the deceased member shall be entitled to any additional benefits, including eligibility points, other than benefit accruals relating to the period of qualified military service, provided under this part as if the member resumed and then terminated employment on account of death.

(6) A school employee who is on a leave of absence from his duties as a school employee and for which 51 Pa.C.S. § 4102 provides that he is not to suffer a loss of pay, time or efficiency shall not be an active member, receive service credit or make member contributions for the leave of absence except as provided for in this part. Notwithstanding this paragraph, any pay the member receives under section 1178 of the Public School Code or 51 Pa.C.S. § 4102 shall be included in the determination of final average salary and other calculations in the system utilizing compensation as if the payments were compensation under this part.

(e) Military service by a participant.--A participant who has performed USERRA leave shall be treated and may make contributions as follows:

(1) A participant who is reemployed from USERRA leave may not be treated as having incurred a break in school service by reason of the USERRA leave and shall be granted eligibility points as if the participant had not been on USERRA leave. If a participant who is reemployed from USERRA leave subsequently makes mandatory pickup

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participant contributions in the amounts and in the time periods required by 38 U.S.C. Ch. 43 and IRC § 414(u) as if the participant had continued in the participant's school employment and performed school service and been compensated during the period of USERRA leave, then the participant's employer shall make the corresponding employer defined contributions. The employee shall have contributions, benefits, rights and obligations determined under this part as if the employee was an active participant who performed school service during the USERRA leave in the job position that the employee would have held had the employee not been on USERRA leave and received the compensation on which the mandatory pickup participant contributions to receive school service credit for the USERRA leave were determined, including the right to make voluntary contributions on such compensation as permitted by law.

(2) A participant who is reemployed from USERRA leave and does not make the mandatory pickup participant contributions or makes only part of the mandatory pickup participant contributions within the allowed payment period may not be eligible to make mandatory pickup participant contributions and voluntary contributions at a later date for the period of USERRA leave for which the mandatory pickup participant contributions were not timely made.

(3) A participant who performs USERRA leave from which the employee could have been reemployed from USERRA leave had the school employee returned to school service in the time frames required by 38 U.S.C. Ch. 43 for reemployment rights, but did not do so, may not be eligible to make mandatory pickup participant contributions or voluntary contributions for the period of USERRA leave should the employee later return to school service and be a participant in the plan.

(4) An active participant or inactive participant who, on or after the effective date of this subsection, is granted a leave of absence under 51 Pa.C.S. § 4102 or a military leave under 51 Pa.C.S. Ch. 73 that is not USERRA leave may not be eligible to make mandatory pickup participant contributions or voluntary contributions during or for the leave of absence or military leave, and may not have employer defined contributions made during such leave, without regard to whether or not the participant received salary, wages, stipends, differential wage payments or other payments from the participant's employer during the leave, notwithstanding any provision to the contrary in 51 Pa.C.S. § 4102 or 51 Pa.C.S. Ch. 73.

(5) If a participant dies while performing USERRA leave, then the beneficiaries or successor payees of the deceased participant are entitled to any additional benefits, other than benefit accruals relating to the period of qualified military service, provided under this part had the participant resumed and then terminated employment on account of death.

(24 Pa.C.S. § 8302)

### **§ 8304. Creditable nonschool service.**

(a) Eligibility.--An active member or a multiple service member who is an active member of the State Employees' Retirement System shall be eligible to receive Class T-C, Class T-E, Class T-F, Class T-G or Class T-H service credit for creditable nonschool service and Class T-D, Class T-E, Class T-F, Class T-G or Class T-H service for intervening military service, provided the member becomes a Class T-D member pursuant to section 8305.1 (relating to election to become a Class T-D member) or Class T-F member pursuant to section 8305.2 (relating to election to become a Class T-F member) or 8305 (relating to classes of service) or Class T-H service pursuant to section 8305.3 (relating to election to become a Class T-H member), as set forth in subsection (b) provided that he is not entitled to receive, eligible to receive now or in the future, or is receiving retirement benefits for such service under a retirement system administered and wholly or partially paid for by any other governmental agency or by any private employer, or a retirement program approved by the employer in accordance with section 8301(a)(1) (relating to mandatory and optional membership), and further provided that such service is certified by the previous employer and the manner of payment of the amount due is agreed upon by the member, the employer, and the board.

(b) Limitations on nonschool service.--Creditable nonschool service credit shall be limited



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to:

(1) Intervening military service, if the member returned to school service before July 1, 2013.

(2) Military service other than intervening military service, activated military service or service performed during USERRA leave not exceeding five years provided that a member with multiple service may not purchase more than a total of five years of military service in both the system and the State Employees' Retirement System.

\* \* \*

(8) Service in the Cadet Nurse Corps with respect to any period of training as a student or graduate nurse under a plan approved under section 2 of the act of June 15, 1943 (Public Law 78-73, 57 Stat. 153), if the total period of training under the plan was at least two years, the credit for such service not to exceed three years.

\* \* \*

(24 Pa.C.S. § 8304)

### **§ 8323. Member contributions for creditable school service.**

\* \* \*

(c) Approved leave of absence other than sabbatical leave and activated military service leave.--The contributions to be paid by an active member for credit for an approved leave of absence, other than sabbatical leave and activated military service leave, shall be sufficient to transfer his membership to Class T-C or to Class T-D if the member is a Class T-D member, to Class T-E if the member is a Class T-E member, to Class T-F if the member is a Class T-F member, to Class T-G service if the member is a Class T-G member or to Class T-H service if the member is a Class T-H member and further to provide an annuity as a Class T-C member or Class T-D member if the member is a Class T-D member, to Class T-E if the member is a Class T-E member, to Class T-F if the member is a Class T-F member, to Class T-G service if the member is a Class T-G member or to Class T-H service if the member is a Class T-H member for such additional credited service. Such amount shall be the sum of the amount required in accordance with the provisions of subsection (b) and an amount determined as the sum of the member's basic contribution rate and the normal contribution rate as provided in section 8328 (relating to actuarial cost method) during such period multiplied by the compensation which was received or which would have been received during such period and with statutory interest during all periods of subsequent school and State service up to the date of purchase.

(c.1) Activated military service leave.--The contributions to be paid by an active member for credit for all activated military service leave as if he had been in regular attendance in the duties for which he is employed shall be sufficient to provide an amount equal to the accumulated deductions which would have been standing to the credit of the member for such service had regular member contributions been made with full coverage at the rate of contribution necessary to be credited as Class T-C service or Class T-D service if the member is a Class T-D member, Class T-E service if the member is a Class T-E member or Class T-F if the member is a Class T-F member and had such contributions been credited with statutory interest during the period the contributions would have been made and during all periods of subsequent State and school service up to the date of purchase. In the case of activated military service leave beginning after the date of enactment of this subsection, contributions due from the member shall be made as if he is in regular attendance in the duties for which he is employed.

(d) Certification and payment of contributions.--

(1) In all cases other than for the purchase of credit for sabbatical leave and activated military service leave beginning before the effective date of paragraph (2), the amount payable shall be certified by the [Public School Employees' Retirement] board in accordance with methods approved by the actuary and may be paid in a lump sum within 90 days or in the case of an active member or an eligible State employee who is an active member of the State Employees' Retirement System it may be amortized with statutory interest through salary deductions to the system in amounts agreed upon by the member

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and the board. The salary deduction amortization plans agreed to by members and the board may include a deferral of payment amounts and statutory interest until the termination of school service or State service as the board in its sole discretion decides to allow. The board may limit salary deduction amortization plans to such terms as the board in its sole discretion determines. In the case of an eligible State employee who is an active member of the State Employees' Retirement System, the agreed upon salary deductions shall be remitted to the State Employees' Retirement Board, which shall certify and transfer to the board the amounts paid.

(2) In the case of activated military service leave beginning before the effective date of this paragraph, the amount payable may be paid according to this subsection or subsection (c.1), but all lump sum payments must be made within one year of the termination of activated military service leave.

(24 Pa.C.S. § 8323)

### **§ 8324. Contributions for purchase of credit for creditable nonschool service and noncreditable school service.**

\* \* \*

(b) Nonintervening military service.--The amount due for the purchase of credit for military service other than intervening military service shall be determined by applying the member's basic contribution rate plus the normal contribution rate as provided in section 8328 (relating to actuarial cost method) at the time of entry of the member into school service subsequent to such military service to one-third of his total compensation received during the first three years of such subsequent credited school service and multiplying the product by the number of years and fractional part of a year of creditable nonintervening military service being purchased together with statutory interest during all periods of subsequent school and State service to date of purchase. Upon certification of the amount due, payment may be made in a lump sum within 90 days or in the case of an active member or an eligible State employee who is an active member of the State Employees' Retirement System it may be amortized with statutory interest through salary deductions to the system in amounts agreed upon by the member and the board. The salary deduction amortization plans agreed to by members and the board may include a deferral of payment amounts and statutory interest until the termination of school service or State service as the board in its sole discretion decides to allow. The board may limit salary deduction amortization plans to such terms as the board in its sole discretion determines. In the case of an eligible State employee who is an active member of the State Employees' Retirement System, the agreed upon salary deductions shall be remitted to the State Employees' Retirement Board, which shall certify and transfer to the board the amounts paid. Application may be filed for all such military service credit upon completion of three years of subsequent credited school service and shall be credited as Class T-C service. In the event that a Class T-E member makes a purchase of credit for such military service, then such service shall be credited as Class T-E service. In the event that a Class T-F member makes a purchase of credit for such military service, then such service shall be credited as Class T-F service. In the event that a Class T-G member makes a purchase of credit for such military service, then such service shall be credited as Class T-G service. In the event that a Class T-H member makes a purchase of credit for such military service, then such service shall be credited as Class T-H service.

(c) Intervening military service.--Contributions on account of credit for intervening military service shall be determined by the member's basic contribution rate and compensation at the time of entry of the member into active military service, together with statutory interest during all periods of subsequent school and State service to date of purchase. Upon application for such credit the amount due shall be certified in the case of each member by the board, in accordance with methods approved by the actuary, and contributions may be made by one of the following methods:

- (1) Regular monthly payments during active military service.
- (2) A lump sum payment within 90 days of certification of the amount due.
- (3) Salary deductions to the system in amounts agreed upon by the member and the

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board. The salary deduction amortization plans agreed to by the members and the board may include a deferral of payment amounts and statutory interest until the termination of school service or State service as the board in its sole discretion decides to allow. The board may limit salary deduction amortization plans to such terms as the board in its sole discretion determines. In the case of an eligible State employee who is an active member of the State Employees' Retirement System, the agreed upon salary deductions shall be remitted to the State Employees' Retirement Board, which shall certify and transfer to the board the amounts paid.

(d) Other creditable nonschool service and noncreditable school service.--

(1) Contributions on account of Class T-C credit for creditable nonschool service other than military service shall be determined by applying the member's basic contribution rate plus the normal contribution rate as provided in section 8328 at the time of the member's entry into school service subsequent to such creditable nonschool service to his total compensation received during the first year of subsequent credited school service and multiplying the product by the number of years and fractional part of a year of creditable nonschool service being purchased together with statutory interest during all periods of subsequent school or State service to the date of purchase, except that in the case of purchase of credit for creditable nonschool service as set forth in section 8304(b)(5) (relating to creditable nonschool service) the member shall pay only the employee's share unless otherwise provided by law. Upon certification of the amount due, payment may be made in a lump sum within 90 days or in the case of an active member or an eligible State employee who is an active member of the State Employees' Retirement System it may be amortized with statutory interest through salary deductions to the system in amounts agreed upon by the member and the board. The salary deduction amortization plans agreed to by the members and the board may include a deferral of payment amounts and statutory interest until the termination of school service or State service as the board in its sole discretion decides to allow. The board may limit salary deduction amortization plans to such terms as the board in its sole discretion determines. In the case of an eligible State employee who is an active member of the State Employees' Retirement System, the agreed upon salary deductions shall be remitted to the State Employees' Retirement Board, which shall certify and transfer to the board the amounts paid.

(2) Contributions on account of Class T-E, Class T-F, Class T-G or Class T-H credit for creditable nonschool service other than military service shall be the present value of the full actuarial cost of the increase in the projected superannuation annuity caused by the additional service credited on account of the purchase. Upon certification of the amount due, payment may be made in a lump sum within 90 days or, in the case of an active member or an eligible State employee who is an active member of the State Employees' Retirement System, it may be amortized with statutory interest through salary deductions to the system in amounts agreed upon by the member and the board. The salary deduction amortization plans agreed to by the members and the board may include a deferral of payment amounts and statutory interest until the termination of school service or State service as the board in its sole discretion decides to allow. The board may limit salary deduction amortization plans to the terms as the board in its sole discretion determines. In the case of an eligible State employee who is an active member of the State Employees' Retirement System, the agreed upon salary deductions shall be remitted to the State Employees' Retirement Board, which shall certify and transfer to the board the amounts paid.

(3) Contributions on account of Class T-E, Class T-F, Class T-G or Class T-H credit for noncreditable school service other than military service shall be the present value of the full actuarial cost of the increase in the projected superannuation annuity caused by the additional service credited on account of the purchase. Upon certification of the amount due, payment may be made in a lump sum within 90 days or, in the case of an active member or an eligible State employee who is an active member of the State Employees' Retirement System, it may be amortized with statutory interest through salary deductions to the system in amounts agreed upon by the member and the board. The salary deduction

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amortization plans agreed to by the members and the board may include a deferral of payment amounts and statutory interest until the termination of school service or State service as the board in its sole discretion decides to allow. The [Public School Employees' Retirement] board may limit salary deduction amortization plans to the terms as the board in its sole discretion determines. In the case of an eligible State employee who is an active member of the State Employees' Retirement System, the agreed upon salary deductions shall be remitted to the State Employees' Retirement Board, which shall certify and transfer to the board the amounts paid.

(e) Creditable work experience.--Contributions on account of Class T-C, Class T-E, Class T-F, Class T-G or Class T-H credit for creditable work experience pursuant to section 8304(b)(6) shall be the present value of the full actuarial cost of the increase in the projected superannuation annuity caused by the additional service credited on account of the purchase of creditable work experience. The amount paid for the purchase of credit for creditable work experience shall not be payable as a lump sum under section 8345(a)(4)(iii) (relating to member's options). Any individual eligible to receive an annuity, excluding an annuity received under the Federal Social Security Act (42 U.S.C. § 301 et seq.), in another pension system, other than a military pension system, shall not be eligible to purchase this service.

\* \* \*

(24 Pa.C.S. § 8324)

### § 8326. Contributions by the Commonwealth.

\* \* \*

(c) Contributions after June 30, 1995.--

(1) The Commonwealth shall make contributions into the fund on behalf of all active members and participants, including members and participants on activated military service leave, for service performed after June 30, 1995, in the following manner:

(i) For members and participants who are employees of employers that are school entities, no Commonwealth contributions shall be made.

(ii) For members and participants who are employees of employers that are not school entities, the amount computed under subsection (a).

(2) The Commonwealth shall make contributions into the fund on behalf of annuitants for all amounts due to the fund after June 30, 1995, including, but not limited to, amounts due pursuant to section 8328(d) and (f), in the following manner:

(i) For members and participants who are employees of employers who are school entities, no Commonwealth contributions shall be made.

(ii) For members and participants who are employees of employers who are not school entities, the amount computed under subsection (b).

\* \* \*

(24 Pa.C.S. § 8326)

### § 8327. Payments by employers.

(a) General rule.--Each employer, including the Commonwealth as employer of employees of the Department of Education, State-owned colleges and universities, Thaddeus Stevens College of Technology, Western Pennsylvania School for the Deaf, Scotland School for Veterans' Children and The Pennsylvania State University, shall make payments to the fund each quarter in an amount equal to one-half the sum of the percentages, as determined under section 8328 (relating to actuarial cost method), applied to the total compensation during the pay periods in the preceding quarter of all its employees who were members of the system during such period, including members on activated military service leave. In the event a member on activated military service leave does not return to service for the necessary time or receives an undesirable, bad conduct or dishonorable discharge or does not elect to receive credit for activated military service under section 8302(b.1)(3) (relating to credited school service), the contributions made by the employer on behalf of such member shall be returned with valuation interest upon application by the employer.

\* \* \*

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(c) Payments by employers after June 30, 1995, and before June 30, 2019.--After June 30, 1995, and before June 30, 2019, each employer, including the Commonwealth as employer of employees of the Department of Education, State-owned colleges and universities, Thaddeus Stevens College of Technology, Western Pennsylvania School for the Deaf, Scotland School for Veterans' Children and The Pennsylvania State University, shall make payments to the fund and the trust each quarter in an amount computed in the following manner:

(1) For an employer that is a school entity, the amount shall be the sum of the percentages as determined under section 8328 applied to the total compensation during the pay periods in the preceding quarter of all employees who were active members of the system or active participants of the plan during such period, including members or active participants on activated military service leave. In the event a member on activated military service leave does not return to service for the necessary time or receives an undesirable, bad conduct or dishonorable discharge or does not elect to receive credit for activated military service under section 8302(b.1)(3), the contribution made by the employer on behalf of such member shall be returned with valuation interest upon application by the employer.

(2) For an employer that is not a school entity, the amount computed under subsection (a).

(3) For any employer, whether or not a school entity, in computing the amount of payment due each quarter, there shall be excluded from the total compensation referred to in this subsection and subsection (a) any amount of compensation of a noneligible member on the basis of which member or participant contributions have not been made by reason of the limitation under IRC § 401(a)(17), except as otherwise provided in this part. Any amount of contribution to the fund paid by the employer on behalf of a noneligible member on the basis of compensation which was subject to exclusion from total compensation in accordance with the provisions of this paragraph shall, upon the [Public School Employee's Retirement] board's determination or upon application by the employer, be returned to the employer with valuation interest. Any amount of contribution to the trust paid by the employer on behalf of a noneligible member on the basis of compensation that was subject to exclusion from total compensation in accordance with the provisions of this paragraph shall, upon the board's determination or upon application by the employer, be returned to the employer plus interest and investment gains or losses on such amount but minus investment fees and administrative charges.

(d) Payments by employers after June 30, 2019.--After June 30, 2019, each employer, including the Commonwealth as employer of employees of the Department of Education, State-owned colleges and universities, Thaddeus Stevens College of Technology, Western Pennsylvania School for the Deaf, Scotland School for Veterans' Children and The Pennsylvania State University, shall make payments to the fund and the trust within 30 days after the end of each quarter, or as determined by the board, in an amount computed in the following manner:

(1) For an employer that is a school entity, the amount shall be the sum of the percentages as determined under section 8328 applied to the total compensation during the pay periods in the preceding quarter of all employees who were active members of the system during such period, including members on activated military service leave and USERRA leave. In the event a member on activated military service leave or USERRA leave does not return to service for the necessary time or receives an undesirable, bad conduct or dishonorable discharge or does not elect to receive credit for activated military service under section 8302(b.1)(3), the contribution made by the employer on behalf of such member shall be returned with valuation interest upon application by the employer.

(2) For an employer that is not a school entity, the amount computed under subsection (a).

(3) For any employer, whether or not a school entity, in computing the amount of payment due each quarter, there shall be excluded from the total compensation referred to in this subsection and subsection (a) any amount of compensation of a noneligible member

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or participant on the basis of which member or participant contributions have not been made by reason of the limitation under IRC § 401(a)(17). Any amount of contribution to the fund paid by the employer on behalf of a noneligible member or participant on the basis of compensation that was subject to exclusion from total compensation in accordance with the provisions of this paragraph shall, upon the board's determination or upon application by the employer, be returned to the employer with valuation interest.

(e) Agreement.--The agreement of an employer listed in the definition of school employee under section 8102 (relating to definitions) or any other law to make contributions to the fund or to enroll its employees as members in the system shall be deemed to be an agreement to make contributions to the trust or enroll its employees in the plan.

(f) Contributions.--The employer employing a participant shall pick up the required mandatory participant contributions by a reduction in the compensation of the participant.

(g) Reemployed from USERRA leave.--When a school employee reemployed from USERRA leave makes the member contributions required to be granted school service credit for the USERRA leave after June 30, 2019, either by actual payment or by actuarial debt under section 8325 (relating to incomplete payments), the employer that employed the school employee when the member contributions are made, or the last employer before termination in the case of payment under section 8325, shall make the employer contributions that would have been made under this section if the employee making the member contributions after he is reemployed from USERRA leave continued to be employed in his school office or position instead of performing USERRA leave.

(24 Pa.C.S. § 8327)

### **§ 8348.4. Special supplemental postretirement adjustment.**

(a) Eligibility.--An annuitant who:

(1) retired after October 1, 1975, and before January 1, 1985;

(2) has military service as set forth in section 8304(b)(1) or (2) (relating to creditable nonschool service);

(3) is receiving or will receive retirement pay under 10 U.S.C. Ch. 67 (relating to retired pay for nonregular service) for this military service; and

(4) has not purchased nonschool service credit for this military service;

shall be eligible for this special supplemental postretirement adjustment.

(b) Calculation of adjustment.--The monthly amount of this special supplemental postretirement adjustment shall be equal to the final average salary multiplied by 2% multiplied by the years of this military service divided by 12 multiplied by any applicable early retirement or option factors.

(c) Adjustment paid.--Upon receipt of a timely request by an eligible annuitant, the system shall pay this special supplemental postretirement adjustment monthly from the effective date of this section.

(d) Adjustment enacted after death of annuitant.--No special supplemental postretirement adjustment enacted after the death of an annuitant shall be payable to the beneficiary or survivor annuitant of the deceased annuitant.

(e) Future supplemental annuities.--This special supplemental postretirement adjustment shall be included in the total annuity, and this military service shall be included in the total credited service in determining all future supplemental annuities.

(f) Time limitations.--An annuitant who is eligible for this special supplemental postretirement adjustment shall have two years from the effective date of this section within which to make a request to the system for the adjustment established in this section.

(g) Court-ordered purchase of nonschool service.--If a court of competent jurisdiction rules that an annuitant who is receiving or will receive retirement pay under 10 U.S.C. Ch. 67 for this military service is eligible under section 8304(b)(1) or (2) to purchase nonschool service credit for this military service, this special supplemental postretirement adjustment shall stop with the annuitant's purchase of nonschool service credit for this military service, and the total amount of this special supplemental postretirement paid to the annuitant from the effective date of this section shall be subtracted from any increase in the annuity caused by the court-ordered

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purchase of nonschool service credit for this military service.  
(24 Pa.C.S. § 8348.4)

### **§ 8535. Payments to school entities by Commonwealth.**

For each school year beginning with the 1995-1996 school year and ending with the 2018-2019 school year, each school entity shall be paid by the Commonwealth for contributions based upon school service of active members of the system after June 30, 1995, as follows:

(1) The Commonwealth shall pay each school entity for contributions made to the Public School Employees' Retirement Fund based upon school service of all active members, including members on activated military service leave, whose effective dates of employment with their school entities are after June 30, 1994, and who also had not previously been employed by any school entity within this Commonwealth an amount equal to the amount certified by the Public School Employees' Retirement Board as necessary to provide, together with the members' contributions, reserves on account of prospective annuities, supplemental annuities and the premium assistance program as provided in this part in accordance with section 8328 (relating to actuarial cost method), multiplied by the market value/income aid ratio of the school entity. For no school year shall any school entity receive less than the amount that would result if the market value/income aid ratio as defined in section 2501(14.1) of the Public School Code was 0.50.

(2) The Commonwealth shall pay each school entity for contributions made to the Public School Employees' Retirement Fund based upon school service of all active members, including members on activated military service leave, who are not described in paragraph (1), one-half of the amount certified by the Public School Employees' Retirement Board as necessary to provide, together with the members' contributions, reserves on account of prospective annuities, supplemental annuities and the premium assistance program as provided in this part in accordance with section 8328.

(3) School entities shall have up to five days after receipt of the Commonwealth's portion of the employer's liability to forward the payment to the Public School Employees' Retirement Fund. School entities are expected to make the full payment to the Public School Employees' Retirement Fund in accordance with section 8327 (relating to payments by employers) in the event the receipt of the Commonwealth's portion of the employer's liability is delayed because of delinquent salary reporting or other conduct by the school entities.

(24 Pa.C.S. § 8535)

### **§ 8535.1. Payments to school entities by Commonwealth commencing with the 2019-2020 school year.**

For each school year, beginning with the 2019-2020 school year, each school entity shall be paid by the Commonwealth for contributions based upon school service of active members of the system and active participants of the plan after June 30, 2018, as follows:

(1) The Commonwealth shall pay each school entity for contributions made to the fund or the trust based upon school service of all active members or active participants, including members or participants on activated or USERRA military service leave, whose effective dates of employment with their school entities are after June 30, 1994, and who also had not previously been employed by any school entity within this Commonwealth, an amount equal to the amount certified by the board as necessary to provide, together with the members' and participants' contributions, reserves on account of prospective annuities, supplemental annuities and the premium assistance program as provided in this part in accordance with section 8328 (relating to actuarial cost method), multiplied by the market value/income aid ratio of the school entity. For no school year shall any school entity receive less than the amount that would result if the market value/income aid ratio as defined in section 2501(14.1) of the Public School Code was 0.50.

(2) The Commonwealth shall pay each school entity for contributions made to the fund or the trust based upon school service of all active members or active participants,

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including members or participants on activated military service leave, and active participants of the plan who are not described in paragraph (1) one-half of the amount certified by the board as necessary to provide, together with the members' and participants' contributions, reserves on account of prospective annuities, supplemental annuities and the premium assistance program as provided in this part in accordance with section 8328.

\* \* \*

(24 Pa.C.S. § 8535.1)

### **§ 2313. Retired Pennsylvania National Guard personnel.**

(a) Promotions.--Every former officer, warrant officer or enlisted person may be promoted to the next higher grade on the Pennsylvania National Guard retired list above that presently held in a grade Federally recognized upon application and recommendation of the next higher level within the eligible retiree's chain of command if the applicant:

(1) has served a total of 25 years in the armed forces of the United States or its components, 10 years of which includes service in the 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 honorably and with distinction in the Pennsylvania Army National Guard, Pennsylvania Air National 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.

(a.1) Approval process.--A retiree's application for promotion shall be reviewed and approved in accordance with applicable regulations. The Adjutant General retains final approval authority.

(b) Computation of period of service.--In considering the period of service under this section, the following applies to calculation of deployment periods:

(1) For Pennsylvania National Guard service members deployed outside of the continental United States pursuant to 10 U.S.C. (relating to armed forces), time is doubled for this specific period of service.

(2) Pennsylvania National Guard service that counts as double time under paragraph (1) may only be calculated for and applied in the determination of the required years of service in the Pennsylvania National Guard under subsection (a)(1).

(c) Wearing uniform following retirement.--All retired officers and enlisted personnel are only entitled to wear the uniform and rank insignia of their federally recognized grade on all proper military and semi-military occasions in accordance with all applicable military uniform regulations.

(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.

(51 Pa.C.S. § 2313)

### **§ 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



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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.

(51 Pa.C.S. § 2315)

### **§ 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.

(51 Pa.C.S. § 2504)

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

(a) General rule.--If any member 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 member's usual occupation.

(51 Pa.C.S. § 3501)

### **§ 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, \$75, with \$50 for each child in excess of two, with a maximum of \$200 to be paid to their guardian.

(2) To the widow or widower, if there are no children, \$100.

(3) To the widow or widower, if there is one child, \$150.

(4) To the widow or widower, if there are two children, \$200.

(5) To the widow or widower, if there are three children, \$250.

(6) To the widow or widower, if there are four or more children, \$300.

(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, \$100.

(b) Workmen'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 [of Military and Veterans Affairs], 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

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granted, it shall be paid monthly in the manner provided by law.

(d) Term and removal.--No pension granted under this section shall be granted for a longer period than ten years; but in the case of minor children of a deceased member, the pension shall be paid until the minor child reaches 18 years of age.

(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.

(51 Pa.C.S. § 3502)

### **§ 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 \$150 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.

(51 Pa.C.S. § 7701)

### **§ 7702. Amputee and paralyzed veteran's pension.**

(a) 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 amputee and paralyzed veteran shall be paid a pension of \$150 per month. Applications for the pensions shall be made to and in the form prescribed by the department. The Adjutant General shall determine the eligibility of every applicant for a pension, and his decision in the matter shall be final.

(b) Regulations.--The Adjutant General shall promulgate such regulations as may be necessary to implement this program.

(c) Definition.--As used in this section the term "amputee and paralyzed veteran" means any person who served in the military or naval forces of the United States, or any woman's organization officially connected therewith, and who gave this Commonwealth 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 the loss or the permanent and severe or complete paralysis of two or more limbs, being defined as having at least two limbs with a 40% disability compensation rating or higher in each limb as determined and certified by the United States Department of Veterans Affairs in accordance with 38 CFR Ch. 1 Pt. 4 (relating to schedule for rating disabilities), or its successor. The term does not include any person separated from the military or naval forces of the United States under other than honorable conditions.

(51 Pa.C.S. § 7702)

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### **§ 5102. Definitions [relating to retirement for State employees and officers].**

The following words and phrases as used in this part [71 Pa.C.S. Pt. XXV (relating to retirement for State employees and officers)], unless a different meaning is plainly required by the context, shall have the following meanings:

"Academic administrator." A management employee in the field of public education whose work is directly related to academic instruction, excluding any employee in a position that is nonacademic in nature, such as, without limitation, a position that relates to admissions, financial aid, counseling, secretarial and clerical services, records management, housing, food service, maintenance and security.

\* \* \*

"Active member." A State employee, or a member on leave without pay, for whom pickup contributions are being made to the fund or for whom such contributions otherwise required for current State service are not being made solely by reason of section 5502.1 (relating to waiver of regular member contributions and Social Security integration member contributions) or any provision of this part relating to the limitations under section 401(a)(17) or 415 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 401(a)(17) or 415).

\* \* \*

"Additional accumulated deductions." The total of the additional member contributions paid into the fund on account of current service or previous State or creditable nonstate service, together with the statutory interest credited thereon until the date of termination of service. In the case of a vestee, statutory interest shall be credited until the effective date of retirement. A member's account shall not be credited with statutory interest for more than two years during a leave without pay.

\* \* \*

"Compensation." Pickup contributions and mandatory pickup participant contributions plus remuneration actually received as a State employee excluding refunds for expenses, contingency and accountable expense allowances; excluding any severance payments or payments for unused vacation or sick leave; and excluding payments for military leave and any other payments made by an employer while on USERRA leave, leave of absence granted under 51 Pa.C.S. § 4102 (relating to leaves of absence for certain government employees), military leave of absence granted under 51 Pa.C.S. § 7302 (relating to granting military leaves of absence) or other types of military leave, including other types of leave payments, stipends, differential wage payments as defined in IRC § 414(u)(12) and any other payments: Provided, however, That for purposes of determining member and employer contributions to the system and for calculating annuities and benefits from the system resulting from service performed as a Class A-5 exempt employee who first became a member on or after January 1, 2019, compensation shall not include remuneration received in any pay period for voluntary overtime service or duty that exceeds 10% of a Class A-5 exempt employee's base salary or wages in that pay period, notwithstanding the provisions of a binding arbitration award issued before July 1, 1989, under the act of June 24, 1968 (P.L.237, No.111), referred to as the Policemen and Firemen Collective Bargaining Act, and implemented by the board: Provided further, That compensation received prior to January 1, 1973, shall be subject to the limitations for retirement purposes in effect December 31, 1972, if any: Provided further, That the limitation under section 401(a)(17) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 401(a)(17)) taken into account for the purpose of member contributions, including any additional member contributions in addition to regular or joint coverage member contributions and Social Security integration contributions, regardless of class of service, shall apply to each member who first became a member of the State Employees' Retirement System on or after January 1, 1996, and who by reason of such fact is a noneligible member subject to the application of the provisions of section 5506.1(a) (relating to annual compensation limit under IRC § 401(a)(17)) and shall apply to each participant pertaining to his participation in the plan.

"Concurrent service." Service credited in more than one class of service during the same period of time.

\* \* \*

## PENNSYLVANIA LAWS RELATING TO VETERANS

"Creditable nonstate service." Service for which an active member may obtain credit in the system, other than:

- (1) service as a State employee;
- (2) service converted to State service pursuant to section 5303.1 (relating to election to convert county service to State service); or
- (3) school service converted to State service pursuant to section 5303.2 (relating to election to convert school service to State service).

"Credited service." State or creditable nonstate service for which the required contributions have been made to the fund or for which the contributions otherwise required for such service were not made solely by reason of section 5502.1 (relating to waiver of regular member contributions and Social Security integration member contributions) or any provision of this part relating to the limitations under section 401(a)(17) or 415 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 401(a)(17) or 415), except as otherwise provided in this part, or for which salary deductions or lump sum payments to the system have been agreed upon in writing.

\* \* \*

"Eligibility points." Points which are accrued by an active member, active participant or a multiple service member who is an active member in the Public School Employees' Retirement System for credited service or a member who has been reemployed from USERRA leave or a member who dies while performing USERRA leave and are used in the determination of eligibility for benefits.

\* \* \*

"Final average salary." As follows:

(1) For members with an effective date of retirement before January 1, 2019, and for purposes of calculating standard single life annuities and benefits resulting from credited service other than Class A-5 service and Class A-6 service regardless of the effective date of retirement, the highest average compensation received as a member during any three nonoverlapping periods of four consecutive calendar quarters during which the member was a State employee, with the compensation for part-time service being annualized on the basis of the fractional portion of the year for which credit is received; except if the employee was not a member for three nonoverlapping periods of four consecutive calendar quarters, the total compensation received as a member, annualized in the case of part-time service, divided by the number of nonoverlapping periods of four consecutive calendar quarters of membership.

(2) For purposes of calculating standard single life annuities and benefits from the system attributable to service as a member of Class A-5 or Class A-6, the highest average compensation received as a member during any five calendar years during which the member was a State employee, with the compensation for part-time service or for any partial year of credit annualized on the basis of the fractional portion of the year for which credit is received; except if the employee was not a member during five calendar years, the average of the number of calendar years during which the employee was an active member.

(3) For all members and for the calculation of all standard single life annuities without regard to class of membership and credited service, in the case of a member with multiple service, the final average salary shall be determined on the basis of the compensation received by him as a member of the system or as a member of the Public School Employees' Retirement System, or both, and, in the case of a member with service in more than one class of service, the final average salary for purposes of calculating annuities and benefits from all classes of service shall be determined on the basis of the compensation received by him in all classes of State service credited in the system; and, in the case of a member who first became a member on or after January 1, 1996, the final average salary shall be determined as hereinabove provided but subject to the application of the provisions of section 5506.1(a) (relating to annual compensation limit under IRC § 401(a)(17)). Final average salary shall be determined by including in compensation payments deemed to have been made to a member reemployed from USERRA leave to

## PENNSYLVANIA LAWS RELATING TO VETERANS

the extent member contributions have been made as provided in section 5302(f)(2) (relating to credited State service) and payments made to a member on leave of absence under 51 Pa.C.S. § 4102 (relating to leaves of absence for certain government employees) as provided in section 5302(f)(6).

\* \* \*

"Intervening military service." Active military service of a member who was a State employee and active member of the system immediately preceding his induction into the armed services or forces of the United States in order to meet a military obligation excluding any voluntary extension of such service and who becomes a State employee within 90 days of the expiration of such service.

\* \* \*

"Military service." All active military service for which a member has received a discharge other than an undesirable, bad conduct, or dishonorable discharge.

\* \* \*

"Normal retirement age." The normal retirement age of a member is the age set forth in section 401(a)(36) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 401(a)(36)) and in 26 C.F.R. § 1.401(a)-1(b)(2) (relating to post-ERISA qualified plans and qualified trusts; in general).

\* \* \*

"Reemployed from USERRA leave." Resumption of active membership or active participation as a State employee after a period of USERRA leave, provided, however, that the resumption of active membership or active participation was within the time period and under conditions and circumstances such that the State employee was entitled to reemployment rights under 38 U.S.C. Ch. 43 (relating to employment and reemployment rights of members of the uniformed services).

\* \* \*

"USERRA leave." Any period of time for service in the uniformed services as defined in 38 U.S.C. Ch. 43 (relating to employment and reemployment rights of members of the uniformed services) by a State employee or former State employee who terminated State service to perform such service in the uniformed services, if the current or former State employee is entitled to reemployment rights under 38 U.S.C. Ch. 43 with respect to the uniformed service.

\* \* \*

(71 Pa.C.S. § 5102)

### **§ 5302. Credited State service.**

\* \* \*

(f) Credit for military service.--A State employee who has performed USERRA leave may receive credit in the system or participate in the plan as follows:

(1) For purposes of determining whether a member is eligible to receive credited service in the system for a period of active military service, other than active duty service to meet periodic training requirements, rendered after August 5, 1991, and that began before the effective date of this paragraph, the provisions of 51 Pa.C.S. Ch. 73 (relating to military leave of absence) shall apply to all individuals who were active members of the system when the period of military service began, even if not defined as an employee pursuant to 51 Pa.C.S. § 7301 (relating to definitions).

(1.1) State employees may not receive service credit in the system or exercise the options under 51 Pa.C.S. § 7306 (relating to retirement rights) for military leaves that begin on or after the effective date of this subsection, except as otherwise provided by this subsection.

(1.2) State employees may not participate in the plan or exercise the options under 51 Pa.C.S. § 7306 for military leaves that begin on or after the effective date of this paragraph, except as otherwise provided by this subsection.

(2) A State employee who has performed USERRA leave may receive credit in the system as provided by this paragraph. The following shall apply:

(i) A State employee who is reemployed from USERRA leave as an active

## PENNSYLVANIA LAWS RELATING TO VETERANS

member of the system shall be treated as not having incurred a break in State service by reason of the USERRA leave and shall be granted eligibility points as if the State employee had not been on the USERRA leave. If a State employee who is reemployed from USERRA leave as an active member of the system subsequently makes regular member contributions, additional member contributions, Social Security integration member contributions, shared-risk member contributions and any other member contributions in the amounts and in the time periods required by 38 U.S.C. Ch. 43 (relating to employment and reemployment rights of members of the uniformed services) and IRC § 414(u) as if the State employee had continued in State office or employment and performed State service and was compensated during the period of USERRA leave, then the State employee shall be granted State service credit for the period of USERRA leave. The State employee shall have the State employee's benefits, rights and obligations determined under this part as if the State employee was an active member who performed creditable State service during the USERRA leave in the job position that the State employee would have held had the State employee not been on USERRA leave and received the compensation on which the member contributions to receive State service credit for the USERRA leave were determined.

(ii) For purposes of determining whether a State employee has made the required employee contributions for State service credit for USERRA leave, if an employee who is reemployed from USERRA leave as an active member of the system terminates State service or dies in State service before the expiration of the allowed payment period, then State service credit for the USERRA leave will be granted as if the required member contributions were paid the day before termination or death. The amount of the required member contributions will be treated as an incomplete payment subject to the provisions of section 5506 (relating to incomplete payments). Upon a subsequent return to State service or to school service as a multiple service member, the required member contributions treated as incomplete payments shall be treated as member contributions that were either withdrawn in a lump sum at termination or paid as a lump sum pursuant to section 5705(a)(4) or (a.1) (relating to member's options), as the case may be.

(iii) A State employee who is reemployed from USERRA leave as an active member of the system who does not make the required member contributions or makes only part of the required member contributions within the allowed payment period shall not be granted credited service for the period of USERRA leave for which the required member contributions were not timely made, shall not be eligible to subsequently make contributions and shall not be granted either State service credit or nonstate service credit for the period of USERRA leave for which the required member contributions were not timely made.

(2.1) (i) A participant who is reemployed from USERRA leave shall be treated as not having incurred a break in State service by reason of the USERRA leave and shall be granted eligibility points as if the participant had not been on USERRA leave. If a participant who is reemployed from USERRA leave subsequently makes mandatory pickup participant contributions in the amounts and in the time periods required by 38 U.S.C. Ch. 43 and IRC § 414(u) as if the participant had continued in his State office or employment and performed State service and been compensated during the period of USERRA leave, the participant's employer shall make the corresponding employer defined contributions. The employee shall have his contributions, benefits, rights and obligations determined under this part as if he were an active participant who performed State service during the USERRA leave in the job position that he would have held had he not been on USERRA leave and received the compensation on which the mandatory pickup participant contributions to receive State service credit for the USERRA leave were determined.

(ii) A participant who is reemployed from USERRA leave who does not make the mandatory pickup participant contributions or makes only part of the mandatory

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pickup participant contributions within the allowed payment period shall not be eligible to make mandatory pickup participant contributions or voluntary contributions at a later date for the period of USERRA leave for which the mandatory pickup participant contributions were not timely made.

(3) A State employee who is a member of the system and performs USERRA leave from which the employee could have been reemployed from USERRA leave had the State employee returned to State service in the time frames required by 38 U.S.C. Ch. 43 for reemployment rights, but did not do so, shall be able to receive creditable nonstate service as nonintervening military service for the period of USERRA leave should the employee later return to State service as an active member of the system and is otherwise eligible to purchase the service as nonintervening military service.

(3.1) A State employee who is a participant in the plan and performs USERRA leave from which the employee could have been reemployed from USERRA leave had the employee returned to State service in the time frames required by 38 U.S.C. Ch. 43 for reemployment rights, but did not do so, shall not be eligible to make mandatory pickup participant contributions or voluntary contributions for the period of USERRA leave should the employee later return to State service and be a participant in the plan.

(4) An active member or inactive member on leave without pay who on or after the effective date of this subsection is granted a leave of absence under 51 Pa.C.S. § 4102 (relating to leaves of absence for certain government employees) or a military leave under 51 Pa.C.S. Ch. 73, that is not USERRA leave shall be able to receive creditable nonstate service as nonintervening military service should the employee return to State service as an active member of the system and is otherwise eligible to purchase the service as nonintervening military service.

(4.1) An active participant or inactive participant on leave without pay who on or after the effective date of this paragraph is granted a leave of absence under 51 Pa.C.S. § 4102 or a military leave under 51 Pa.C.S. Ch. 73 that is not USERRA leave shall not be able to make mandatory pickup participant contributions or voluntary contributions during or for the leave of absence or military leave and shall not have employer defined contributions made during such leave, without regard to whether or not the State employee received salary, wages, stipends, differential wage payments or other payments from his employer during the leave, notwithstanding any provision to the contrary under 51 Pa.C.S. § 4102 or 51 Pa.C.S. Ch. 73.

(5) If a member dies while performing USERRA leave, then the beneficiaries or survivor annuitants, as the case may be, of the deceased member are entitled to any additional benefits, including eligibility points, other than benefit accruals relating to the period of qualified military service, provided under this part had the member resumed and then terminated employment on account of death.

(5.1) If a participant dies while performing USERRA leave, the beneficiaries or successor payees of the deceased participant are entitled to any additional benefits, other than benefit accruals relating to the period of qualified military service, provided under this part had the participant resumed and then terminated employment on account of death.

(6) A State employee who is on a leave of absence from his duties as a State employee for which 51 Pa.C.S. § 4102 provides that he is not to suffer a loss of pay, time or efficiency rating shall not be an active member, receive service credit or make member contributions for the leave of absence, except as provided for in this part. Notwithstanding this paragraph, any pay the member receives pursuant to 51 Pa.C.S. § 4102 shall be included in the determination of final average salary and other calculations in the system utilizing compensation as if the payments were compensation under this part.

(71 Pa.C.S. § 5302)

### § 5303. Retention and reinstatement of service credits.

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(b) Eligibility points for prospective credited service.--

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(1.3) A member of the system who is reemployed from USERRA leave or who dies while performing USERRA leave shall receive eligibility points in accordance with section 5307 for the State service that would have been performed had the member not performed USERRA leave.

\* \* \*

(71 Pa.C.S. § 5303)

### **§ 5304. Creditable nonstate service.**

(a) Eligibility.--

(1) An active member who first becomes an active member before January 1, 2011, or before December 1, 2010, as a member of the General Assembly, or a multiple service member who first becomes an active member before January 1, 2011, or before December 1, 2010, as a member of the General Assembly, and who is a school employee and an active member of the Public School Employees' Retirement System shall be eligible for Class A service credit for creditable nonstate service as set forth in subsections (b) and (c) except that intervening military service shall be credited in the class of service for which the member was eligible at the time of entering into military service and for which he makes the required contributions to the fund and except that a multiple service member who is a school employee and an active member of the Public School Employees' Retirement System shall not be eligible to purchase service credit for creditable nonstate service set forth in subsection (c)(5).

(2) An active member who first becomes an active member on or after January 1, 2011, or on or after December 1, 2010, as a member of the General Assembly and is an active member of a class of service other than Class A-5 or Class A-6, or a multiple service member who first becomes an active member on or after January 1, 2011, or on or after December 1, 2010, as a member of the General Assembly in a class of service other than Class A-5 or Class A-6, and is a school employee and an active member of the Public School Employees' Retirement System shall be eligible for Class A-3 service credit for creditable nonstate service as set forth in subsections (b) and (c) except that intervening military service shall be credited in the class of service for which the member was eligible at the time of entering into military service and for which he makes the required contributions to the fund and except that a multiple service member who is a school employee and an active member of the Public School Employees' Retirement System shall not be eligible to purchase service credit for creditable nonstate service set forth in subsection (c)(5).

(3) An active member of Class A-5 or Class A-6 or a multiple service member who has service credited only as Class A-5 or Class A-6 and is a school employee and an active member of the Public School Employees' Retirement System shall be eligible for Class A-5 service credit if a Class A-5 member and Class A-6 service credit if a Class A-6 member for creditable nonstate service as set forth in subsections (b) and (c) for which the member makes the required contributions to the fund.

\* \* \*

(c) Limitations on nonstate service.--Creditable nonstate service credit shall be limited to:

(1) intervening military service if the member returned to State service before January 1, 2012;

(2) (i) military service other than:

(A) intervening military service;

(B) military service purchasable under former section 5302(d) (relating to credited State service) or 5302(f)(1); and

(C) military service performed during USERRA leave if the member was reemployed from USERRA leave.

(ii) the total creditable nonstate service under this paragraph may not exceed five years, provided that a member with multiple service may not purchase more than a total of five years of military service in both the system and the Public School Employees' Retirement System;



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\* \* \*

(f) Temporary expansion of intervening military service.--

(1) For active military service rendered between August 2, 1990, and the effective date of this act, inclusive, the following definitions shall apply. These definitions shall not apply to members who rendered active military service on or after August 2, 1990, if the member is receiving or elects to receive credit in the system for such service pursuant to 51 Pa.C.S. Ch. 73 (relating to military leave of absence).

(2) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Induction." To be drafted or, if a member of a reserve component of the armed forces, to be ordered on or after August 2, 1990, into active military service, other than active duty to meet periodic training requirements.

"Military obligation." A draft obligation or, if a member of a reserve component of the armed forces, an order on or after August 2, 1990, to enter into active military service, other than an order to enter into active duty to meet periodic training requirements.

"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 Army National Guard and Pennsylvania Air National Guard.

(71 Pa.C.S. § 5304)

### **§ 5306.3. Election to become a Class A-4 member.**

\* \* \*

(b) Time for making election.--The election to become a Class A-4 member must be made by the member filing written notice with the board in a form and manner determined by the board no later than 45 days after notice from the board of the member's eligibility to elect Class A-4 membership. A State employee who is eligible to elect to become a Class A-4 member who begins USERRA leave during the election period without having elected Class A-4 membership shall have the election period extended by the number of days on USERRA leave.

\* \* \*

(71 Pa.C.S. § 5306.3)

### **§ 5306.6. Election to purchase nonintervening military service.**

(a) General rule.--A State employee who first becomes a State police officer on or after January 1, 2019, and before the effective date of this section, may elect to have nonintervening military service, as provided under section 5304(c)(2) (relating to creditable nonstate service), that is purchased while a State police officer apply toward the calculation of pension or retirement benefits or rights under the binding arbitration award issued under the act of June 24, 1968 (P.L.237, No.111), referred to as the Policemen and Firemen Collective Bargaining Act.

(b) Period for making election.--

(1) Except as provided under paragraph (2), a State police officer must make the election under subsection (a) by filing written notice with the board within 90 days after the effective date of this section or before the State police officer terminates service as a State police officer, whichever is first.

(2) A State police officer who may make an election under subsection (a) and who begins USERRA leave during the election period without having made an election under subsection (a) shall have the election period extended by the number of days on USERRA leave.

(c) Effect of election.--An election under subsection (a) shall permit a State police officer to purchase nonintervening military service toward the eligibility for and calculation of pension or retirement benefits or rights previously established by or as a result of a binding arbitration award under the Policemen and Firemen Collective Bargaining Act. If the election is made, only nonintervening military service purchased while a State police officer shall apply toward the eligibility for and calculation of pension or retirement benefits or rights under the binding

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arbitration award. Nonintervening military service purchased by an electing member while not a State police officer and other types of creditable nonstate service purchased by an electing member shall not apply toward the eligibility for and calculation of pension or retirement benefits or rights under the binding arbitration award. If an electing member is eligible for pension or retirement benefits or rights under the binding arbitration award, the nonintervening military service purchased while a State police officer may not be applied for eligibility or calculation of any other benefit under this part [relating to retirement for State employees and officers].

(d) Effect of failure to elect.--Failure to elect the eligibility to purchase nonintervening military service within the period under subsection (b) shall result in the inability to apply any purchase of nonintervening military service toward the eligibility for and calculation of pension or retirement benefits or rights under the binding arbitration award. If a State police officer fails to elect to become eligible to purchase nonintervening military service in the election period, the provisions under the act of June 12, 2017 (P.L.11, No.5), entitled, "An act amending Titles 24 (Education), 51 (Military Affairs) and 71 (State Government) of the Pennsylvania Consolidated Statutes, extensively revising pension provisions as follows:

In Title 24:

for retirement for school employees, in the areas of preliminary provisions, of membership, contributions and benefits, of school employees' defined contribution plan and of administration and miscellaneous provisions; and

for health insurance for retired school employees, in the area of preliminary provisions.

In Title 51:

for employment preferences and pensions, in the area of military leave of absence.

In Title 71:

for boards and offices, in the area of Independent Fiscal Office; and

for retirement for State employees and officers, in the areas of preliminary provisions, of membership, credited service, classes of service and eligibility for benefits, of contributions, of benefits, of State employees' defined contribution plan and of administration, funds, accounts, general provisions.

Providing, as to the revisions:

for construction and administration, for applicability, for liability, for member statements and for suspension of provisions of the Public Employee Retirement Study Commission Act," shall be followed.

(e) Purchase required.--Nothing under this section or section 5955(c) (relating to construction of part) shall do any of the following:

(1) Imply that the other requirements to obtain creditable nonstate service under this part shall not apply.

(2) Grant nonstate service credit for nonintervening military service unless the member completes the purchase as required under this part and by the board.

(71 Pa.C.S. § 5306.6)

### § 5307. Eligibility points.

\* \* \*

(a.1) USERRA leave.--A member of the system or participant in the plan who is reemployed from USERRA leave or who dies while performing USERRA leave shall be granted the eligibility points that he would have accrued had he continued in his State office or employment instead of performing USERRA leave. In the event that a State employee who is reemployed from USERRA leave makes the member contributions or mandatory pickup participant contributions to be granted State service credit for the USERRA leave, no additional eligibility points will be granted.

(b) Transitional rule.--

(1) In determining whether a member who is not a State employee or school employee on June 30, 2001, and July 1, 2001, and who has previous State service (except a disability annuitant who returns to State service after June 30, 2001, upon termination of the disability annuity) has the five eligibility points required by sections 5102 (relating to

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definitions), 5308(b) (relating to eligibility for annuities), 5309 (relating to eligibility for vesting), 5704(b) (relating to disability annuities) and 5705(a) (relating to member's options), only eligibility points earned by performing credited State service, USERRA leave or credited school service as an active member of the Public School Employees' Retirement System after June 30, 2001, shall be counted until such member earns one eligibility point by performing credited State service or, if a multiple service member, credited school service as an active member of the Public School Employees' Retirement System after June 30, 2001, at which time all eligibility points as determined pursuant to subsection (a) shall be counted.

(2) Any member to whom paragraph (1) applies shall be considered to have satisfied any requirement for five eligibility points contained in this part if the member:

(i) has ten or more eligibility points as determined pursuant to subsection (a);

or

(ii) has Class G, Class H, Class I, Class J, Class L, Class M or Class N service and has eight or more eligibility points as determined pursuant to subsection (a).

\* \* \*

(71 Pa.C.S. § 5307)

### **§ 5505. Contributions for the purchase of credit for creditable nonstate service.**

\* \* \*

(b) Nonintervening military service.--

(1) The amount due for the purchase of credit for military service other than intervening military service shall be determined by applying the member's basic contribution rate, the additional contribution rate plus the Commonwealth normal contribution rate for active members at the time of entry, subsequent to such military service, of the member into State service to his average annual rate of compensation as a member of the system over the first three years of such subsequent State service and multiplying the result by the number of years and fractional part of a year of creditable nonintervening military service being purchased together with statutory interest during all periods of subsequent State and school service to date of purchase. Upon application for credit for such service, payment shall be made in a lump sum within 30 days or in the case of an active member or eligible school employee who is an active member of the Public School Employees' Retirement System it may be amortized with statutory interest through salary deductions to the system in amounts agreed upon by the member and the board. The salary deduction amortization plans agreed to by members and the board may include a deferral of payment amounts and statutory interest until the termination of school service or State service as the board in its sole discretion decides to allow. The [State Employees' Retirement] board may limit salary deduction amortization plans to such terms as the board in its sole discretion determines. In the case of an eligible school employee who is an active member of the Public School Employees' Retirement System, the agreed upon salary deductions shall be remitted to the Public School Employees' Retirement Board, which shall certify and transfer to the board the amounts paid. Application may be filed for all such military service credit upon completion of three years of subsequent State service as a member of the system and shall be credited as Class A service except as provided in section 5304(a) (relating to creditable nonstate service).

(1.1) In the case of an active member who is purchasing the military service as Class A-3 service, for purposes of paragraph (1), the Commonwealth normal contribution rate for active members at the time of entry, subsequent to the military service, shall be determined using only the average new Class A-3 member.

(1.2) In the case of an active member who is purchasing the military service as Class A-5 service, for purposes of paragraph (1), the Commonwealth normal contribution rate for active members at the time of entry, subsequent to the military service, shall be determined using only the average new Class A-5 member, and the member's basic contribution rate shall be multiplied by the class of service multiplier used to calculate

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regular member contributions for Class A-5 service.

(1.3) In the case of an active member who is purchasing the military service as Class A-6 service, for purposes of paragraph (1), the Commonwealth normal contribution rate for active members at the time of entry, subsequent to the military service, shall be determined using only the average new Class A-6 member, and the member's basic contribution rate shall be multiplied by the class of service multiplier used to calculate regular member contributions for Class A-6 service.

(2) Applicants may purchase credit as follows:

(i) one purchase of the total amount of creditable nonintervening military service; or

(ii) one purchase per 12-month period of a portion of creditable nonintervening military service.

The amount of each purchase shall be not less than one year of creditable nonintervening military service.

(c) Intervening military service.--Contributions on account of credit for intervening military service shall be determined by the member's regular contribution rate, shared-risk contribution rate, Social Security integration contribution rate, the additional contribution rate which shall be applied only to those members who began service on or after the effective date of this amendatory act and compensation as a member of the system at the time of entry of the member into active military service, together with statutory interest during all periods of subsequent State and school service to date of purchase. Upon application for such credit the amount due shall be certified in the case of each member by the board in accordance with methods approved by the actuary, and contributions may be made by:

(1) regular monthly payments during active military service; or

(2) a lump sum payment within 30 days of certification; or

(3) salary deductions to the system in amounts agreed upon by the member or eligible school employee who is an active member of the Public School Employees' Retirement System and the board.

The salary deduction amortization plans agreed to by members and the board may include a deferral of payment amounts and statutory interest until the termination of school service or State service as the board in its sole discretion decides to allow. The board may limit salary deduction amortization plans to such terms as the board in its sole discretion determines. In the case of an eligible school employee who is an active member of the Public School Employees' Retirement System, the agreed upon salary deductions shall be remitted to the Public School Employees' Retirement Board, which shall certify and transfer to the board the amounts paid.

\* \* \*

(i) Purchases of nonstate service credit by State employees who first became members of the system on or after December 1, 2010.--

(1) Contributions on account of credit for creditable nonstate service other than intervening military service, nonintervening military service and magisterial service by State employees who first become members of the system on or after January 1, 2011, or on or after December 1, 2010, as a member of the General Assembly shall be equal to the full actuarial cost of the increased benefit obtained by virtue of such service.

\* \* \*

(71 Pa.C.S. § 5505)

### **§ 5506. Incomplete payments.**

(a) General rule.--In the event that a member terminates State service or a multiple service member who is an active member of the Public School Employees' Retirement System terminates school service before the agreed upon payments for credit for previous State service, USERRA leave, creditable nonstate service, social security integration, full coverage membership or return of benefits on account of returning to State service or entering school service and electing multiple service have been completed, the member or multiple service member who is an active member of the Public School Employees' Retirement System shall have the right to pay within 30 days of termination of State service or school service the

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balance due, including interest, in a lump sum and the annuity shall be calculated including full credit for the previous State service, creditable nonstate service, social security integration, or full coverage membership. In the event a member does not pay the balance due within 30 days of termination of State service or in the event a member dies in State service or within 30 days of termination of State service or in the case of a multiple service member who is an active member of the Public School Employees' Retirement System does not pay the balance due within 30 days of termination of school service or dies in school service or within 30 days of termination of school service and before the agreed upon payments have been completed, the present value of the benefit otherwise payable shall be reduced by the balance due, including interest, and the benefit payable shall be calculated as the actuarial equivalent of such reduced present value.

(b) Disallowed contributions.--No payments for service or coverage shall be allowed for which the required contributions would cause a violation of the limitation related to contributions applicable to governmental plans contained in IRC § 415. In the event that any service credit or coverage based on such disallowed contributions is granted after the effective date of this subsection, then such service credit or coverage shall be canceled and benefits calculated without regard to such service, coverage or contributions and any member contributions in excess of the limitations and statutory interest credited on those contributions shall be refunded to the member by the board.  
(71 Pa.C.S. § 5506)

### **§ 5507. Contributions to the system by the Commonwealth and other employers.**

\* \* \*

(f) Contributions resulting from members reemployed from USERRA leave.--When a State employee reemployed from USERRA leave makes the member contributions required to be granted State service credit for the USERRA leave, either by actual payment or by actuarial debt under section 5506 (relating to incomplete payments), then the Commonwealth employer or other employer by whom the State employee is employed at the time the member contributions are made, or the last employer before termination in the case of payment under section 5506, shall make whatever employer contributions would have been made under this section had the employee making the member contributions after being reemployed from USERRA leave continued to be employed in his State office or position instead of performing USERRA leave.

\* \* \*

(71 Pa.C.S. § 5507)

### **§ 5706. Termination of annuities.**

\* \* \*

(a.3) Return of benefits paid during USERRA leave.--In the event that a former State employee is reemployed from USERRA leave who had received any payments or annuity from the system during the USERRA leave, the employee shall return to the [State Employees' Retirement] board the amount so received plus statutory interest. The amount payable shall be certified in each case by the board in accordance with methods approved by the actuary and shall be paid in a lump sum within 30 days or in the case of an active member may be amortized with statutory interest through salary deductions in amounts agreed upon by the member and the board, but not longer than a period that starts with the date of reemployment and continuing for up to three times the length of the member's immediate past period of USERRA leave, with the repayment period not to exceed five years or such longer time as may be agreed to between the board and the member.

\* \* \*

(71 Pa.C.S. § 5706)

### **§ 5707. Death benefits.**

(a) Members eligible for annuities.--Any active member, inactive member, vestee or current or former State employee performing USERRA leave who dies and was eligible for an

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annuity in accordance with section 5308(a) or (b) (relating to eligibility for annuities) or special vestee who has attained superannuation age and dies before applying for a superannuation annuity shall be considered as having applied for an annuity to become effective the day before his death and in the event he has not elected an option or such election has not been approved prior to his death, it shall be assumed that he elected Option 1. For purposes of this subsection, a member with Class A-5 service or Class A-6 service who has ten or more eligibility points shall be considered eligible for an annuity based on Class A-5 or Class A-6 service, subject to a reduction factor calculated to provide benefits actuarially equivalent to an annuity starting at superannuation age, even if the member had not attained age 62.

(b) Members ineligible for annuities.--In the event of the death of a special vestee, an active member, an inactive member or a current or former State employee performing USERRA leave who is not entitled to a death benefit as provided in subsection (a), his designated beneficiary shall be paid the full amount of his total accumulated deductions.

(b.1) Members eligible for annuities in some classes of service and ineligible in other classes of service.--In the event of the death of a member who is eligible for an annuity based on service credited in some classes of service and ineligible for an annuity for service credited in other classes of service, a benefit shall be paid under subsection (a) based on the service for which an annuity is deemed payable in addition to payment under subsection (b) of the accumulated deductions attributable to service for which the member was not eligible for an annuity.

\* \* \*

(g) Required distributions.--All payments pursuant to this section shall start and be made in compliance with the minimum distribution requirements and incidental death benefit rules of IRC § 401(a)(9).

(71 Pa.C.S. § 5707)

### **§ 5708.4. Special supplemental postretirement adjustment.**

(a) Eligibility.--An annuitant who:

(1) retired after February 28, 1974, and before January 1, 1985;

(2) has military service as set forth in section 5304(c)(1) or (2) (relating to creditable nonstate service);

(3) is receiving or will receive retirement pay under 10 U.S.C. Ch. 67 (relating to retired pay for nonregular service) for this military service; and

(4) has not purchased nonstate service credit for this military service;

shall be eligible for this special supplemental postretirement adjustment.

\* \* \*

(g) Court-ordered purchase of nonstate service.--If a court of competent jurisdiction rules that an annuitant who is receiving or will receive retirement pay under 10 U.S.C. Ch. 67 for this military service is eligible under section 5304(c)(1) or (2) to purchase nonstate service credit for this military service, this special supplemental postretirement adjustment shall stop with the annuitant's purchase of nonstate service credit for this military service, and the total amount of this special supplemental postretirement adjustment paid to the annuitant from the effective date of this section shall be subtracted from any increase in the annuity caused by the court-ordered purchase of nonstate service credit for this military service.

(71 Pa.C.S. § 5708.4)

### **§ 5906. Duties of heads of departments.**

\* \* \*

(l) State employees performing USERRA or military-related leave of absence.--The head of department shall report to the board any State employee who ceases to be an active member or active participant to perform USERRA service, or who is granted a leave of absence under 51 Pa.C.S. § 4102 (relating to leaves of absence for certain government employees) or a military leave of absence under 51 Pa.C.S. § 7302 (relating to granting military leaves of absence), the date on which the USERRA service, leave of absence or military leave of absence began, the date on which the State employee is reemployed from USERRA leave

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or returns after the leave of absence or military leave of absence, if the event occurs, and any other information the board may require or direct.

(m) Differential wage payments and military leave of absence payments.--Notwithstanding the exclusion of differential wage payments as defined in IRC § 414(u)(12) from compensation under this part, the head of department of any State employee on USERRA leave shall report differential wage payments made to the employee to the board, and the head of department of any State employee on leave of absence pursuant to 51 Pa.C.S. § 4102 shall report any payment made to the employee, in the form and manner established by the board.

\* \* \*

(71 Pa.C.S. § 5906)

### **§ 5907. Rights and duties of State employees, members and participants.**

\* \* \*

(c) Multiple service membership.--Any active member who was formerly an active member in the Public School Employees' Retirement System may elect to become a multiple service member. Such election shall occur no later than 365 days after becoming an active member in this system. A State employee who is eligible to elect to become a multiple service member who begins USERRA leave during the election period without having elected multiple service membership shall have the election period extended by the number of days on USERRA leave.

\* \* \*

(d.1) State service for USERRA leave.--Any active member or inactive member on leave without pay who was reemployed from USERRA leave who desires to receive State service credit for his USERRA leave shall so notify the [State Employees' Retirement] board within the time period required under 38 U.S.C. Ch. 43 (relating to employment and reemployment rights of members of the uniformed services) and IRC § 414(u) of his desire to make the required member contributions. Upon making the required member contributions within the allowed time period, the member shall receive credit for such service as of the date the contributions are made.

(d.2) Contributions for USERRA leave.--Any active participant or inactive participant on leave without pay or former participant who was reemployed from USERRA leave who desires to make mandatory pickup participant contributions and voluntary contributions for his USERRA leave shall notify the board within the time period required under 38 U.S.C. Ch. 43 (relating to employment and reemployment rights of members of the uniformed services) and IRC § 414(u) of his desire to make such contributions. Upon the participant making the permitted mandatory pickup participant contributions within the allowed time period, the head of department shall make the corresponding employer defined contributions at the same time.

\* \* \*

(71 Pa.C.S. § 5907)

### **§ 5955. Construction of part [retirement for State employees and officers].**

\* \* \*

(c) Officer or member of the Pennsylvania State Police.--

(1) Notwithstanding a provision of subsection (a) or section 12.1 of the act of November 23, 2010 (P.L.1269, No.120), regarding the continued effectiveness of pension or retirement benefits or rights previously established by or as a result of a binding arbitration award issued before July 1, 1989, under the act of June 24, 1968 (P.L.237, No.111), referred to as the Policemen and Firemen Collective Bargaining Act, and implemented by the board, the eligibility for and calculation of pension or retirement benefits or rights under the binding arbitration award of a State employee who first becomes a State police officer on or after January 1, 2019, and before the effective date of section 5306.6 (relating to election to purchase nonintervening military service) who does not make the election under section 5306.6, shall be determined using only service performed and compensation and eligibility points earned as an officer or member of the Pennsylvania State Police or while on USERRA leave from service as an officer or member of the Pennsylvania State Police and provided that service credit and eligibility

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points for service as an officer or member of the Pennsylvania State Police shall be adjusted for any other concurrent service as a State employee.

\* \* \*

(3) The following shall apply:

(i) The eligibility for and calculation of pension or retirement benefits or rights under the binding arbitration award of a State employee who first becomes a State police officer on or after January 1, 2019, and before the effective date of section 5306.6 and who makes the election under section 5306.6, or who first becomes a State police officer on or after the effective date of section 5306.6, shall be determined using only service performed and compensation and eligibility points earned:

(A) as an officer or member of the Pennsylvania State Police;

(B) while on USERRA leave from service as an officer or member of the Pennsylvania State Police; or

(C) from creditable nonstate service purchased under section 5304(c)(2) (relating to creditable nonstate service) while an officer or member of the Pennsylvania State Police.

(ii) Service credit and eligibility points for service as an officer or member of the Pennsylvania State Police shall be adjusted for any other concurrent service as a State employee.

(iii) Any service, other than the following, purchased or performed by a State employee eligible for a benefit under the binding arbitration award shall be used to determine benefits as provided under this part in addition to any benefit an officer or member of the Pennsylvania State Police is eligible to receive under the binding arbitration award as provided under this subsection:

(A) Creditable nonstate service purchased under section 5304(c)(2) while an officer or member of the Pennsylvania State Police.

(B) Service as an officer or member of the Pennsylvania State Police.

(4) A State employee who meets either of the following and who terminates State service on or after January 1, 2019, shall be eligible to receive a maximum single life annuity before optional modification under section 5705 (relating to member's options) equal to the maximum single life annuity that the State employee is eligible to receive under this part attributable to all credited service, compensation and eligibility points:

(i) First becomes a State police officer on or after January 1, 2019, and before the effective date of section 5306.6 and who did not make the election under section 5306.6 who does not have 20 or more eligibility points as an officer or member of the Pennsylvania State Police or from USERRA leave from service as an officer or member of the Pennsylvania State Police.

(ii) First becomes a State police officer on or after January 1, 2019, and who made the election under section 5306.6, or who first becomes a State police officer on or after the effective date of section 5306.6 who does not have 20 or more eligibility points as an officer or member of the Pennsylvania State Police or from USERRA leave from service as an officer or member of the Pennsylvania State Police or from creditable nonstate service purchased under section 5304(c)(2).

\* \* \*

(71 Pa.C.S. § 5955)

### § 5955.2. Construction of part with respect to the Internal Revenue Code.

\* \* \*

(d) References to Internal Revenue Code of 1986 or the Uniformed Services Employment and Reemployment Rights Act.--References in this part to provisions of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.) or the Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103-353, 108 Stat. 3149), including for this purpose administrative regulations promulgated under the acts, are intended to include such laws and regulations as are in effect on the effective date of this section and as



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they may be amended or supplemented or supplanted by successor provisions after the effective date of this section.

\* \* \*

(71 Pa.C.S. § 5955.2)

## Chapter 5. Compensation

### Subchapter A. General Provisions

**Section 4. Disposition and Use of Proceeds [from Sale of Bonds for Veterans' Compensation].**--The proceeds realized from the sale of bonds under the provisions of this act [the act of January 5, 1933, Sp.Sess., P.L.219, No.52], and such other moneys as the General Assembly shall, from time to time, appropriate for like purposes, shall be paid into a special fund in the State Treasury, hereby created, to be known as the Veterans' Compensation Fund, and shall be used for the payment of compensation to certain veterans as provided for in the constitutional amendment hereinbefore cited and in legislation passed in conformity therewith. (1933, Sp.Sess., P.L.219, No.52, § 4)

**Section 7. Special Fund; Investments; Redemption of [Veterans' Compensation] Bonds.**--All bonds issued under the authority of this act shall be redeemed at maturity, and all interest due from time to time on such bonds shall be paid, from the Veterans' Compensation Sinking Fund. For specific purpose of redeeming said bonds at maturity and paying all interest thereon in accordance with the information received from the Governor, the General Assembly shall appropriate biennially the moneys necessary for the payment of the interest on said bonds and the principal thereof at maturity. All moneys so appropriated shall be paid into the Veterans' Compensation Sinking Fund by the State Treasurer, and all of such moneys not necessary to pay accruing interest shall be invested by the Board of Finance and Revenue in such securities as are provided by law for the investment of the sinking funds of the Commonwealth.

The Board of Finance and Revenue is authorized at any time to use any of the moneys in the Veterans' Compensation Fund, not necessary for the payment of compensation to veterans in accordance with the provisions of the constitutional amendment hereinbefore cited and the legislation passed in conformity therewith, for the purchase and retirement of all or any part of the bonds issued under the authority of this act. In the event that all or any part of said bonds shall be purchased by the Board of Finance and Revenue, they shall be canceled and returned to the State Treasurer as canceled and paid bonds and thereafter all payments of interest thereon shall cease; and the canceled bonds and coupons shall be destroyed within two years after cancellation in the presence of the Governor, the Auditor General, and the State Treasurer, and a certificate evidencing the destruction, satisfactory to the duly authorized loan and transfer agent of the Commonwealth, shall be furnished to it. All canceled bonds and coupons shall be so marked as to make the canceled bonds and coupons nonnegotiable. (1933, Sp.Sess., P.L.219, No.52, § 7)

**Section 7.1. [Transfer of Veterans' Compensation Fund Balance to General Fund]** Whenever the State Treasurer shall have paid to the loan and transfer agent sufficient moneys from the Veterans' Compensation Sinking Fund to redeem all the bonds issued pursuant to this act, and the interest thereon, and upon certification of this fact by the State Treasurer to the Governor and upon certification by the Adjutant General to the Governor that all applications for compensation filed with him on or before July 1, 1948, have been fully considered and that all compensation payable under the act of January 5, 1934 (1933-34 P.L.223), amended February 19, 1945 (P.L.3), known as the "Veterans' Compensation Act," has been paid, the balance, if any, in the Veterans' Compensation Fund shall be transferred to the General Fund. (1933, Sp.Sess., P.L.219, No.52, § 7.1)

**Section 8. Present Biennium Requirements.**--The Board of Finance and Revenue shall

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determine the amount of money necessary for the payment of interest on the bonds and the principal thereof, if any, for the two fiscal years beginning June first, one thousand nine hundred and thirty-three, and the times and amounts of such payments; and the amount so determined shall be transferred from the Veterans' Compensation Fund to the Veterans' Compensation Sinking Fund, and, for such purpose, as much of the money in the Veterans' Compensation Fund as may be necessary is hereby appropriated. Should the moneys in the Veterans' Compensation Fund for any reason not be available for the payment of interest on the bonds or the principal thereof, if any, the funds necessary for such purpose are hereby appropriated from the General Fund; and whenever any moneys are transferred from the Veterans' Compensation Fund for the payment of said interest on, and principal of, said bonds, and such moneys are needed for the payment of compensation to veterans as provided by law, there is hereby appropriated from the General Fund a sum sufficient to restore to the Veterans' Compensation Fund the moneys so transferred.  
(1933, Sp.Sess., P.L.219, No.52, § 8)

**Section 9. Quorum.**--Whenever in this act any action is to be taken or decision made by the Governor, the Auditor General, and the State Treasurer, and the three officers shall not be able unanimously to agree, the action or decision of the Governor and either the Auditor General or State Treasurer shall be binding and final, except that it shall be the mandatory duty of the Governor, the Auditor General, and the State Treasurer to issue bonds, in accordance with the constitutional amendment quoted in the first section of this act, in such time that payment of compensation to veterans, as provided for in said constitutional amendment and legislation passed in conformity therewith, may be made upon the establishment of the qualifications of those entitled thereto.  
(1933, Sp.Sess., P.L.219, No.52, § 9)

**Section 401-A. Definitions [relating to extended benefits program].**--As used in this article [Article IV-A of the Unemployment Compensation Law]:

\* \* \*

(e) "Regular benefits" means benefits payable to an individual under this act or under any other State law (including benefits payable to Federal civilian employees and to ex-servicemen pursuant to 5 U.S.C., chapter 85) other than extended benefits.

(f) "Extended benefits" means benefits (including benefits payable to Federal civilian employees and to ex-servicemen pursuant to 5 U.S.C., chapter 85) payable to an individual under the provisions of this section for weeks of unemployment in his eligibility period.

\* \* \*

(h) "Exhaustee" means an individual who, with respect to any week of unemployment in his eligibility period:

(1) has received, prior to such week, all of the regular benefits that were available to him under this act or any other State law (including dependents' allowances and benefits payable to Federal civilian employees and ex-servicemen under 5 U.S.C., chapter 85) in his current benefit year that includes such week: Provided, That, for the purposes of this subclause, an individual shall be deemed to have received all of the regular benefits that were available to him although, as a result of a pending appeal with respect to wages that were not considered in the original monetary determination in his benefit year, he may subsequently be determined to be entitled to added regular benefits; or

(2) his benefit year having expired prior to such week, has no, or insufficient, wages on the basis of which he could establish a new benefit year that would include such week; and

(3) (A) has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, the Automotive Products Trade Act of 1965 and such other Federal laws as are specified in regulations issued by the United States Secretary of Labor; and

(B) has not received and is not seeking unemployment benefits under the unemployment compensation law of the Virgin Islands or of Canada; but if he is seeking such benefits and the appropriate agency finally determines that he is not entitled to benefits under such law he is

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considered an exhaustee.

(i) "Shareable regular benefits" means regular benefits payable for compensable weeks in an individual's eligibility period which exceed twenty-six times the individual's weekly benefit rate (including allowances for dependents) in regular benefits paid during the individual's benefit year.

\* \* \*

(1936, Sp.Sess.2, P.L.2897, No.1, § 401-A)

## Subchapter B. Veterans' Compensation

### Section 1. Veterans' Compensation Act

This act shall be cited as the "Veterans' Compensation Act."

(1933, Sp.Sess., P.L.223, No.53, § 1)

### Section 2. "Veteran," and "Legal Resident of this Commonwealth," Defined

As used in this act [the Veterans' Compensation Act], the word "veteran" includes any individual, a member of the military or naval forces of the United States during the war between the United States and Spain, between the twenty-first day of April, one thousand eight hundred and ninety-eight, and the thirteenth day of August, one thousand eight hundred and ninety-eight, or who served in the China Relief Expedition, in the Philippines or Guam, between the twenty-first day of April, one thousand eight hundred and ninety-eight, and the fourth day of July, one thousand nine hundred and two, or during the World War, between the sixth day of April, one thousand nine hundred and seventeen, and the eleventh day of November, one thousand nine hundred and eighteen; but does not include (a) any individual, at any time during such periods, or thereafter, separated from such forces under other than honorable conditions; (b) any conscientious objector who performed no military duty whatever or refused to wear the uniform; or (c) any alien, at any time during such periods, or thereafter, discharged from military or naval forces on account of his alienage.

The term "legal resident of this Commonwealth" means any individual who gave the State of Pennsylvania, or any specific place in this Commonwealth, as his or her place of residence at the time of entering the military or naval forces of the United States, for such period, without regard to the place of enlistment, commission, or induction. The proof of such residence shall be either the official records on file in the War Department of the United States, or such other evidence of bona fide residence as may be deemed sufficient by the Adjutant General of Pennsylvania.

(1933, Sp.Sess., P.L.223, No.53, § 2)

### Section 3. Compensation; How Computed

Compensation shall be payable under this act [the Veterans' Compensation Act] to any veteran, a legal resident of this commonwealth, and shall be computed on the basis of ten dollars (\$10.00) for every month, and major fraction thereof, of active service in the military or naval forces of the United States, as shown by the service or other record of the veteran; except that the compensation of a veteran who died in active military service during any one of the periods as set forth in section two of the act shall be two hundred dollars. No veteran who served less than sixty days active service shall be entitled to receive any compensation under this act. Any veteran who was in active service during the periods specified shall be allowed the per monthly compensation, as designated, until his separation from service, but no veteran shall be entitled to receive compensation under this act in a sum to exceed two hundred dollars (\$200.00).

(1933, Sp.Sess., P.L.223, No.53, § 3)

### Section 4. Service for which no Allowance Shall be Made

In computing time in the service for compensation, no allowance shall be made to:

(a) Any civilian officer or employe of any branch of the military or naval forces, contract surgeon, cadet of the United States Military Academy, midshipman of the United States Naval

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Academy or of the Coast Guard, member of the Reserve Officers Training Corps. member of the Students' Army Training Corps (except as enlisted man detailed to a training detachment of any of the foregoing), Philippine Scout, member of the Philippine Guard, member of the Philippine Constabulary, member of the Puerto Rico Regiment of Infantry, member of the National Guard of Hawaii, member of the insular forces of the Navy, member of the Samoan native guard, and band of the Navy, or Indian scout, in each case, for the period of service as such.

(b) Any member of the Public Health Service, for any period during which he or she was not detailed for active duty with the Army, Navy, or Marine Corps.

(c) Any individual granted a farm or industrial furlough, for the period of such furlough.

(d) Any individual detailed for work in the Spruce Production Division of the Air Service, for the period during which his pay was equalized to conform to the pay of civilian employees in the same or like employment.

(e) Any individual who has received a bonus, gratuity, or compensation, of a nature similar to that provided for by this act [the Veterans' Compensation Act], from any other state in the Union.

(1933, Sp.Sess., P.L.223, No.53, § 4)

### **Section 5. Effect to be given Applicable Provisions**

In computing the compensation of any veteran under this act [the Veterans' Compensation Act], effect shall be given to all subdivisions of section four which are applicable.

(1933, Sp.Sess., P.L.223, No.53, § 5)

### **Section 6. National Guard Veterans of World War**

With respect to veterans of the World War, for the purpose of section three, in the case of members of the National Guard or the National guard Reserve called into service by proclamation of the President, the time of service between the date of call into service, as specified in such proclamation, and the fifth day of August, one thousand nine hundred and seventeen, both dates inclusive, shall be deemed to be active service in the military or naval forces of the United States: Provided, that in case of members of the National Guard or National Guard Reserve called into the service by proclamation of the President before the sixth day of April, one thousand nine hundred and seventeen, active service in the military or naval forces of the United States, for the purpose of this act [the Veterans' Compensation Act], shall be deemed to commence on the sixth day of April, one thousand nine hundred and seventeen.

(1933, Sp.Sess., P.L.223, No.53, § 6)

### **Section 7. Application for Compensation**

Application for compensation shall be made to the Adjutant General on such forms and in such manner as he shall prescribe.

All applications shall be made (1) personally by the veteran or (2) in case of death or mental incompetency prevent the making of a personal application, then by such representative of the veteran as the Adjutant General shall by regulation prescribe. An application made by a representative other than one authorized by such regulation shall be held void.

The Adjutant General shall not accept or consider any application filed with him after the first day of July, one thousand nine hundred forty-eight.

(1933, Sp.Sess., P.L.223, No.53, § 7)

### **Section 8. Statement of Bonus Received**

Applicants shall state on their applications whether or not they have applied for or received a bonus, gratuity, or compensation, of a nature similar to that provided for by this act [the Veterans' Compensation Act], from any other state in the Union.

(1933, Sp.Sess., P.L.223, No.53, § 8)

### **Section 9. Persons to whom Payment Shall be Made in Case of Death or Mental**

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### **Incapacity; Presumed Decedent**

Whenever, prior to the date of distribution of compensation under the provisions of this act [the Veterans' Compensation Act], a veteran entitled thereto shall have died or if such veteran shall have been or shall be determined to have been legally dead by the Federal authorities under any act for the payment of Federal benefits, or becomes mentally incapable of receiving his or her compensation, payment shall be made by the Adjutant General without proceedings in this commonwealth---

(a) In case of mental incapacity, to the guardian or committee, if any, of the veteran, or if there be no guardian or committee, than to the person with whom the veteran lives, or, in case of a veteran who is hospitalized in a State, county or Federal institution for mental or nervous diseases, upon order of the Adjutant General, without regards to the residence of the veteran, to the person or persons as would be entitled thereto under the provisions of this act if the veteran were deceased, and, in the absence of any such claimant, to the superintendent, manager or person in charge of such State, county or Federal institution, to be expended for the clothing and incidental needs of said veteran: Provided, however, That no part of this compensation shall be paid to any county or State institution for the maintenance of the veteran. A statement from the manager, superintendent or person in charge of any State, county or Federal institution wherein the veteran is a patient, shall be admitted in evidence to determine the mental condition of the veteran. Such statement shall set forth that the veteran, due to his weakness of mind, is liable to dissipate such funds as may be due him under the provisions of this act, and is apt to become the victim of designing persons.

(b) In the case of death to the following persons in the order named: surviving unremarried widow, if such widow was living with the veteran at the time of his death, or if not so living with the veteran at the time of his death, if she establish, to the satisfaction of the Adjutant General, that the living apart was not due to her wilful act and that she was actually dependent upon the veteran at the time of his death, or at any time thereafter and before the fourth day of January, one thousand nine hundred and thirty-four, or surviving minor child or surviving minor children share and share alike, or surviving mother or surviving father. The terms "mother" and "father" include mothers and fathers through adoption and persons who have, for a period of not less than one year, acted in the capacity of a foster parent to the veteran at any time prior to his or her having attained the age of eighteen (18) years.

(1933, Sp.Sess., P.L.223, No.53, § 9)

### **Section 10. Intent**

This act [the Veterans' Compensation Act] is predicated upon the belief that the people, in adopting article nine, section sixteen of the Constitution, authorizing a loan for the payment of compensation to certain persons who served in the military or naval forces of the United States, intended compensation to be paid for the service of veterans whether or not they be living when distribution is made. If the courts shall hold that the constitutional amendment cannot be thus construed, then compensation shall be payable out of borrowed funds to living veterans, and the General Assembly hereby expresses its conviction that appropriations should be made during the next five years out of current revenues for the payment of compensation to widows, orphans, or surviving parents of deceased veterans until all payments shall have been made which are contemplated by the provisions of this act.

(1933, Sp.Sess., P.L.223, No.53, § 10)

### **Section 11. Applicant to Designate Beneficiaries**

Every person making application for compensation, as herein provided, shall set forth in his or her application the names and addresses of all persons who, under this act [the Veterans' Compensation Act], would be entitled to receive the same in the event of the death of the applicant, and if such applicant shall die before the payment of such compensation, then such application shall be deemed to inure to the benefit of the person or persons next entitled thereto, and payment shall be made to such person or persons upon proof of identity satisfactory to the Adjutant General. If all persons designated herein as entitled to compensation shall die before payment thereof, the right to the compensation shall cease and

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determine. Application for compensation made in behalf of minor children shall be made by the duly appointed guardian of such children, or by any person who stands in loco parentis to such minor children, and payments shall be made to such guardians or persons.

(1933, Sp.Sess., P.L.223, No.53, § 11)

### **Section 12. Exemption from Attachment, Etc.; Assignments to Veterans' Organizations Veterans' Organizations**

No sum payable under this act [the Veterans' Compensation Act] to a veteran, or to any other person under this act, shall be subject to attachment, levy, or seizure under any legal or equitable process, and shall be exempt from all state taxation. No right to compensation under the provisions of this act shall be assignable, except as hereinafter provided, or serve as a security for any loan. Any assignment or loan made in violation of the Provisions of this section shall be held void: provided, however, That assignments to any group or organization of veterans, incorporated or unincorporated, or to any nonprofit corporation heretofore formed solely for aiding disabled or incapacitated veterans, and assignments to the State Veterans' Commission, shall be valid. The State Veterans' Commission is hereby authorized to accept such assignments, which shall be treated as confidential, and the funds realized from such assignments shall be expended by said commission solely for the aid of needy veterans and their families. Except as in this section provided, the Adjutant General shall not direct the payment, nor shall payment be made, under this act, to any person other than a veteran, or the representatives of a veteran, as in this act provided.

(1933, Sp.Sess., P.L.223, No.53, § 12)

### **Section 13. Fees for Assisting Veterans; Penalty**

Any person who charges or collects, or attempts to charge or collect, either directly or indirectly, any fee or other compensation for assisting in any manner a veteran in obtaining any of the benefits to which he or she is entitled under the provisions of this act [the Veterans' Compensation Act] shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine of not more than five hundred dollars (\$500.00), or imprisonment for not more than one year, or both, at the discretion of the court.

(1933, Sp.Sess., P.L.223, No.53, § 13)

### **Section 14. Digest and Explanation of [Veterans' Compensation] Act**

The Adjutant General shall, as soon as practicable after the approval of this act [the Veterans' Compensation Act], prepare and publish a pamphlet or pamphlets containing a digest and explanation of the provisions of this act, accompanied by such statements as he believes may be of assistance to the veterans in filing their applications, and shall, from time to time, prepare and publish such additional or supplementary information as may be found necessary.

The said pamphlet or pamphlets shall be distributed in such manner as the Adjutant General may determine to be most effective to inform veterans of their rights under this act, and the adjutant general shall enlist, as far as possible, the services of veteran organizations in this Commonwealth in the dissemination of such information.

(1933, Sp.Sess., P.L.223, No.53, § 14)

### **Section 15. Ascertainment of service; decision of Adjutant General final**

Immediately upon the passage of this act [the Veterans' Compensation Act], the Adjutant General shall ascertain the individuals who are veterans, as defined in section two, and, as to each veteran, the number of months of service as defined in section three, for which he or she is entitled to receive compensation, and his decisions shall be final and not subject to review by any court or by any other officer. In all cases not within the express purview of this act, the decision of the Adjutant General as to payment or nonpayment of compensation or eligibility therefor shall be in all things final.

(1933, Sp.Sess., P.L.223, No.53, § 15)

### **Section 16. False or fraudulent statements; penalty**

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Whoever knowingly makes any false or fraudulent statement of a material fact in any application, certificate, or document, made under the provisions of this act [the Veterans' Compensation Act], or of any regulation made by the Adjutant General in administering this act, shall be guilty of a misdemeanor, and, upon conviction thereof, be fined not more than one thousand dollars (\$1,000.00), or undergo imprisonment of not more than five years, or both, at the discretion of the court.

(1933, Sp.Sess., P.L.223, No.53, § 16)

### **Section 17. Adjutant General to administer [Veterans' Compensation] act; records**

For the purpose of carrying into effect the provisions of this act [the Veterans' Compensation Act], the Adjutant General of the Commonwealth is charged with the administration thereof, and, for that purpose, he shall prepare and distribute application blanks, investigate all claims and applications filed with him and, if satisfied of the proof of such claim or application, approve the same and direct payment thereof, and shall make any regulations necessary to the efficient administration of the provisions of this act.

The books, papers, and records, together with the filing cases and equipment, procured and used in the administration of this act shall become a part of the permanent records of the office of the Adjutant General.

(1933, Sp.Sess., P.L.223, No.53, § 17)

### **Section 22. Payment from Veterans' Compensation Fund**

The compensation payable under this act [the Veterans' Compensation Act] shall be paid by the State Treasurer from the Veterans' Compensation Fund, created or about to be created by accompanying legislation, upon requisition by the Adjutant General.

(1933, Sp.Sess., P.L.223, No.53, § 22)

### **Section 1303. Definitions [relating to taxpayer relief].**

The following words and phrases when used in this chapter [Chapter 13 of the Taxpayer Relief Act] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

\* \* \*

"Income." All income from whatever source derived, including, but not limited to:

(1) Salaries, wages, bonuses, commissions, income from self-employment, alimony, support money, cash public assistance and relief.

(2) The gross amount of any pensions or annuities, including railroad retirement benefits for calendar years prior to 1999 and 50% of railroad retirement benefits for calendar years 1999 and thereafter.

(3) (i) All benefits received under the Social Security Act (49 Stat. 620, 42 U.S.C. § 301 et seq.), except Medicare benefits, for calendar years prior to 1999, and 50% of all benefits received under the Social Security Act, except Medicare benefits, for calendar years 1999 and thereafter.

(ii) Notwithstanding any other provision of this act to the contrary, persons who, as of December 31, 2012, are eligible for the property tax or rent rebate shall remain eligible if the household income limit is exceeded due solely to a Social Security cost-of-living adjustment.

(iii) Eligibility in the property tax and rent rebate program pursuant to subparagraph (ii) shall expire on December 31, 2016.

(4) All benefits received under State unemployment insurance laws.

(5) All interest received from the Federal or any state government or any instrumentality or political subdivision thereof.

(6) Realized capital gains and rentals.

(7) Workers' compensation.

(8) The gross amount of loss of time insurance benefits, life insurance benefits and proceeds, except the first \$5,000 of the total of death benefit payments.

(9) Gifts of cash or property, other than transfers by gift between members of a

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household, in excess of a total value of \$300.

The term does not include surplus food or other relief in kind supplied by a governmental agency, property tax or rent rebate, inflation dividend, Federal veterans' disability payments or State veterans' benefits.

\* \* \*

"State veterans' benefits." Service-connected compensation or benefits of any kind provided to a veteran or an unmarried surviving spouse of a veteran by a Commonwealth agency or authorized under the laws of this Commonwealth.

\* \* \*

(2006, Sp.Sess., P.L.1873, No.1, § 1303)

### Subchapter C. World War II Veterans' Compensation

**Section 1. Citation of [World War II Veterans'] Act.**--This act shall be cited as the "World War II Veterans' Compensation Act."  
(1947, P.L.565, No.248, § 1)

**Section 2. Definitions [relating to World War II veterans' compensation].**--As used in this act [the World War II Veterans' Compensation Act] the word "veteran" includes any individual, a member of the military or naval forces of the United States, or of any of her allies during World War II, between the seventh day of December, one thousand nine hundred forty-one and the second day of September, one thousand nine hundred forty-five, but does not include, (a) any individual at any time during such periods, or thereafter, separated from such forces under other than honorable conditions, (b) any conscientious objector, who performed no military duty whatsoever, or refused to wear the uniform, or (c) any alien at any time during such periods, or thereafter, discharged from military or naval forces on account of his alienage, (d) any individual who renounced his United States citizenship during such period.

The term "legal resident of this Commonwealth" means any individual who gave the State of Pennsylvania, or any specific place in this Commonwealth, as his or her place of residence at the time of entering the military or naval forces of the United States, or of any of her allies, for such period without regard to the place of enlistment, commission or induction. The proof of such residence shall be either the official records on file in the War Department of the United States, or on file in the comparable governmental agency of any of her allies, or such other evidence of bona fide residence as may be deemed sufficient by the Adjutant General of Pennsylvania.

(1947, P.L.565, No.248, § 2)

**Section 3. Computation of Compensation.**--Compensation shall be payable under this act [the World War II Veterans' Compensation Act] to any veteran a legal resident of this Commonwealth, and shall be computed on the basis of ten dollars (\$10) for every month and major fraction thereof of active service within the United States, and fifteen dollars (\$15) for every month and major fraction thereof of active service without the United States in the military or naval forces of the United States, or of any of her allies, as shown by the service or other record of the veteran, except that the compensation of a veteran who died in active military service during the period set forth in section two of this act shall be five hundred dollars (\$500). No veteran who served less than sixty (60) days active service shall be entitled to receive any compensation under this act. Any veteran who was in active service during the periods specified shall be allowed the per monthly compensation, as designated, until the second day of March, one thousand nine hundred forty-six, but no veteran shall be entitled to receive compensation under this act in a sum to exceed five hundred dollars (\$500).  
(1947, P.L.565, No.248, § 3)

**Section 4. Time of Service Excluded From Compensation.**--In computing time in the service for compensation no allowance shall be made to:

- (a) Any civilian officer or employe of any branch of military or naval forces, contract



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surgeon, cadet of the United States Military Academy, midshipmen of the United States Naval Academy, or of the Coast Guard, member of the Reserve Officers' Training Corps, member of the Students' Army Training Corps (except an enlisted man detailed to a training detachment of any of the foregoing) in each case for the period of service as such;

(b) Any member of the Public Health Service for any period during which he or she was not detailed for active duty with the Army, Navy or Marine Corps;

(c) Any individual granted a farm or industrial furlough for the period of such furlough;

(d) Any individual who has received a bonus, gratuity or compensation of a nature similar to that provided for by this act [the World War II Veterans' Compensation Act] from any other state in the Union, or from any of the allies of the United States.

In computing the compensation of any veteran under this act, effect shall be given to all sub-divisions of this section which are applicable.

(1947, P.L.565, No.248, § 4)

**Section 5. Application for Compensation.**--Application for compensation shall be made to the Adjutant General on such forms and in such manner as he shall prescribe.

Applicants shall state on their application whether or not they have applied for or received a bonus, gratuity or compensation, of a nature similar to that provided for by this act [the World War II Veterans' Compensation Act], from any other state in the Union.

All applications shall be made, (1) personally by the veteran, or (2) in case of death or mental incompetency preventing the making of a personal application, then by such representative of the veteran as the Adjutant General shall by regulation prescribe. An application made by a representative other than one authorized by such regulation shall be held void.

The Adjutant General shall not accept or consider any application filed with him after the thirty-first day of December, one thousand nine hundred sixty-two.

(1947, P.L.565, No.248, § 5)

**Section 6. Persons to Whom Payments Shall be Made in Case of Death or Mental Incapacity.**--Whenever, prior to the date of distribution of compensation under the provisions of this act [the World War II Veterans' Compensation Act], a veteran entitled thereto shall have died, or if such veteran shall have been or shall be determined to have been legally dead by the Federal authorities under any act for the payment of Federal benefits, or becomes mentally incapable of receiving his or her compensation, payment shall be made by the Adjutant General without proceedings in this Commonwealth:

(a) In case of mental incapacity to the guardian or committee, if any, of the veteran, or if there be no guardian or committee, then to the person with whom the veteran lives, or in case of a veteran who is hospitalized in a State, county or Federal institution for mental or nervous diseases, upon order of the Adjutant General, without regard to the residence of the veteran, to the person or persons who would be entitled thereto under the provisions of this act if the veteran were deceased, and in the absence of any such claimant, to the superintendent, manager or person in charge of such State, county or Federal institution to be expended for the clothing and incidental needs of said veteran: Provided, That no part of such compensation shall be paid to any county or State institution for the maintenance of the veteran. A statement from the manager, superintendent or person in charge of any State, county or Federal institution, wherein the veteran is a patient, shall be admitted in evidence to determine the mental condition of the veteran. Such statement shall set forth that the veteran, due to his weakness of mind, is likely to dissipate such funds as may be due him under the provisions of this act, and is apt to become the victim of designing persons.

(b) In the case of death to the following persons in the order named:--Surviving unremarried widow, if such widow was living with the veteran at the time of his death, or if not so living with the veteran at the time of his death, if she establish to the satisfaction of the Adjutant General that the living apart was not due to her wilful act, and that she was actually dependent upon the veteran at the time of his death, or at any time thereafter and before the final payment shall have been made by the designated authorities; or surviving minor child, or

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surviving minor children, share and share alike, or surviving mother or surviving father. The terms "mother" and "father" include mothers and fathers through adoption, and persons who have, for a period of not less than one year, acted in the capacity of a foster parent to the veteran at any time prior to his or her having attained the age of eighteen (18) years.  
(1947, P.L.565, No.248, § 6)

**Section 7. Applicant to Designate Beneficiaries.**--Every person making application for compensation as herein provided shall set forth in his or her application the names and addresses of all persons who under this act [the World War II Veterans' Compensation Act] would be entitled to receive the same in the event of the death of the applicant, and if such applicant shall die before the payment of such compensation, then such application shall be deemed to inure to the benefit of the person or persons next entitled thereto, and payment shall be made to such person or persons upon proof of identity satisfactory to the Adjutant General. If all persons, designated herein as entitled to compensation, shall die before payment thereof, the right to the compensation shall cease and determine. Application for compensation made in behalf of minor children shall be made by the duly appointed guardian of such children, or by any person who stands in loco parentis to such minor children, and payments shall be made to such guardians or persons.  
(1947, P.L.565, No.248, § 7)

**Section 8. Exemption from Attachment, Etc.**--No sum payable under this act [the World War II Veterans' Compensation] to a veteran, or to any other person under this act, shall be subject to attachment, levy or seizure under any legal or equitable process and shall be exempt from all State taxation. No right to compensation under the provisions of this act shall be assignable, except as hereinafter provided or serve as a security for any loan. Any assignment or loan made in violation of the provisions of this section shall be held void: Provided, That assignments to any group or organization of veterans, incorporated or unincorporated, or to any nonprofit corporation, heretofore formed solely for aiding disabled or incapacitated veterans and assignments to the State Veterans' Commission shall be valid. The State Veterans' Commission is hereby authorized to accept such assignments, which shall be treated as confidential, and the funds realized from such assignments shall be expended by said commission solely for the aid of needy veterans and their families. Except as in this section provided, the Adjutant General shall not direct the payment, nor shall payment be made, under this act to any person other than a veteran or the representatives of a veteran as in this act provided.  
(1947, P.L.565, No.248, § 8)

**Section 9. Penalty for Fees for Assisting Veterans.**--Any person who charges or collects, or attempts to charge or collect, either directly or indirectly, any fee or other compensation, for assisting in any manner, a veteran in obtaining any of the benefits to which he or she is entitled under the provisions of this act [the World War II Veterans' Compensation Act] shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine of not more than five hundred dollars (\$500), or imprisonment for not more than one year, or both, at the discretion of the court.  
(1947, P.L.565, No.248, § 9)

**Section 10. Digest and Explanation of [World War II Veterans' Compensation] Act.**--The Adjutant General shall, as soon as practicable after the approval of this act, prepare and publish a pamphlet or pamphlets containing a digest and explanation of the provisions of this act, accompanied by such statements as he believes may be of assistance to the veterans in filing their applications, and shall from time to time prepare and publish such additional or supplementary information as may be found necessary.

The pamphlet or pamphlets shall be distributed in such manner as the Adjutant General may determine to be most effective to inform veterans of their rights under this act. The Adjutant General shall enlist, as far as possible, the services of veteran organizations in this

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Commonwealth in the dissemination of such information.  
(1947, P.L.565, No.248, § 10)

**Section 11. Ascertainment of Service.**--Immediately upon the passage of this act [the World War II Veterans' Compensation Act], the Adjutant General shall ascertain the individuals who are veterans as defined in section two, and as to each veteran the number of months of service as defined in sections three and four for which he or she is entitled to receive compensation, and his decisions shall be final and not subject to review by any court or by any other officer. In all cases, not within the express purview of this act, the decision of the Adjutant General as to payment or nonpayment of compensation or eligibility therefor shall be in all things final.  
(1947, P.L.565, No.248, § 11)

**Section 12. False or Fraudulent Statements; Penalty.**--Whoever knowingly makes any false or fraudulent statement of a material fact in any application, certificate or document made under the provisions of this act [the World War II Veterans' Compensation Act], or of any regulation made by the Adjutant General in administering this act, shall be guilty of a misdemeanor, and, upon conviction thereof, be fined not more than one thousand dollars (\$1,000) or undergo imprisonment of not more than five years, or both, at the discretion of the court.  
(1947, P.L.565, No.248, § 12)

**Section 13. Administration of [World War II Veterans' Compensation] Act.**--For the purpose of carrying into effect the provisions of this act, the Adjutant General of the Commonwealth is charged with the administration thereof, and for that purpose he shall prepare and distribute application blanks, investigate all claims and applications filed with him, and, if satisfied of the proof of such claim or application approve the same, and direct payment thereof and shall make any regulation necessary to the efficient administration of the provisions of this act.

The books, papers and records, together with the filing cases and equipment procured and used in the administration of this act shall become a part of the permanent records of the office of Adjutant General.

All printing necessary to carry out the provisions of this act shall be done by the Bureau of Publications on the requisition of the Adjutant General to the Department of Property and Supplies.

The Adjutant General may employ the necessary clerical help and fix their salaries and pay for postage and other expenses incurred in the administration of this act. In all appointments under this act preference shall, so far as practicable, be given to veterans as defined in this act.

Employees of the Department of Military Affairs of this Commonwealth, whose specific duty is to aid and assist veterans and their widows, children and dependents in the prosecution of claims before the Veterans Administration, or other branch of the Federal government, are hereby authorized and empowered to administer oaths and affirmations in all matters pertaining to and concerning such claims.  
(1947, P.L.565, No.248, § 13)

**Section 15. Payment.**--The compensation payable under this act [the World War II Veterans' Compensation Act] shall be paid by the State Treasurer from the World War II Veterans' Compensation Fund to be created with funds realized from a proposed bond issue, if and when authorized, upon requisition by the Adjutant General.

Payments under this act shall be made as soon as possible after funds thereof are available.  
(1947, P.L.565, No.248, § 15)

**Section 16. Payment of Compensation Dependent on Passage of Constitutional Amendment.**--The compensation payable under this act [the World War II Veterans'

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Compensation Act] shall be paid only in the event that funds are provided by a constitutional amendment authorizing the Commonwealth to increase its bonded indebtedness for this specific purpose.

(1947, P.L.565, No.248, § 16)

### Subchapter D. Korean Conflict Veterans' Compensation

**Section 1. Citation of [Korean Conflict Veterans' Compensation] Act.**--This act shall be cited as the "Korean Conflict Veterans' Compensation Act."

(1957, P.L.569, No.317, § 1)

**Section 2. Definitions [relating to Korean Conflict veterans' compensation].**--As used in this act [the Korean Conflict Veterans' Compensation Act], the word "veteran" includes any individual a member of the military, naval or air forces of the United States or of any of her allies during the Korean Conflict, between June 25, 1950, and July 27, 1953, but does not include (1) any individual at any time during such periods or thereafter separated from such forces under other than honorable conditions, (2) any conscientious objector who performed no military duty whatsoever or refused to wear the uniform, (3) any alien at any time during such periods or thereafter discharged from military, naval or air forces on account of his alienage, or (4) any individual who renounced his United States citizenship during such period.

The term "legal resident of this Commonwealth" means any individual living and residing within the Commonwealth of Pennsylvania as of January 1, 1961, or in the case of persons who were on active service with the armed forces on January 1, 1961, who were legal residents of the Commonwealth of Pennsylvania on January 1, 1961, and who gave the State of Pennsylvania or any specific place in this Commonwealth as his or her place of residence or home address at the time of entering the military, naval or air forces of the United States or of any of her allies for such period without regard to the place of enlistment, commission or induction. The proof of such residence shall be either the official records on file in the Department of Defense of the United States, or on file in the comparable governmental agency of any of her allies, or such other evidence of bona fide residence as may be deemed sufficient by the Adjutant General of Pennsylvania.

(1957, P.L.569, No.317, § 2)

**Section 3. Computation of Compensation.**--Compensation shall be payable under this act [the Korean Conflict Veterans' Compensation Act] to any veteran a legal resident of this Commonwealth and shall be computed on the basis of fifteen dollars (\$15) for every month, or major fraction thereof, of active foreign and/or sea service for those veterans who were awarded or authorized the Korean Service Medal and ten dollars (\$10) for every month, and major fraction thereof, of other active service in the military, naval or air forces of the United States or of any of her allies, as shown by the service or other record of the veteran, except that the compensation of a veteran who died in active military, naval or air service during the period set forth in section 2 of this act shall be five hundred dollars (\$500). No veteran who served less than sixty days active service during the period specified in section 2, shall be entitled to receive any compensation under this act. Any eligible veteran who was in active service during the period specified shall be allowed the per monthly compensation as designated until January 27, 1954, but no veteran shall be entitled to receive compensation under this act in a sum to exceed five hundred dollars (\$500).

Nor shall any individual who was a member of the regular armed forces of the United States with continuous service for four years immediately prior to June 25, 1950, except those who had been awarded the Korean Service Medal for active foreign and/or sea service and who have received compensation from the Commonwealth of Pennsylvania under the act of June 11, 1947 (P.L.565), known as the "World War II Veterans' Compensation Act," receive compensation under this act in a sum that would cause his total compensation under the "World War II Veterans' Compensation Act" and this act to exceed a sum of five hundred dollars (\$500) in the aggregate.

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(1957, P.L.569, No.317, § 3)

**Section 4. Time of Service Excluded From Compensation.**--In computing time in the service for compensation, no allowance shall be made to--

(1) Any civilian, officer or employe of any branch of military, naval or air forces, contract surgeon, cadet of the United States Military Academy, midshipmen of the United States Naval Academy or of the Coast Guard Academy, member of the Reserve Officers' Training Corps, member of the Students' Army Training Corps, (except an enlisted man detained to a training detachment of any of the foregoing), in each case for the period of service as such.

(2) Any member of the Public Health Service for any period during which he or she was not detailed for active duty with the Army, Navy, Marine Corps, Air Force or Coast Guard.

(3) Any individual granted a farm or industrial furlough for the period of such furlough.

(4) Any individual who has received a bonus, gratuity or compensation of a nature similar to that provided for by this act from any other state in the Union or from any of the allies of the United States.

(5) Any member of the merchant marine and maritime service.

\* \* \*

In computing the compensation of any veteran under this act, effect shall be given to all clauses of this section which are applicable.

(1957, P.L.569, No.317, § 4)

**Section 5. Application for Compensation.**--Applications for compensation shall be made to the Adjutant General on forms and in the manner as he shall prescribe.

Applicants shall state on their application whether or not they have applied for, or received, a bonus, gratuity or compensation of a nature similar to that provided for by this act [the Korean Conflict Veterans' Compensation Act] from any other state in the Union or any allies of the United States.

All applications shall be made (1) personally by the veteran, or (2) in case of death or mental incompetency preventing the making of a personal application, then by such representative of the veteran as the Adjutant General shall by regulation prescribe. An application made by a representative other than one authorized by such regulation shall be held void.

The Adjutant General shall not accept or consider any application filed or mailed after December 31, 1966.

(1957, P.L.569, No.317, § 5)

**Section 6. Persons to Whom Payments Shall be Made in Case of Death or Mental Incapacity.**--If, prior to the date of distribution of compensation under the provisions of this act [the Korean Conflict Veterans' Compensation Act], a veteran entitled thereto dies or is determined to be legally dead by the Federal authorities under any act for the payment of Federal benefits or becomes mentally incapable of receiving his or her compensation, payment shall be made by the Adjutant General without proceedings in this Commonwealth.

(1) In case of mental incapacity, to the guardian or committee, if any, of the veteran, or if there be no guardian or committee, then to the person with whom the veteran lives, or in case of a veteran who is hospitalized in a State, county or Federal institution for mental or nervous diseases upon order of the Adjutant General, without regard to the residence of the veteran, to the person or persons who would be entitled thereto under the provisions of this act, if the veteran were deceased and in the absence of any such claimant, to the superintendent, manager or person in charge of such State, county or Federal institution to be expended for the clothing and incidental needs of said veteran. No part of the compensation shall be paid to any county or State institution for the maintenance of the veterans. A statement from the manager, superintendent or person in charge of any State, county or Federal institution, wherein the veteran is a patient, shall be admitted in evidence to determine the mental condition of the veteran. The statement shall set forth that the veteran due to his weakness of mind is likely to dissipate such funds as may be due him under the provisions of this act and is apt to become

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the victim of designing persons.

(2) In the case of death, to the following persons in the order named: surviving unremarried widow if the widow was living with the veteran at the time of his death, or if not living with the veteran at the time of his death if she establish to the satisfaction of the Adjutant General that the living apart was not due to her wilful act and that she was actually dependent upon the veteran at the time of his death or at any time thereafter and before the final payment is made by the designated authorities, or surviving minor child or surviving minor children, share and share alike or surviving mother and/or surviving father. The terms "mother" and "father" include mothers and fathers through adoption and persons who have for a period of not less than one year acted in the capacity of a foster parent to the veteran immediately prior to his or her having attained the age of eighteen years.  
(1957, P.L.569, No.317, § 6)

**Section 7. Applicant to Designate Beneficiaries.**--Every person making application for compensation, as herein provided, shall set forth in his or her application the names and addresses of all persons who under this act [the Korean Conflict Veterans' Compensation Act] would be entitled to receive the same in the event of the death of the applicant, and if the applicant dies before the payment of the compensation, then the application shall be deemed to inure to the benefit of the person or persons next entitled thereto, and payment shall be made to such person or persons upon proof of identity satisfactory to the Adjutant General. If all persons designated herein as entitled to compensation die before payment thereto, the right to the compensation shall cease and determine. Application for compensation, made in behalf of minor children, shall be made by the duly appointed guardian of such children or by any person who stands in loco parentis to the minor children, and payments shall be made to the guardians or persons.  
(1957, P.L.569, No.317, § 7)

**Section 8. Exemption from Attachment, Etc.**--No sum payable under this act [the Korean Conflict Veterans' Compensation Act] to a veteran or to any other person under this act shall be subject to attachment, levy or seizure under any legal or equitable process, and shall be exempt from all State taxation. No right to compensation under the provisions of this act shall be assignable, except as hereinafter provided, or serve as a security for any loan. Any assignment or loan made in violation of the provisions of this section shall be held void. Assignments to any group or organization of veterans, incorporated or unincorporated, or to any nonprofit corporation heretofore formed, solely for aiding disabled or incapacitated veterans and assignments to the State Veterans' Commission shall be valid. The State Veterans' Commission is hereby authorized to accept the assignments which shall be treated as confidential, and the funds realized from them shall be expended by the commission solely for the aid of needy veterans and their families. Except as in this section provided, the Adjutant General shall not direct the payment nor shall payment be made under this act to any person other than a veteran or the representatives of a veteran, as in this act provided.  
(1957, P.L.569, No.317, § 8)

**Section 9. Penalty for Fees for Assisting Veterans.**--Any person who charges or collects, or attempts to charge or collect, either directly or indirectly, any fee or other compensation for assisting, in any manner, a veteran in obtaining any of the benefits to which he or she is entitled under the provisions of this act [the Korean Conflict Veterans' Compensation Act], shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine of not more than five hundred dollars (\$500) or undergo imprisonment for not more than one year, or both.  
(1957, P.L.569, No.317, § 9)

**Section 10. Digest and Explanation of [Korean Conflict Veterans' Compensation] Act.**--The Adjutant General shall, as soon as practicable after the approval of this act, prepare and publish a pamphlet or pamphlets containing a digest and explanation of the provisions of

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this act, accompanied by statements which he believes may be of assistance to the veterans in filing their applications and shall, from time to time, prepare and publish any additional or supplementary information as may be found necessary.

The pamphlet or pamphlets shall be distributed in a manner as the Adjutant General may determine to be most effective to inform veterans of their rights under this act. The Adjutant General shall enlist as far as possible the services of veteran organizations in this Commonwealth in the dissemination of such information.

(1957, P.L.569, No.317, § 10)

**Section 11. Ascertainment of Service.**--Immediately upon the passage of this act [the Korean Conflict Veterans' Compensation Act], the Adjutant General shall ascertain the individuals who are veterans as defined in section 2 and as to each veteran, the number of months of service as defined in sections 3 and 4, for which he or she is entitled to receive compensation, and his decisions shall be final and not subject to review by any court or by any other officer. In all cases not within the express purview of this act, the decision of the Adjutant General, as to payment or nonpayment of compensation or eligibility therefor, shall be in all things final.

(1957, P.L.569, No.317, § 11)

**Section 12. False or Fraudulent Statements; Penalty.**--Whoever knowingly makes any false or fraudulent statement of a material fact in any application, certificate or document made under the provisions of this act [the Korean Conflict Veterans' Compensation Act], or of any regulation made by the Adjutant General in administering this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine of not more than one thousand dollars (\$1000) or undergo imprisonment for not more than five years, or both.

(1957, P.L.569, No.317, § 12)

**Section 13. Administration of [Korean Conflict Veterans' Compensation] Act.**--For the purpose of carrying into effect the provisions of this act, the Adjutant General of the Commonwealth is charged with the administration thereof, and for that purpose, he shall prepare and distribute application blanks, investigate all claims and applications filed with him, and if satisfied of the proof of such claim or application, approve the same and direct payment thereof, and shall make any regulation necessary to the efficient administration of the provisions of this act.

The books, papers and records, together with the filing cases and equipment procured and used in the administration of this act, shall become a part of the permanent records of the office of Adjutant General.

All printing necessary to carry out the provisions of this act shall be done by the Bureau of Publications on the requisition of the Adjutant General to the Department of Property and Supplies.

The Adjutant General may employ the necessary clerical help and fix their salaries and pay for postage and other expenses incurred in the administration of this act. In all appointments under this act, preference shall, so far as practicable, be given to veterans as defined in this act.

Employees of the Department of Military Affairs of this Commonwealth, whose specific duty is to aid and assist veterans and their widows, children and dependents in the prosecution of claims before the Veterans Administration or other branch of the Federal government, are hereby authorized and empowered to administer oaths and affirmations in all matters pertaining to and concerning such claims.

(1957, P.L.569, No.317, § 13)

**Section 15. Payment.**--The compensation payable under this act [the Korean Veterans' Compensation Act] shall be paid by the State Treasurer from the Korean Conflict Veterans' Compensation Fund, to be created with funds realized from a proposed bond issue, if and when authorized, upon requisition by the Adjutant General.

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Payments under this act shall be made as soon as possible after funds thereof are available.

(1957, P.L.569, No.317, § 15)

**Section 16. Payment of Compensation Dependent on Passage of Constitutional Amendment.**--The compensation payable under this act [the Korean Veterans' Compensation Act] shall be paid only in the event that funds are provided by a constitutional amendment authorizing the Commonwealth to increase its bonded indebtedness for this specific purpose.

(1957, P.L.569, No.317, § 16)

### Subchapter E. Korean Conflict Veterans' Compensation Bonds

**Section 1. Short Title [of Korean Conflict Veterans' Compensation Bond Act].**--This act shall be known and may be cited as the "Korean Conflict Veterans' Compensation Bond Act."

(1959, P.L.285, No.39, § 1)

**Section 6. Disposition and Use of Proceeds.**--The proceeds realized from the sale of bonds under the provisions of this act [the Korean Conflict Veterans' Compensation Bond Act] shall be paid into a special fund in the State Treasury, hereby created, to be known as the Korean Conflict Veterans' Compensation Fund, and shall be used for the payment of compensation to certain veterans as provided for in the Constitutional Amendment hereinbefore cited and in legislation passed in conformity therewith.

Whenever the Adjutant General of the Commonwealth shall certify that sufficient moneys are accumulated in the Korean Conflict Veterans' Compensation Fund to meet all valid and outstanding applications for compensation, excess moneys from such fund shall be transferred to the Korean Conflict Veterans' Compensation Sinking Fund in an amount which together with the then balance in the sinking fund and the interest to be earned thereon are sufficient to redeem the bonds for which such fund is liable, and the balance, if any, in excess of the amount necessary to meet such applications and administration costs shall be transferred from the Korean Conflict Veterans' Compensation Fund to the General Fund.

(1959, P.L.285, No.39, § 6)

**Section 9. Special Fund; Investments; Redemption of Bonds.**--(a) All bonds issued under the authority of this act [the Korean Conflict Veterans' Compensation Act] shall be redeemed at maturity and all interest due from time to time on such bonds shall be paid from the Korean Conflict Veterans' Compensation Sinking Fund. For the specific purpose of redeeming said bonds at maturity and paying all interest thereon in accordance with the information received from the Governor, the General Assembly shall enact specific tax legislation to provide moneys and specifically appropriate such moneys to the Korean Conflict Veterans' Compensation Sinking Fund for the payment of interest on said bonds and the principal thereof at maturity. All moneys appropriated for these purposes shall be paid into the Korean Conflict Veterans' Compensation Sinking Fund by the State Treasurer, and all of such moneys not necessary to pay accruing interest shall be invested by the Board of Finance and Revenue in such securities as are provided by law for the investment of the sinking funds of the Commonwealth.

(b) The Board of Finance and Revenue is authorized at any time to use any of the moneys in the Korean Conflict Veterans' Compensation Fund not necessary for the payment of compensation to veterans in accordance with the provisions of the constitutional amendment hereinbefore cited and the legislation passed in conformity therewith, for the purchase and retirement of all or any part of the bonds issued under the authority of this act. In the event that all or any part of said bonds shall be purchased by the Board of Finance and Revenue, they shall be canceled and returned to the State Treasurer as canceled and paid bonds and thereafter all payments of interest thereon shall cease, and the canceled bond and coupons shall be destroyed within two years after cancellation in the presence of the Governor, the



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Auditor General and the State Treasurer, and a certificate evidencing the destruction, satisfactory to the duly authorized loan and transfer agent of the Commonwealth, shall be furnished to it. All canceled bonds and coupons shall be so marked as to make the canceled bonds and coupons nonnegotiable.  
(1959, P.L.285, No.39, § 9)

**Section 12. Expenses of Preparation, Issue and Sale of Bonds.**--For the purpose of providing the bonds and for the payment of the cost of advertising the same and for payment of the compensation of the loan and transfer agent for the biennium 1959-1961 and for all other costs and expenses in connection with the issue of and sale and registration of said bonds, there is hereby appropriated from the General Fund to the State Treasurer in accordance with the provisions of section 14 of the act of July 8, 1957 (P.L.569), known as the "Korean Conflict Veterans' Compensation Act," the sum of three hundred thousand dollars (\$300,000). Payments from said appropriation shall be made by requisition of the State Treasurer after approval of vouchers by the Governor, Auditor General and State Treasurer. The amount that shall be necessarily expended from said appropriation for the purposes stated shall be repaid from the Korean Conflict Veterans' Compensation Fund into the General Fund from the receipts of the sale of said bonds. As much of the money in the Korean Conflict Veterans' Compensation Fund as may be necessary is hereby appropriated for this purpose.  
(1959, P.L.285, No.39, § 12)

### Subchapter F. Supplemental World War II Veterans' Compensation Bonds

**Section 1. Short Title [of Supplemental World War II Veterans' Compensation Bond Act].**--This act shall be known and may be cited as the "Supplemental World War II Veterans' Compensation Bond Act."  
(1961, P.L.494, No.254, § 1)

**Section 5. Disposition and Use of Proceeds.**--The proceeds realized from the sale of bonds under the provisions of this act [the Supplemental World War II Veterans' Compensation Bond Act] shall be paid into a special fund in the State Treasury, known as the World War II Veterans' Compensation Fund, and shall be used for the payment of compensation to certain veterans as provided for in the constitutional amendment hereinbefore cited and in the act of June 11, 1947 (P.L.565), passed in conformity therewith.  
(1961, P.L.494, No.254, § 5)

**Section 8. Special Fund; Investments; Redemption of Bonds.**--All bonds issued under the authority of this act [the Supplemental World War II Veterans' Compensation Bond Act] shall be redeemed at maturity and all interest due from time to time on such bonds shall be paid from the World War II Veterans' Compensation Sinking Fund. For specific purpose of redeeming said bonds at maturity and paying all interest thereon in accordance with the information received from the Governor, the General Assembly shall appropriate, annually, the moneys necessary for the payment of the interest on said bonds and the principal thereof at maturity. All moneys so appropriated shall be paid into the World War II Veterans' Compensation Sinking Fund by the State Treasurer, and all of such moneys not necessary to pay accruing interest shall be invested by the Board of Finance and Revenue in such securities as are provided by law for the investment of the sinking funds of the Commonwealth.

The Board of Finance and Revenue is authorized at any time to use any of the moneys in the World War II Veterans' Compensation Fund not necessary for the payment of compensation to veterans in accordance with the provisions of the constitutional amendment hereinbefore cited and the legislation passed in conformity therewith, for the purchase and retirement of all or any part of the bonds issued under the authority of this act. In the event that all or any part of said bonds shall be purchased by the Board of Finance and Revenue, they shall be canceled and returned to the State Treasurer as canceled and paid bonds and thereafter all payments of interest thereon shall cease, and the canceled bonds and coupons

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shall be destroyed within two (2) years after cancellation in the presence of the Governor, the Auditor General and the State Treasurer, or their respective nominees, and a certificate evidencing the destruction, satisfactory to the duly authorized loan and transfer agent of the Commonwealth shall be furnished to it. All canceled bonds and coupons shall be so marked as to make the canceled bonds and coupons non-negotiable.

(1961, P.L.494, No.254, § 8)

### Subchapter G. Vietnam Conflict Veterans' Compensation

**Section 1. Citation of Act [the Vietnam Conflict Veterans' Compensation Act].**--This act shall be cited as the "Vietnam Conflict Veterans' Compensation Act."

(1968, P.L.405, No.183, § 1)

**Section 2. Definitions [relating to Vietnam conflict veterans' compensation].**--As used in this act [the Vietnam Conflict Veterans' Compensation Act], the word "veteran" includes any member of the armed forces of the United States eligible to receive the Vietnam Service Medal, but does not include (1) any individual at any time during such periods or thereafter separated from such forces under other than honorable conditions; (2) any individual who has renounced his United State citizenship.

The term "legal resident of this Commonwealth" means any individual who gave Pennsylvania or any specific place in this Commonwealth as his or her place of residence or home address when entering the armed forces of the United States without regard to the place of enlistment, commission, or induction. The proof of such residence shall be either the official records of the United States, or such other evidence of bona fide residence as may be deemed sufficient by the Adjutant General of Pennsylvania.

(1968, P.L.405, No.183, § 2)

**Section 3. Computation of Compensation.**--Compensation shall be payable under this act [the Vietnam Conflict Veterans' Compensation Act] only to any veteran who was a legal resident of this Commonwealth. Compensation shall be computed on the basis of twenty-five dollars (\$25) for every month, or major fraction thereof, of active service in Vietnam theatre of operations as defined for the award of the Vietnam Service Medal, or spent in military hospitals as a result of service-connected wounds, diseases, or injuries, sustained or acquired in such Vietnam theatre of operations. The compensation of a veteran who died in the active armed forces duty in the Vietnam theatre of operations or as a result of disease, wound, or injury incurred in the Vietnam theatre of operations, or those missing in action who have not been declared dead or captured shall be one thousand dollars (\$1,000). No veteran, except a veteran who has been declared missing in action or who died in active military, naval or air service during the period set forth in section 2 of this act shall be entitled to receive compensation under this act in a sum to exceed seven hundred fifty dollars (\$750).

(1968, P.L.405, No.183, § 3)

**Section 4. Application for Compensation.**--Applications for compensation shall be made to the Adjutant General on forms and in the manner as he shall prescribe.

All applications shall be made (1) personally by the veteran, or (2) in case of death or mental incompetency or missing in action preventing the making of a personal application, then by such representative of the veteran as the Adjutant General shall by regulation prescribe. An application made by a representative other than one authorized by such regulation shall be void.

The Adjutant General shall not accept or consider any application filed or mailed after four years beyond the date which Congress establishes as the end of the period of service for which a person shall be eligible to receive the Vietnam Service Medal.

(1968, P.L.405, No.183, § 4)

### Section 5. Persons to Whom Payments Shall be Made in Case of Death or Mental

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**Incapacity or Missing in Action.**--If, prior to the date of distribution of compensation under the provisions of this act [the Vietnam Conflict Veterans' Compensation Act], a veteran entitled thereto dies or is determined to be legally dead by the Federal authorities under any act for the payment of Federal benefits or becomes mentally incapable of receiving his or her compensation, payment shall be made by the Adjutant General without proceedings in this Commonwealth.

(1) In case of mental incapacity, to the guardian or committee, if any, of the veteran, or in case of a veteran who is hospitalized in a State, county or Federal institution for mental or nervous diseases upon order of the Adjutant General, without regard to the residence of the veteran, to the person or persons who would be entitled thereto under the provisions of this act, if the veteran were deceased and in the absence of any such claimant, to the superintendent, manager or person in charge of such State, county or Federal institution to be expended for the clothing and incidental needs of said veteran. No part of the compensation shall be paid to any county or State institution for the maintenance of the veterans. A statement from the manager, superintendent or person in charge of any State, county or Federal institution, wherein the veteran is a patient, shall be admitted in evidence to determine the mental condition of the veteran. The statement shall set forth that the veteran due to his weakness of mind is likely to dissipate such funds as may be due him under the provisions of this act and is apt to become the victim of designing persons.

(2) In the case of death or those missing in action, who have not been declared dead or captured, to the following persons in the order named: surviving wife or unremarried widow if the wife or widow was living with the veteran at the time of his death or departure, or if not living with the veteran at the time of his death or departure or if she establish to the satisfaction of the Adjutant General that the living apart was not due to her wilful act and that she was actually dependent upon the veteran at the time of his death or departure or at any time thereafter and before the final payment is made by the designated authorities, or surviving minor child or surviving minor children, share, and share alike or surviving mother and/or surviving father. The term "child" shall include an adopted child. The terms "mother" and "father" include mothers and fathers through adoption and persons who have for a period of not less than one year acted in the capacity of a foster parent to the veteran immediately prior to his or her having attained the age of eighteen years.

(1968, P.L.405, No.183, § 5)

**Section 6. Applicant to Designate Beneficiaries.**--Every person making application for compensation, as herein provided, shall set forth in his or her application the names and addresses of all persons who under this act [the Vietnam Conflict Veterans' Compensation Act] would be entitled to receive the same in the event of the death of the applicant, and if the applicant dies before the payment of the compensation, then the application shall be deemed to inure to the benefit of the person or persons next entitled thereto, and payments shall be made to such person or persons upon proof of identity satisfactory to the Adjutant General. If all persons designated herein as entitled to compensation die before payment thereof, the right to the compensation shall cease and determine. Application for compensation, made in behalf of minor children, shall be made by the duly appointed guardian of such children or by any person who stands in loco parentis to the minor children, and payments shall be made to the guardians or persons.

(1968, P.L.405, No.183, § 6)

**Section 7. Exemption from Attachment, etc.**--No sum payable under this act [the Vietnam Conflict Veterans' Compensation Act] to a veteran or to any other person under this act shall be subject to attachment, levy or seizure under any legal or equitable process, and shall be exempt from all State taxation. No right to compensation under the provisions of this act shall be assignable, except as hereinafter provided, or serve as a security for any loan. Any assignment or loan made in violation of the provisions of this section shall be held void. Assignments to any group or organization of veterans, incorporated or unincorporated, or to any nonprofit corporation heretofore formed, solely for aiding disabled or incapacitated

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veterans and assignments to the State Veterans' Commission shall be valid. The State Veterans' Commission is hereby authorized to accept the assignments which shall be treated as confidential, and the funds realized from them shall be expended by the commission solely for the aid of needy veterans and their families. Except as in this section provided, the Adjutant General shall not direct the payment nor shall payment be made under this act to any person other than a veteran or the representatives of a veteran, as in this act provided.  
(1968, P.L.405, No.183, § 7)

**Section 10. Ascertainment of Service.**--Immediately upon the passage of this act [the Vietnam Conflict Veterans' Compensation Act], the Adjutant General shall ascertain the individuals who are veterans as defined in section 2 and as to each veteran, the number of months of service as defined in section 3 for which he or she is entitled to receive compensation, and his decisions shall be final and not subject to review by any court or by any other officer. In all cases not within the express purview of this act, the decision of the Adjutant General, as to payment or nonpayment of compensation or eligibility therefor, shall be in all things final.  
(1968, P.L.405, No.183, § 10)

**Section 11. False or Fraudulent Statements; Penalty.**--Whoever knowingly makes any false or fraudulent statement of a material fact in any application, certificate or document made under the provisions of this act [the Vietnam Conflict Veterans' Compensation Act], or of any regulation made by the Adjutant General in administering this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine of not more than one thousand dollars (\$1,000) or undergo imprisonment for not more than five years, or both.  
(1968, P.L.405, No.183, § 11)

**Section 14. Payment.**--(a) The compensation payable under this act [the Vietnam Conflict Veterans' Compensation Act] shall be paid by the State Treasurer from the Vietnam Conflict Veterans' Compensation Fund, to be created with funds realized from a proposed bond issue, if and when approved pursuant to Article VIII, section 7(a)(3) of the Constitution of Pennsylvania, upon requisition by the Adjutant General.

(b) Payments under this act shall be made as soon as possible after funds thereof are available.

(c) Compensation paid for hospitalization under section 3 hereof spent in military hospitals outside of the Vietnam theatre of operations shall be paid from the Vietnam Conflict Veterans' Compensation Fund, if and when approved by the electorate.  
(1968, P.L.405, No.183, § 14)

### Subchapter H. Vietnam Conflict Veterans' Compensation Bonds

**Section 1. Short Title [of Vietnam Conflict Veterans' Compensation Bond Act].**--This act shall be known and may be cited as the "Vietnam Conflict Veterans' Compensation Bond Act."  
(1969, P.L.40, No.14, § 1)

**Section 2. Authority to Borrow.**--The Governor, the Auditor General and the State Treasurer are hereby authorized and directed to borrow, on the credit of the Commonwealth of Pennsylvania, such sum or sums of money not exceeding in the aggregate, at any one time, the sum of sixty-five million dollars (\$65,000,000) as may be found necessary to carry out the purposes of the act of July 18, 1968 (P.L.405, No.183), known as the "Vietnam Conflict Veterans' Compensation Act."  
(1969, P.L.40, No.14, § 2)

**Section 6. Disposition and Use of Proceeds.**--The proceeds realized from the sale of bonds under the provisions of this act shall be paid into a special fund in the State Treasury,

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hereby created, to be known as the Vietnam Conflict Veterans' Compensation Fund, and shall be used for the payment of compensation to certain veterans as provided for in the "Vietnam Conflict Veterans' Compensation Act," hereinbefore cited.

(1969, P.L.40, No.14, § 6)

**Section 9. Special Fund; Investments; Redemption of Bonds.**--(a) All bonds issued under the authority of this act [the Vietnam Conflict Veterans' Compensation Bond Act] shall be redeemed at maturity and all interest due from time to time on such bonds shall be paid from the Vietnam Conflict Veterans' Compensation Sinking Fund. For the specific purpose of redeeming said bonds at maturity and paying all interest thereon in accordance with the information received from the Governor, the General Assembly shall appropriate moneys to the Vietnam Conflict Veterans' Compensation Sinking Fund for the payment of interest on said bonds and the principal thereof at maturity. All moneys appropriated for these purposes shall be paid into the Vietnam Conflict Veterans' Compensation Sinking Fund by the State Treasurer, and all of such moneys not necessary to pay accruing interest shall be invested by the Board of Finance and Revenue in such securities as are provided by law for the investment of the sinking funds of the Commonwealth.

(b) The Board of Finance and Revenue is authorized at any time to use any of the moneys in the Vietnam Conflict Veterans' Compensation Fund not necessary for the payment of compensation to veterans in accordance with the provisions of the act of July 18, 1968 (Act No. 183), known as the "Vietnam Conflict Veterans' Compensation Act," for the purchase and retirement of all or any part of the bonds issued under the authority of this act. In the event that all or any part of said bonds shall be purchased by the Board of Finance and Revenue, they shall be canceled and returned to the State Treasurer as canceled and paid bonds and thereafter all payments of interest thereon shall cease, and the canceled bonds and coupons shall be destroyed within two years after cancellation in the presence of the Governor, the Auditor General and the State Treasurer, and a certificate evidencing the destruction, satisfactory to the duly authorized loan and transfer agent of the Commonwealth, shall be furnished to it. All canceled bonds and coupons shall be so marked as to make the canceled bonds and coupons nonnegotiable.

(1969, P.L.40, No.14, § 9)

**Section 12. Expenses of Preparation, Issue and Sale of Bonds.**--There is hereby transferred from the General Fund to the Vietnam Conflict Veterans' Compensation Fund the sum of seventy-five thousand dollars (\$75,000). The State Treasurer is hereby authorized to expend such amounts as are approved by the Governor, Auditor General and State Treasurer for the purpose of providing the bonds and for the payment of costs of advertising the same and for payment of the compensation of the loan and transfer agent and for all other costs and expenses in connection with the issue of and sale and registration of said bonds in connection with the Vietnam Conflict Veterans' Compensation Act. The amount transferred from the General Fund shall be repaid from the Vietnam Conflict Veterans' Compensation Fund into the General Fund from the receipts of the sale of said bonds. As much of the money in the Vietnam Conflict Veterans' Compensation Fund as may be necessary is hereby appropriated for this purpose.

(1969, P.L.40, No.14, § 12)

**Section 1. [Removal of interest rate and interest cost limits from Vietnam Conflict Veterans' Compensation Bond Act]** The limits heretofore imposed by the following statutes upon the rates of interest and interest costs permitted to be paid upon bonds, obligations and indebtedness issued by the Commonwealth or its agencies or instrumentalities or authorities, and by local political subdivisions or their agencies or authorities, are hereby removed for such bonds, obligations or indebtedness so issued:

\* \* \*

(12) The act of May 15, 1969 (P.L.40, No.14), known as the "Vietnam Conflict Veterans' Compensation Bond Act."

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(1970, P.L.485, No.165, § 1)

## Subchapter I. Vietnam Conflict Prisoners of War Compensation

**Section 1. Citation of Act [the Vietnam Conflict Prisoners of War Compensation Act].**--This act shall be cited as the "Vietnam Conflict Prisoners of War Compensation Act."  
(1972, P.L.1720, No.370, § 1)

**Section 2. Definitions [relating to Vietnam conflict prisoners of war compensation].**--As used in this act [the Vietnam Conflict Prisoners of War Compensation Act], the word "prisoner of war veteran" includes any member of the armed forces of the United States eligible to receive the Vietnam Service Medal and who was a prisoner of the Vietcong, North Vietnam or its allies during the Vietnam Conflict, but does not include (1) any individual at any time during such periods or thereafter separated from such forces under other than honorable conditions; (2) any individual who has renounced his United States citizenship; or (3) any person who does not qualify as a legal resident of this Commonwealth.

The term "legal resident of this Commonwealth" means any individual who gave Pennsylvania or any specific place in this Commonwealth as his or her place of residence or home address when entering the armed forces of the United States without regard to the place of enlistment, commission, or induction. The proof of such residence shall be either the official records of the United States, or such other evidence of bona fide residence as may be deemed sufficient by the Adjutant General of Pennsylvania.  
(1972, P.L.1720, No.370, § 2)

**Section 3. Compensation.**--The compensation for a returning prisoner of war veteran who was taken prisoner of war while on active armed forces duty shall be one thousand dollars (\$1,000).  
(1972, P.L.1720, No.370, § 3)

**Section 4. Application for Compensation.**--Applications for compensation shall be made to the Adjutant General on forms and in the manner as he shall prescribe.

All applications shall be made (1) personally by the prisoner of war veteran, or (2) in case of death or mental incompetency preventing the making of a personal application, then by such representative of the prisoner of war veteran as the Adjutant General shall by regulation prescribe. An application made by a representative other than one authorized by such regulation shall be void.

The Adjutant General shall not accept or consider any application filed or mailed after two years beyond the date which Congress establishes as the end of the period of service for which a person shall be eligible to receive the Vietnam Service Medal.  
(1972, P.L.1720, No.370, § 4)

**Section 5. Applicant to Designate Beneficiaries.**--Every person making application for compensation, as herein provided, shall set forth in his or her application the names and addresses of all persons who under this act [the Vietnam Conflict Prisoners of War Compensation Act] would be entitled to receive the same in the event of the death of the applicant, and if the applicant dies before the payment of the compensation, then the application shall be deemed to inure to the benefit of the person or persons next entitled thereto, and payments shall be made to such person or persons upon proof of identity satisfactory to the Adjutant General. If all persons designated herein as entitled to compensation die before payment thereof, the right to the compensation shall cease and determine. Application for compensation, made in behalf of minor children, shall be made by the duly appointed guardian of such children or by any person who stands in loco parentis to the minor children, and payments shall be made to the guardians or persons.  
(1972, P.L.1720, No.370, § 5)

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**Section 6. Exemption from Attachment, Etc.**--No sum payable under this act [the Vietnam Conflict Prisoners of War Compensation Act] to a prisoner of war veteran or to any other person under this act shall be subject to attachment, levy or seizure under any legal or equitable process, and shall be exempt from all State taxation. No right to compensation under the provisions of this act shall be assignable, except as hereinafter provided, or serve as a security for any loan. Any assignment or loan made in violation of the provisions of this section shall be held void. Assignments to any group or organization of veterans, incorporated or unincorporated, or to any nonprofit corporation heretofore formed, solely for aiding disabled or incapacitated veterans and assignments to the State Veterans' Commission shall be valid. The State Veterans' Commission is hereby authorized to accept the assignments which shall be treated as confidential, and the funds realized from them shall be expended by the commission solely for the aid of needy prisoner of war veterans and their families. Except as in this section provided, the Adjutant General shall not direct the payment nor shall payment be made under this act to any person other than a prisoner of war veteran or the representatives of a prisoner of war veteran, as in this act provided.  
(1972, P.L.1720, No.370, § 6)

**Section 7. Penalty for Fees for Assisting Prisoner of War Veterans.**--Any person who charges or collects, or attempts to charge or collect, either directly or indirectly, any fee or other compensation for assisting, in any manner, a prisoner of war veteran in obtaining any of the benefits to which he or she is entitled under the provisions of this act [the Vietnam Conflict Prisoners of War Compensation Act], shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine of not more than seven hundred fifty dollars (\$750), or undergo imprisonment for not more than one year, or both.  
(1972, P.L.1720, No.370, § 7)

**Section 9. Ascertainment of Service.**--Immediately upon the passage of this act [the Vietnam Conflict Prisoners of War Compensation Act], the Adjutant General shall ascertain the individuals who are prisoner of war veterans as defined in section 2 and his decisions shall be final and not subject to review by any court or by any other officer. In all cases not within the express purview of this act, the decision of the Adjutant General, as to payment or nonpayment of compensation or eligibility therefor, shall be in all things final.  
(1972, P.L.1720, No.370, § 9)

**Section 10. False or Fraudulent Statements; Penalty.**--Whoever knowingly makes any false or fraudulent statement of a material fact in any application, certificate or document made under the provisions of this act [the Vietnam Conflict Prisoners of War Compensation Act], or of any regulation made by the Adjutant General in administering this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine of not more than one thousand dollars (\$1,000) or undergo imprisonment for not more than five years, or both.  
(1972, P.L.1720, No.370, § 10)

**Section 12. Appropriation.**--For the purpose of paying for the compensation to eligible prisoner of war veterans, and clerical services, postage and other necessary expenses incurred by the Adjutant General in the administration of this act [the Vietnam Conflict Prisoners of War Compensation Act], the sum of one hundred thousand dollars (\$100,000), or as much thereof as may be necessary, is specifically appropriated to the Department of Military Affairs.  
(1972, P.L.1720, No.370, § 12)

**Section 13. Other Benefits.**--Payment under this act [the Vietnam Conflict Prisoners of War Compensation Act] shall not prevent the returning prisoner of war veteran from receiving compensation under the "Vietnam Conflict Veterans' Compensation Act."

This act shall in no way affect other benefits due eligible persons under this act.  
(1972, P.L.1720, No.370, § 13)

# PENNSYLVANIA LAWS RELATING TO VETERANS

## Subchapter J. Persian Gulf Conflict Veterans' Benefit

### Section 1. Short title [of Persian Gulf Conflict Veterans' Benefit Act].

This act shall be known and may be cited as the Persian Gulf Conflict Veterans' Benefit Act.

(2006, P.L.91, No.29, § 1)

### Section 2. Definitions [relating to Persian Gulf conflict veterans' benefits].

The following words and phrases when used in this act [the Persian Gulf Conflict Veterans' Benefit Act] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Active service." For a member of a component of the armed forces of the United States, the time served on active duty for which the member has received or is eligible to receive the Southwest Asia Service Medal for service related to the Persian Gulf Conflict Theater; for a member of the Pennsylvania National Guard or a reserve component of the armed forces of the United States, time served on active duty for the support of operations in the Persian Gulf Conflict Theater whether or not that service was in the theater. The term includes time spent in hospitals as a result of service-connected wounds, diseases or injuries sustained on active service. Proof of such service shall be the official military records of the United States or such other evidence as is deemed sufficient by the Adjutant General. The term does not include time served on active duty for annual training or schooling, except for training and schooling in preparation for active duty in the Persian Gulf Conflict Theater.

"Fund." The Persian Gulf Conflict Veterans' Compensation Bond Fund.

"Issuing officials." The Governor, the Auditor General and the State Treasurer.

"Legal resident of this Commonwealth." A member of the United States Armed Forces, the reserve component of the United States Armed Forces or the Pennsylvania National Guard whose home of record at the time of the Persian Gulf Conflict was this Commonwealth or any specific place in this Commonwealth without regard to the place of enlistment, commission or induction. The proof of such residence shall be the official records of the United States or such other evidence as is deemed sufficient by the Adjutant General.

"Persian Gulf Conflict Theater." The area defined as the Persian Gulf Conflict Theater of Operations as established by the United States Department of Defense for the awarding of the Southwest Asia Service Medal for the period of time from August 2, 1990, through August 31, 1991.

"Veteran." A member of the armed forces of the United States, including a member of the Army National Guard of the United States, the Air National Guard of the United States or a reserve component of the armed forces, who was ordered into or volunteered to serve on active duty in the Persian Gulf Theater of operations during the period from August 2, 1990, to August 31, 1991, and has received the Southwest Asia Service Medal (SWASM) established by executive order 12754, 12 March 1991. This term shall not include:

(1) any individual who, at any time during the Persian Gulf Conflict or thereafter, was separated from the armed forces under other than honorable conditions; and

(2) any individual who has renounced his United States citizenship.

(2006, P.L.91, No.29, § 2)

### Section 3. Computation of compensation.

(a) Eligibility.--Compensation shall be payable under this act [the Persian Gulf Conflict Veterans' Benefit Act] only to each veteran who was a legal resident of this Commonwealth.

(b) Compensation for service in the Persian Gulf.--Compensation shall be payable on the basis of \$75 for the first month of eligibility with a minimum of one day of active service; thereafter, it shall be computed on the basis of \$75 for each month or major fraction thereof.

(c) Compensation on behalf of deceased veteran.--In addition to any other compensation authorized under this section, the compensation on behalf of a veteran who died in active service or as a result of service-connected wounds, diseases or injuries sustained during active service shall be \$5,000.



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(d) Compensation of prisoner of war.--In addition to any compensation under the other provisions of this section, the compensation of a veteran who was declared a prisoner of war, regardless of the length of time spent as a prisoner of war, shall, upon return, be \$5,000.

(e) Total amount of compensation.--The compensation provided for active service under subsection (b) shall be not less than \$75 and not more than \$525.

(f) Exclusion from compensation.--Any individual who has received a bonus, gratuity or compensation of a nature similar to that provided for by this act from any other state in the United States is ineligible for compensation. This exclusion does not apply to a similar bonus, gratuity or compensation from the Federal Government.

(2006, P.L.91, No.29, § 3)

### **Section 4. Application for compensation.**

(a) Application to Adjutant General.--Applications shall be made by a veteran, the facility entitled under section 5(a) or the beneficiaries designated under section 5(b). The Adjutant General shall ascertain the applicants who are veterans and, as to each veteran, the number of months of service for which the veteran is entitled to receive compensation.

(b) Time for filing application.--The Adjutant General shall not accept or consider any application filed after August 31, 2018.

(2006, P.L.91, No.29, § 4)

### **Section 5. Persons to whom payments shall be made in case of incompetence or death.**

(a) Incompetence.--In a case where the veteran is incompetent, if no guardian has been appointed, payment shall be made for the benefit of the veteran to the person who is entitled to payment under subsection (b) or, in the absence of any such person and if the veteran is in a facility, to the person in charge of the facility to be expended for the clothing and incidental needs of the veteran. No part of the compensation paid to any facility shall be used for the maintenance of the veteran. A statement from the person in charge of the facility in which the veteran resides shall be evidence to determine the competence of the veteran.

(b) Death.--In the case of the death of a veteran, payment shall be made, in the order named, to the:

- (1) surviving spouse unless the spouse was living separate and apart from the veteran at the time of departure for active service;
- (2) surviving children, share and share alike; or
- (3) surviving parents.

(c) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Facility." Any mental health establishment, hospital, clinic, institution, center, day-care center, base service unit, community mental health center or other organizational unit, or part thereof, which is devoted primarily to the diagnosis, treatment, care, rehabilitation or detention of mentally disabled persons.

"Parents." Includes persons who, for a period of not less than one year, acted in the capacity of a foster parent to the veteran immediately prior to the veteran having attained 18 years of age.

(2006, P.L.91, No.29, § 5)

### **Section 6. Applicant to designate beneficiaries.**

Every person making application for compensation shall set forth in the application the names and addresses of all persons who, under this act [the Persian Gulf Conflict Veterans' Benefit Act], would be entitled to receive compensation in the event of the death of the applicant. If the applicant dies before the payment of the compensation, the application shall be deemed to inure to the benefit of the person next entitled to compensation, and payment shall be made to the person upon proof of identity satisfactory to the Adjutant General. If no person designated in this act as being entitled to compensation survives the veteran, the right to the compensation shall cease.

(2006, P.L.91, No.29, § 6)

# PENNSYLVANIA LAWS RELATING TO VETERANS

## **Section 7. Exemption from attachment.**

No sum payable under this act to a veteran or to any other person under this act [the Persian Gulf Conflict Veterans' Benefit Act] shall be subject to attachment, levy or seizure under any legal or equitable process and shall be exempt from all State taxation. No right to compensation under this act shall be assignable, except as otherwise provided in this act, or shall serve as a security for any loan. Any assignment or loan made in violation of this section shall be void. Assignments to any incorporated or unincorporated organization of veterans, any nonprofit corporation formed solely for the purpose of aiding disabled or incapacitated veterans and the State Veterans' Commission shall be valid.

(2006, P.L.91, No.29, § 7)

## **Section 8. Penalty for charging fees for assisting veterans.**

A person who charges or collects or attempts to charge or collect, either directly or indirectly, any fee or other compensation for assisting, in any manner, a veteran in obtaining any of the benefits provided under this act [the Persian Gulf Conflict Veterans' Benefit Act] commits a misdemeanor of the second degree.

(2006, P.L.91, No.29, § 8)

## **Section 9. Administration of compensation program.**

The Adjutant General shall administer the compensation program. For that purpose, application forms shall be prepared and distributed, applications shall be investigated, and, if satisfied of the proof of an application, compensation shall be approved and payment of compensation shall be made. The Adjutant General shall promulgate rules and regulations to implement, administer and enforce this act [the Persian Gulf Conflict Veterans' Benefit Act]. The Adjutant General shall, as soon as practicable after the effective date of this act, prepare and distribute a digest explaining the provisions of this act to assist veterans in filing their applications and shall from time to time prepare and distribute additional or supplementary information as may be found necessary. The Adjutant General shall enlist, as far as possible, the services of veteran organizations in this Commonwealth in the dissemination of the information.

(2006, P.L.91, No.29, § 9)

## **Section 10. Payment of compensation.**

The compensation payable under this act [the Persian Gulf Conflict Veterans' Benefit Act] shall, upon requisition by the Adjutant General, be paid by the State Treasurer from the fund to be created with funds realized from a proposed bond issue. Payments shall be made as soon as possible after funds are available.

(2006, P.L.91, No.29, § 10)

## **Section 11. Persian Gulf Conflict Veterans' Compensation Bond Fund.**

(a) Purpose of fund.--The Persian Gulf Conflict Veterans' Compensation Bond Fund, which is hereby created in the State Treasury, shall be the source from which all payments are authorized with the approval of the Governor to carry out the purposes of this act [the Persian Gulf Conflict Veterans' Benefit Act]. The moneys in the fund shall only be utilized:

(1) For the purpose of providing compensation to veterans in accordance with the provisions of this act.

(2) For the administrative costs incurred in any of the purposes in paragraph (1), including the costs incurred in connection with the issuance of the bonds.

(b) Interfund transfers authorized.--

(1) Whenever the cash balance and the current estimated receipts of the fund shall be insufficient at any time during any State fiscal year to meet promptly the obligations of the Commonwealth from such fund, the State Treasurer is hereby authorized and directed, from time to time during such fiscal year, to transfer from the General Fund to the fund such sums as the Governor directs, but in no case less than the amount necessary to meet

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promptly the obligations to be paid from the fund nor more than an amount which is the smallest of:

- (i) the difference between the amount of debt authorized to be issued under the authority of this act and the aggregate principal amount of bonds and notes issued, not including refunding bonds and replacement notes; and
- (ii) the difference between the aggregate principal amount of bonds and notes to be issued during a State fiscal year and the aggregate principal amount of bonds and notes, not including refunding bonds and replacement notes, issued during such State fiscal year.

Any sums so transferred shall be available only for the purposes for which funds are appropriated from the fund. The transfers shall be made under this section upon warrant of the State Treasurer upon requisition of the Governor.

(2) In order to reimburse the General Fund for moneys transferred from such funds under paragraph (1), there shall be transferred to the General Fund from the fund moneys from the proceeds obtained from bonds and notes issued under the authority of this act or from other available funds in such amounts and at such times as the Governor shall direct. The retransfers shall be made upon warrant of the State Treasurer upon requisition of the Governor.

(2006, P.L.91, No.29, § 11)

### **Section 14.1. Reports [relating to Persian Gulf conflict veterans' benefits].**

(a) Initial.--By February 1, 2016, the Department of Military and Veterans Affairs shall submit a report to the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives. The report shall contain the following information for the program under this act [the Persian Gulf Conflict Veterans' Benefits Act] for the period after December 18, 2006, and before January 1, 2016:

(1) Name, branch of service, payment date and payment amount for each Persian Gulf veteran who received compensation under this act.

(2) An itemization, by year, of administrative and operating costs incurred in the administration of the program, including costs related to vendor or consultant contracts.

(3) A list of each vendor or consultant utilized to assist in the administration of the program and a detailed description of the services provided.

(b) Annual.--By February 1 of each year after 2016, the Department of Military and Veterans Affairs shall submit a report to the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives. The report shall contain the following information for the program for the prior year:

(1) Name, branch of service, payment date and payment amount for each veteran who received compensation under this act.

(2) An itemization of administrative and operating costs incurred in the administration of the program, including costs related to vendor or consultant contracts.

(3) A list of each vendor or consultant utilized to assist in the administration of the program and a detailed description of the services provided.

(2006, P.L.91, No.29, § 14.1)

## **Chapter 6. Real Estate**

### **Section 5. Titles of patentees good against assignment of lands by soldiers and widows of soldiers prior to issue of patent**

No conveyance or assignment of lands granted to soldiers and widows of soldiers of the Revolutionary War, made by such soldiers or widows, prior to the date of the respective patents, or any transfer or sale of the right of said soldiers or widows, by them executed prior to the date of said patents, shall invalidate the title of the said patentees, their heirs and assigns, unless there shall be contained in said patent a recital of such deed, conveyance, transfer or

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assignment, or unless the same shall have been duly recorded in the proper office of the county in which the lands are situated: Provided, That nothing in this act [the act of March 11, 1843, P.L.79, No.39] contained, shall be construed to confirm or render valid any conveyance or transfer by such soldier or widow, which was prohibited by law.  
(1843, P.L.79, No.39, § 5)

### **Section 8. Persons in naval and military service allowed one year for taking out patents [on land]**

All persons in the military and naval service of the United States shall be allowed one year after the expiration of said service, for the taking out of any patent or patents under the provisions of this act [the act of May 20, 1864, P.L.914, No.814].  
(1864, P.L.914, No.814, § 8)

**Section 732. Capital [of title insurance companies].**--The capital of a title insurance company shall be invested in the following classes of investment:

\* \* \*

(7) Real Estate Loans. Ground rents and bonds, notes or other evidences of indebtedness, secured by mortgages or trust deeds upon unencumbered real property located in any state, district or territory of the United States, and in investments in the equity of the seller under contracts for deeds covering the entire balance due on bona fide sales of such real property: Provided, That a loan guaranteed or insured in full by the Administrator of Veterans' Affairs pursuant to the provisions of the Federal Servicemen's Readjustment Act of 1944, as heretofore or hereafter amended, may be subject to a prior encumbrance. Real property shall not be considered to be encumbered within the meaning of this clause by reason of the existence of instruments reserving mineral, oil, water or timber rights, rights of way, sewer rights, rights in walls or driveways, by reason of liens inferior to the lien securing the loan of the title insurance company, or liens for taxes or assessments not yet delinquent, or by reason of building restrictions or other restrictive covenants or by reason of any lease under which rents or profits are reserved to the owner, if, in any event, the security for such loan is a first lien upon such real property, and if there is no condition or right of re-entry or forfeiture under which such lien can be cut off, subordinated or otherwise disturbed. No mortgage or trust deed, loan or investment in a seller's equity under a contract for deed made or acquired by the title insurance company on any one property shall at the date of investment exceed two-thirds of the value of the real property securing the loan, or subject to such contract: Provided, That such limitation in respect to value shall not apply to a loan which is:

(i) insured by, or for which a commitment to insure has been made by, the Federal Housing Administrator or Commissioner, pursuant to the provisions of the Federal National Housing Act, as heretofore or hereafter amended;

(ii) guaranteed by the Administrator of Veterans' Affairs pursuant to the provisions of the Federal Servicemen's Readjustment Act of 1944, as heretofore or hereafter amended, except, that if only a portion of a loan is so guaranteed, such limitation shall apply to the portion not so guaranteed;

(iii) insured by the administrator pursuant to the provisions of the Federal Servicemen's Readjustment Act of 1944, as heretofore or hereafter amended;

(iv) upon real estate under lease to a corporation or business trust, incorporated or existing under the laws of the United States or any state, district or territory thereof, whose income available for fixed charges for the period of five fiscal years next preceding the date of investment, shall have averaged not less than one and one-half times its average annual fixed charges applicable to such period, if there is pledged and assigned, as additional security for the loan, and for application thereon, sufficient of the rentals payable under the lease to provide for repayment of the loan within the unexpired term of the lease;

(v) upon such terms that the principal thereof will be amortized by repayments of principal at least once in each year in amounts sufficient to repay the loan within a period of not more than thirty years, and such loan is upon improved real estate, and at the date of investment does not exceed three-fourths of the value of the real estate securing the loan.

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\* \* \*

(1921, P.L.682, No.284, § 732)

## **Section 1730-F.3. Department of Human Services.**

The following apply to appropriations for the Department of Human Services:

(1) From money appropriated for mental health services or from Federal money, \$580,000 shall be used for the following:

\* \* \*

(ii) The expansion of the existing web portals, including services and resources for military veterans and their families, including comprehensive referral services for transitional, temporary and permanent housing, job placement and career counseling and other services for military veterans returning to civilian life.

\* \* \*

(1929, P.L.343, No.176, § 1730-F.3)

## **Section 1301-B. Eminent domain for National Guard purposes.**

(a) General rule.--Except as provided in subsection (b), the board of commissioners may take, by the right of eminent domain for the purpose of appropriating to the township for the use of the Pennsylvania National Guard, public lands, easements and public property in the township's possession or control and used or held by the township for any other purpose notwithstanding any limitation of the use by the township whether by donation, dedication, appropriation, statute or otherwise.

(b) Limitation.--Eminent domain may not be exercised as to a street, highway or wharf.  
(1931, P.L.1206, No.331, § 1301-B)

## **Section 1302-B. Land for armory purposes.**

(a) General rule.--Except as provided in subsection (b), the board of commissioners may acquire, by purchase, gift or eminent domain, land for the use of the Pennsylvania National Guard, to be conveyed to the Commonwealth in order to assist the State Armory Board in the erection of armories.

(b) Limitation.--The power conferred by subsection (a) may not be exercised to take church property or other actual place of regularly stated religious worship, graveyard, cemetery or a dwelling house or the curtilage of any of them in the actual occupancy of the owner.  
(1931, P.L.1206, No.331, § 1302-B)

## **Section 1303-B. Assistance to armories.**

(a) Appropriation or conveyance.--The board of commissioners may appropriate money or convey land, either independently or in conjunction with any other municipality, to the Commonwealth for the following purposes:

(1) To assist the State Armory Board in the erection of armories for the use of the Pennsylvania National Guard.

(2) To furnish reasonable utilities free of cost to the Commonwealth for use in an armory of the Pennsylvania National Guard.

(b) Authority.--The board of commissioners may do all things necessary to accomplish the purposes specified in this section.

(1931, P.L.1206, No.331, § 1303-B)

**Section 13.2. Veteran Preferences.**--(a) In selecting a tenant under section 13, an authority shall provide a preference for any active duty United States servicemember or veteran. The preference shall extend to:

(1) The household of which the servicemember or veteran is a member.

(2) The surviving household members of a deceased servicemember or veteran who died of service-connected causes, provided:

(i) The death occurred during active duty service or within five years of discharge from

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service.

(ii) The death occurred not more than five years from the date of application for housing.

(b) The preference established by this section shall be cumulative with any other preference allowed by the housing authority for which the applicant qualifies, so that servicemembers or veterans have priority over nonservicemembers and nonveterans within each preference category.

(c) Nothing in this section shall be construed to supersede:

(1) Any Federal law or regulation relating to or local preferences adopted pursuant to Federal law.

(2) Any Federal law or regulation concerning tenant eligibility and selection or local criteria adopted pursuant to Federal law.

(1937, P.L.955, No.265, § 13.2)

**Section 1. [Legislative intent regarding the housing shortage for veterans]** It is hereby declared that an acute housing shortage exists in many areas of this State, so that families of returning veterans and of servicemen are unable to obtain housing, and that returning veterans are being denied their rights to education because of the lack of housing at educational institutions, and therefore a public exigency, emergency and distress now exists, and the providing of housing for such persons constitutes a public use and purpose for which public money should be spent and private property acquired and is a governmental function of State concern.

(1947, P.L.486, No.216, § 1)

**Section 2. [Definitions relating to housing shortage for veterans]** Wherever used in this act [the act of June 10, 1947, P.L.486, No.216] the term "veterans" shall include any person who has served in the military or naval forces of the United States during World War II, and who has been discharged or released therefrom under conditions other than dishonorable; "servicemen" shall include any person in the military or naval forces of the United States who served therein during World War II; "families of servicemen" shall include the families of persons who died in the armed forces of the United States during World War II; "housing authority" shall mean any housing authority established or hereafter established pursuant to any act of Assembly; "Federal Government" shall mean the United States of America, or any agency or instrumentality thereof, corporate or otherwise.

(1947, P.L.486, No.216, § 2)

**Section 3. [Powers of housing authorities]** For the purpose of making housing available for veterans and their families or single veterans, and for families of servicemen in those areas of the State where sufficient housing accommodations are not available and private enterprise is not providing an adequate supply of housing within the means of such families or persons, any housing authority may:

(a) acquire real or personal property by purchase, gift, lease, bailment or otherwise, and exercise the power of eminent domain for the acquisition of real property;

(b) clear and prepare sites on which any such housing is to be located, and install streets, sidewalks, utilities and other necessary facilities;

(c) construct or otherwise provide housing or other structures that can be used as dwellings, and remove such housing that is of a temporary character after it has served the purposes of this act [the act of June 10, 1947, P.L.486, No.216];

(d) operate such housing for the purposes of this act;

(e) provide or assist in providing transportation, where necessary, in order to enable the use of housing, where suitable transportation (based on the nature and extent of service and the rates), is not otherwise available;

(f) borrow money and accept grants from the Federal Government, the State or from other local agencies or other sources;

(g) comply with such terms and conditions as may be prescribed by the Federal Government in obtaining assistance from it for the purposes of this act, and

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(h) take such other action as is necessary to carry out the purposes of this act.  
(1947, P.L.486, No.216, § 3)

**Section 1. Short Title [of Veterans' Housing Authority Act].**--This act shall be known and may be cited as the "Veterans' Housing Authority Act."  
(1947, P.L.1414, No.549, § 1)

**Section 2. Findings and Declaration of Policy.**--(a) It is hereby declared that a serious public emergency exists affecting and threatening the health, safety, welfare and comfort of the people of the Commonwealth by reason of the acute shortage of dwelling accommodations for returning veterans of World War II and their families.

(b) The existence of such emergency requires that immediate measures be taken to provide temporary emergency housing accommodations for such veterans and their families, even though it is recognized that the housing facilities acquired for such purposes will not meet the requirements of permanent housing.  
(1947, P.L.1414, No.549, § 2)

**Section 3. Definitions [relating to veterans' housing authority].**--The following words and terms, as used in this act [the Veterans' Housing Authority Act], shall have the meaning herein ascribed to them, unless the context clearly requires another meaning:

- (a) "Authority," any Veterans' Housing Authority created under the provisions of this act.
- (b) "Bonds," any bonds, certificates, notes, debentures or other obligations of an authority issued pursuant to this act.
- (c) "City," any city of the first, second, second class A or third class.
- (d) "County," any county other than a county of the first class.
- (e) "Governing body," in the case of a city, the city council or other legislative body thereof. In the case of a county, the board of county commissioners or other legislative body thereof.  
(1947, P.L.1414, No.549, § 3)

**Section 4. Formation of Authorities.**--

(a) There are hereby created separate and distinct bodies corporate and politic, one for each city and one for each county of the Commonwealth, as herein defined. Each such body shall be known as the Veterans' Housing Authority of the city or the county, as the case may be, but shall in no way be deemed to be an instrumentality of such city or county, or engaged in the performance of a municipal function. Each such Authority shall transact no business, or otherwise become operative, until and unless a finding is made as hereinafter provided in this section.

(b) At any time after passage of this act [the Veterans' Housing Authority Act], the governing body of any city or county may find and declare, by proper ordinance or resolution, that there is need for an Authority to function within the territorial limits of said city or county, as the case may be.

(c) The governing body shall cause a certified copy of such ordinance or resolution to be filed with the Department of State and duplicates thereof with the State Board of Housing and the State Planning Board. Upon receipt of the said certificate, the Secretary of the Commonwealth shall issue a certificate of incorporation.

(d) In any suit, action or proceeding, involving or relating to the validity or enforcement of any contract or act of an Authority, a copy of the certificate of incorporation, duly certified by the Department of State, shall be admissible in evidence and shall be conclusive proof of the legal establishment of the Authority.  
(1947, P.L.1414, No.549, § 4)

**Section 5. Appointment and Qualifications of Members of Authority.**--Upon certification of a resolution, declaring the need for an Authority to operate in a city or county, the mayor or board of county commissioners thereof, respectively, shall appoint as members of

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the Authority five citizens who shall be residents of the city or county in which the Authority is to operate.

(1947, P.L.1414, No.549, § 5)

**Section 6. Tenure and Compensation of Members of Authority.**--The members, who are appointed, shall serve for the duration of the existence of the Authority, as hereinafter provided. Vacancies shall be promptly filled by the appointing power. A member shall receive no compensation for his services, but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties.

(1947, P.L.1414, No.549, § 6)

**Section 7. Organization of Authority.**--The members of an Authority shall select from among themselves a chairman, a vice-chairman and such other officers as the Authority may determine. An Authority may employ a secretary, an executive director, its own counsel and legal staff and such technical experts and such other agents and employees, permanent or temporary, as it may require, and may determine the qualifications and fix the compensation of such persons. Three members of an Authority shall constitute a quorum for its meetings. Members of an Authority shall not be liable personally on the bonds or other obligations of the Authority, and the rights of creditors shall be solely against such Authority. An Authority may delegate to one or more of its agents or employees such of its powers as it shall deem necessary to carry out the purposes of this act, subject always to the supervision and control of the Authority.

(1947, P.L.1414, No.549, § 7)

**Section 8. Interest of Members or Employees.**--No member or employee of an Authority shall acquire any interest, direct or indirect, in any dwelling or other housing accommodation or in any real estate which he may have reason to believe may be purchased or leased by an Authority, nor shall he have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or used by an Authority. The acquisition of any such interest in any dwelling or housing project or in buildings to be converted into housing projects, or in any such property or contract shall constitute misconduct in office. If any member or employee of an Authority shall already own or control any interest, direct or indirect, in any property later included or planned to be included in any veterans temporary housing project under the jurisdiction of the Authority, or has any such interest in any contract for material or services to be furnished or used in connection with any such project, he shall disclose the same, in writing, to the Authority and to the State Board of Housing and the local governing body, and such disclosure shall be entered, in writing upon the minute books of the Authority. Failure to make such disclosure shall constitute misconduct in office.

(1947, P.L.1414, No.549, § 8)

**Section 9. Powers of an Authority.**--An Authority shall constitute a public body corporate and politic, exercising public powers of the Commonwealth as an agency thereof, which powers shall include all powers necessary or appropriate to carry out and effectuate the purposes and provisions of this act [the Veterans' Housing Authority Act], including but not being limited to, the following powers in addition to those herein otherwise granted:

(a) To cooperate with the Federal or State government, or any agency or authority created by law, the purpose of which is to fulfill the purposes set out in this act.

(b) To act as agent of the State or Federal government, or any of its instrumentalities or agencies, for the purposes set out in this act.

(c) To acquire by purchase, gift or eminent domain, by lease or license, subject to any reasonable terms or conditions required by the owner, real property, including but not limited to, the types herein set forth.

(1) Military and naval installations, which the Federal government is willing to make available to such Authority for emergency housing.

(2) Any unused or untenable homes or housing accommodations which can be made



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suitable for temporary emergency housing.

(3) Any structure which by conversion may furnish temporary emergency housing.

(4) Any buildings or structures suitable for emergency housing whether publicly or privately owned.

(d) To contract for the performance of all or any part of such work of construction, reconstruction, alteration, repair, improvement, conversion, with such persons as are capable of performing such work: Provided, That in the award of any such contract, the Authority shall comply with all requirements as to advertising, competitive bids and awards, applicable to contracts of the county or city in and for which the Authority was created.

(e) To contract with public utilities or municipalities for the various utility and public services.

(f) To purchase and provide, if desirable, such furniture and furnishings as may be necessary for the health and welfare of the veterans and their families to occupy such emergency housing facilities.

(g) To insure, or provide for, the insurance of any property or operations of the Authority against any risks or hazards.

(h) To borrow from private lenders or from the State or Federal governments, such funds as may be available and necessary for the operation and work of the Authority.

(i) To sell or otherwise dispose of any real or personal property acquired under the provisions of this act.

(j) To sue and to be sued.

(k) To make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the Authority.

(l) To make and, from time to time, amend and repeal by laws, rules and regulations, relating to the purposes of the Authority.

(m) To conduct examinations and hearings and to authorize a member to administer oaths, take affidavits and issue subpoenas.

(n) To enter upon any building or property in order to make surveys or inspections.

(o) To do all and any acts necessary to make available such emergency housing facilities in the shortest possible time.

(1947, P.L.1414, No.549, § 9)

**Section 10. Local Ordinances Not Applicable.**--(a) Notwithstanding any provision of any law to the contrary, the real property acquired, operated and maintained by any Authority under the provisions of this act [the Veterans' Housing Authority Act], shall not be subject to any local ordinances or State laws relating to minimum requirements of construction and repair under building codes, plumbing and inspection laws, and any other laws relating to the erection and maintenance of buildings for dwelling purposes.

(b) The State Board of Housing shall, as soon as practical after the passing of this act, establish, by regulation, minimum safety and health requirements for real property acquired by authorities under the provisions of this act. In establishing such minimum requirements, the State Board of Housing shall take into consideration the temporary and emergency nature of the real property for which such regulations are to be established. All real property purchased, or otherwise acquired by an Authority, shall conform to such minimum requirements.

(1947, P.L.1414, No.549, § 10)

**Section 11. Real Estate Tax; Exemption.**--Any real property acquired, maintained and operated by an Authority under the provisions of this act [the Veterans' Housing Authority Act], shall not be subject to taxation by any political subdivision or local taxing authority.

(1947, P.L.1414, No.549, § 11)

**Section 12. Operation and Maintenance of Emergency Dwellings.**--Any real property, acquired by an Authority under the provisions of this act [the Veterans' Housing Authority Act], shall be rented only to veterans of World War II and their families, at such a rent and upon such terms and conditions as such Authority, by regulation, shall prescribe. In rendering any such

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real property, it shall be unlawful to make any discrimination whatsoever on account of race, creed or color. The Authority shall operate and maintain such temporary emergency housing facilities for so long a period as the housing conditions in the area in which such Authority operates shall require: Provided, however, That no Authority shall continue for a longer period than hereinafter provided.

(1947, P.L.1414, No.549, § 12)

**Section 13. Eminent Domain.**--Title to any property acquired by an Authority through eminent domain shall be an absolute or fee simple title, unless a lesser title shall be designated in the eminent domain proceedings. The Authority may exercise the right of eminent domain in the manner provided by law for the exercise of such right by cities or counties, as the case may be, of the same class as the city or county in which such Authority is organized to operate. If any of the real property, which is to be acquired, has prior to such acquisition been devoted to another public use, it may nevertheless be acquired by condemnation: Provided, That no real property belonging to a city, county or to the Commonwealth may be acquired without its consent. No real property belonging to a public utility corporation may be acquired without the approval of the Public Utility Commission.

(1947, P.L.1414, No.549, § 13)

**Section 14. Bonds of an Authority.**--An Authority shall have power to issue bonds for any of its corporate purposes, the principal and interest of which are payable from its revenues generally. Any of such bonds may be secured by a pledge of any revenues, including grants or contributions from the Federal or State government, or any agency and instrumentality thereof, or by a mortgage of any property of the Authority.

The bonds issued by an Authority are hereby declared to have all the qualities of negotiable instruments under the law merchant and the negotiable instruments law of the Commonwealth of Pennsylvania.

The bonds of an Authority, created under the provisions of this act [the Veterans' Housing Authority Act], and the income therefrom, shall at all times be free from taxation for State or local purposes under any law of this Commonwealth.

Neither the members of an Authority, nor any person executing the bonds, shall be liable personally on any such bonds by reason of the issuance thereof. Such bonds, or other obligations of an Authority, shall not be a debt of any municipality or of the Commonwealth, and shall so state on their face, nor shall any municipality or the Commonwealth, nor any revenues or any property of any municipality or of the Commonwealth, be liable therefor.

(1947, P.L.1414, No.549, § 14)

**Section 15. Form and Sale of Bonds.**--The bonds of an Authority shall be authorized by its resolution, shall be issued in one or more series, and shall bear such date, mature at such time, and bear interest at such rate, not exceeding six per centum (6%) per annum, payable semi-annually, be in such denominations, be in such form, either coupon or registered, be executed in such manner, be payable in such medium of payment, at such place, and be subject to such terms of redemption, and carry such registration privileges as may be provided in such resolution, or in any trust, indenture or mortgage properly made in pursuance thereof.

Before any bonds may be sold in pursuance of any resolution of any Authority, the chairman or secretary of such Authority shall certify to the Department of Internal Affairs, a complete and accurate copy of the proceedings had for the issuance of the bonds, which are to be sold, in the manner now or hereafter provided for the certification to said Department of the proceedings relating to the issuance of bonds of the municipalities of this Commonwealth. Upon receiving such certificate of approval of the proceedings from the Department of Internal Affairs, the Authority may proceed with the sale of the bonds in compliance with the provisions of section two hundred twelve of the act, approved the twenty-fifth day of June, one thousand nine hundred and forty-one (Pamphlet Laws, one hundred fifty-nine), as amended.

The bonds of an Authority may be sold at not less than par and accrued interest. In case any of the officers of an Authority whose signatures appear on any bonds or coupons shall

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cease to be officers before the delivery of such bonds, their signatures shall nevertheless be valid and sufficient for all purposes, the same as if such officers had remained in office until such delivery.

The Authority shall have the power, out of any funds available therefor, to purchase any bonds issued by it at a price not more than the par value thereof plus accrued interest. All bonds so purchased shall be cancelled. This paragraph shall not apply to the redemption of bonds.

Any bond, reciting in substance that it has been issued by an Authority to accomplish the public purposes of this act [the Veterans' Housing Authority Act], shall be conclusively deemed in any suit, action or proceeding, involving the validity or enforceability of such bond or security therefor, to have been issued for such purpose.

(1947, P.L.1414, No.549, § 15)

**Section 16. Provisions of Bonds, Trust Indentures and Mortgages.**--In connection with the issuance of bonds or the incurring of obligations under leases, and in order to secure the payment of such bonds or obligations, an Authority, in addition to its other powers, shall have power:

(a) To pledge all or any part of its gross or net revenues to which its right then exists or may thereafter come into existence.

(b) To mortgage all or any part of its real or personal property then owned or thereafter acquired.

(c) To covenant, against pledging, all or any part of its revenues, or against mortgaging, all or any part of its real or personal property to which its right or title exists, or may thereafter come into existence, or against permitting or suffering any lien on such revenues or property to covenant with respect to limitations on its right to sell, lease or otherwise dispose of any of its real property, and to covenant as to what other or additional debts or obligations may be incurred by it.

(d) To covenant as to the bonds to be issued and as to the issuance of such bonds, in escrow or otherwise, and as to the use and disposition of the proceeds thereof, to provide for the replacement of lost, destroyed or mutilated bonds, to covenant against extending the time for the payment of its bonds, or interest thereon, and to redeem the bonds and to covenant for their redemption and to provide the terms and conditions thereof.

(e) To covenant, subject to the limitations contained in this act [the Veterans' Housing Authority Act] as to the amount of revenues to be raised each year, or other period of time, as well as to the use and disposition to be made thereof, to create or to authorize the creation of special funds for debt, service or other purposes and to covenant as to the use and disposition of the moneys held in such funds.

(f) To prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds, the holders of which must consent thereto and the manner in which such consent may be given.

(g) To covenant as to the use of any or all of its real or personal property, to warrant its title and to covenant as to the maintenance of its real and personal property, the replacement thereof, the insurance to be carried thereon, and the use and disposition of insurance moneys.

(h) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation, and to covenant and prescribe, in the event of default, as to terms and conditions upon which any or all of its bonds or obligations shall become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

(i) To vest in a trustee, or the holders of bonds, or any proportion of them, the right to enforce the payment of the bonds or any covenants, securing or relating to the bonds; to vest in a trustee the right, in the event of a default by the Authority, to take possession and use, operate and manage any real property and to collect the rents and revenues arising therefrom, and to dispose of such moneys in accordance with the agreement of the Authority with said trustee; to provide for the powers and duties of a trustee and to limit liabilities thereof; and to provide the terms and conditions upon which the trustee, or the holders of bonds, or any

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proportion of them, may enforce any covenant or rights securing or relating to the bonds.

(j) To exercise all or any part or combination of the powers, herein granted to make covenants, other than and in addition to the covenants herein expressly authorized; to make such covenants and to do any and all such acts and things as may be necessary or convenient, or desirable, in order to secure its bonds, or in the absolute discretion of the Authority as will tend to accomplish the purposes of this act, by making the bonds more marketable notwithstanding that such covenants, acts or things may not be enumerated herein.

(1947, P.L.1414, No.549, § 16)

**Section 17. Remedies of an Obligee of Authority.**--An obligee of an Authority shall have the right, in addition to all other rights which may be conferred on such obligee, subject only to any contractual restrictions binding upon such obligee:

(a) By mandamus, suit, action or proceeding at law or in equity to compel the Authority and the members, officers, agents or employees thereof to perform each and every term, provision and covenant contained in any contract of the Authority with or for the benefit of such obligee, and to require the carrying out of any or all such covenants and agreements of the Authority and the fulfillment of all duties imposed upon the Authority by this act [the Veterans' Housing Authority Act].

(b) By proceeding in equity to obtain an injunction against any acts or things which may be unlawful, or the violation of any of the rights of such obligee of the Authority.

(1947, P.L.1414, No.549, § 17)

**Section 18. Additional Remedies Conferrable by Authority.**--An Authority shall have power by its resolution, trust indenture, mortgage, lease or other contract to confer upon any obligees, holding or representing a specified percentage in bonds, or holding a lease, the right, in addition to all rights, that may otherwise be conferred, upon the happening of an event of default, as defined in such resolution or instrument, by suit, action or proceeding in any court of competent jurisdiction:

(a) To obtain the appointment of a receiver of any real property of the Authority and of the rents and profits therefrom. If such receiver be appointed, he may enter and take possession of such real property, operate the same and collect and receive all revenues or other income thereafter arising therefrom and shall keep such moneys in a separate account and apply the same in accordance with the obligations of the Authority, as the court shall direct.

(b) To require the Authority and the members thereof to account as if it and they were the trustees of an express trust.

(1947, P.L.1414, No.549, § 18)

**Section 19. Aid from Federal Government.**--In addition to the powers conferred upon an Authority by other provisions of this act [the Veterans' Housing Authority Act], an Authority is empowered to borrow money or accept grants or other financial assistance from the Federal Government for or in aid of any of its operations. It is the purpose and intent of this act to authorize every Authority to do any and all things necessary or desirable to secure the financial aid or cooperation of the Federal Government in any of its operations.

(1947, P.L.1414, No.549, § 19)

### **Section 20. Records and Reports.**--

(a) The books and records of an Authority shall at all times be open and subject to inspection by the State Board of Housing.

(b) An Authority may file with the State Planning Board and the State Board of Housing such information and reports as it may, from time to time, deem desirable and shall file with them,

(1) A copy of all by-laws and rules and regulations and amendments thereto adopted by it from time to time.

(2) At least once each year, a report of its activities for the preceding year and such other reports as said boards may require. Copies of such reports shall be filed with the mayor and

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governing body of the city or with the county board of commissioners, as the case may be.  
(1947, P.L.1414, No.549, § 20)

**Section 21. Duration of Authority.**--Any Authority, created under the provisions of this act [the Veterans' Housing Authority Act], shall carry on its corporate functions until such time as the Governor, by proclamation, declares the housing emergency to be at an end. Thereafter no Authority shall have power to acquire any additional real property and shall proceed to dispose of all real and personal property owned by it.  
(1947, P.L.1414, No.549, § 21)

**Section 3. Definitions [relating to housing and redevelopment assistance].**--The following words, terms and phrases, where used or referred to in this act [the Housing and Redevelopment Assistance Law], shall have the meanings ascribed to them in this section except in those instances where the context clearly indicates a different meaning.

\* \* \*

(b) "Department," the Department of Commerce of the Commonwealth.

\* \* \*

(f) "Veteran," a person who has served in the active military or naval service of the United States at any time on or after September sixteenth, one thousand nine-hundred forty, and prior to July twenty-sixth, one thousand nine hundred forty-seven, and who shall have been discharged or released therefrom under conditions other than dishonorable. "Families of Veterans," shall include the families of persons who died as the result of service in the armed forces of the United States between the above mentioned dates.

\* \* \*

(1949, P.L.1633, No.493, § 3)

**Section 6. Tenant Limitations [in housing and redevelopment assistance].**--No capital grant pursuant to section 4 (a) of this act [the Housing and Redevelopment Assistance Law] shall be made for any housing project unless the agency, authority or corporation receiving such capital grant shall contract to maintain rent levels within the means of persons of limited income as established by the department [of Commerce] and embodied in the contract, as hereinafter provided, which shall be substantially below those now available through equivalent non-subsidized construction and to limit the tenant admissions of such project to families whose aggregate income does not exceed six times the net rental of the housing unit to be furnished any such family: Provided, however, That when this category of families is exhausted, then tenant admissions shall be limited to families whose aggregate income does not exceed eight times the net rental of the housing unit to be furnished any such family.

Employment by any specific employer or employers shall not be a requisite for occupancy in any housing project built under the provision of this act.

Priority in occupancy shall be given to veterans and families of veterans for five years after the effective date of this act and thereafter, at the discretion of the department, and, so far as is consistent with the objectives of this act, to persons displaced by the necessary operations of public housing and redevelopment projects and other public improvements: Provided, That such persons or families meet the income qualifications established by the department.

(1949, P.L.1633, No.493, § 6)

**Section 302. Federally Guaranteed Loans.**--The maximum lawful rate of interest prescribed in sections 201 and 301 of this act [the Loan Interest and Protection Law] shall not apply to any loan insured or guaranteed in whole or in part by the Federal Housing Administration, the Veterans Administration or any other department or agency of the United States Government: Provided, That any such loan is subject to a maximum rate of interest established by law or by such department or agency.  
(1974, P.L.13, No.6, § 302)

**Section 2. [Contents of affidavits affecting real estate titles]** The affidavit herein

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provided for may relate to the following matters: age, sex, birth, death, capacity, relationship, family history, heirship, names, identity of parties, marital status, possession or adverse possession, residence, service in the armed forces, conflicts or ambiguities in descriptions of land in recorded instruments, and the happening of any condition or event which may terminate an estate or interest.

(1981, P.L.328, No.118, § 2)

### **§ 1502. Erection of armories.**

The [State Armory] board may, with money appropriated to it from the [State Treasury Armory] fund, erect or provide armories anywhere within the limits of this Commonwealth, upon the terms and conditions as shall be decided upon by the board. These armories shall be used to store and maintain property and support training assemblies, meetings and rendezvous purposes by the organizations of the Pennsylvania military forces, the Pennsylvania National Guard and the Pennsylvania Guard.

(51 Pa.C.S. § 1502)

### **§ 1504. Purchase or lease of ground for armories.**

The [State Armory] board may, with money appropriated to it from the [State Treasury Armory] fund, purchase or lease ground in the various localities throughout this Commonwealth where it shall be deemed necessary to provide armories. The following apply:

(1) 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 board is authorized and directed to erect an armory or use the land for the benefit of the Pennsylvania military forces, the Pennsylvania National Guard and the Pennsylvania Guard.

(2) When erecting or providing armories, the board shall inform the Adjutant General of the availability of an armory for occupancy and use. The Adjutant General shall set a timeline for the unit to occupy the armory under the direction and responsibility of the senior officer in command of the unit or organization occupying the armory.

(51 Pa.C.S. § 1504)

### **§ 1507. Sale of unusable armories and land; sale or lease of timber and mineral rights.**

(a) General rule.--

(1) When the [State Armory] board determines that an armory or armory site owned by the Commonwealth is no longer suitable for military services due to change in population or to the needs of the Pennsylvania military forces, the Pennsylvania National Guard and the Pennsylvania Guard, the board may sell the property in accordance with the laws of this Commonwealth.

(2) When the board determines that timber or other mineral rights at Fort Indiantown Gap or any armory may be sold or leased without disruption of the usual military purposes of the property and without undue adverse impact upon the local environment, the board may sell or lease the rights in accordance with the laws of this Commonwealth.

\* \* \*

(51 Pa.C.S. § 1507)

### **§ 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 of the Pennsylvania military forces, the Pennsylvania National Guard and the Pennsylvania Guard, 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 upon properly itemized vouchers, except where the services are furnished by the landlord under the rental contract.

(51 Pa.C.S. § 1508)

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

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(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 board, to be used by units of the Pennsylvania military forces, the Pennsylvania National Guard and the Pennsylvania Guard assigned to the 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 board may decide or direct.

(51 Pa.C.S. § 1510)

### **§ 2311. Limitation on creditor's attorney fees [real estate foreclosure].**

(a) After commencement of proceedings.--

\* \* \*

(2) Attorney fees are presumed to be reasonable under paragraph (1) if they:

(i) conform with the attorney fees promulgated and as may be amended from time to time by the Federal National Mortgage Association, Federal Home Loan Mortgage Corporation, the Department of Housing and Urban Development, the Department of Veterans Affairs or their respective successor organizations; and

\* \* \*

(68 Pa.C.S. § 2311)

## **Chapter 7. Taxation**

### **Section 1721.1-B. Department of Drug and Alcohol Programs.**

From the appropriation for general government operations, at least \$750,000 shall be used for programs providing treatment for posttraumatic stress disorder for veterans.

(1929, P.L.343, No.176, § 1721.1-B)

### **Section 1727-B. Department of Labor and Industry.**

The following apply to appropriations to the Department of Labor and Industry:

(1) From money appropriated to the Department of Labor and Industry for Industry Partnerships:

(i) No less than the amount allocated in the 2014-2015 fiscal year shall be used for a work force development program that links veterans with employment in a home rule county that was formerly a county of the second class A.

\* \* \*

(1929, P.L.343, No.176, § 1727-B)

### **Section 1729-B. Department of Human Services.**

The following shall apply to appropriations for the Department of Human Services:

\* \* \*

(1) From money appropriated for mental health services or from Federal money, \$580,000 shall be used for the following:

\* \* \*

(ii) The expansion of the existing web portals, including services and resources for military veterans and their families, including comprehensive referral services for transitional, temporary and permanent housing, job placement and career counseling and other services for military veterans returning to civilian life.

\* \* \*

(1929, P.L.343, No.176, § 1729-B)

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### **Section 8013. Report by Local Government Commission.**

The Local Government Commission shall conduct a study on the impact of the annual taxes levied under sections 8011(a) and 8012(a) and the delivery and utilization of fire and emergency services. The Local Government Commission shall conduct the study no later than three years after the effective date of this section. No later than six months after conducting the study, the Local Government Commission shall submit a report on the study to all of the following:

\* \* \*

(4) The chairperson and minority chairperson of the Veterans' Affairs and Emergency Preparedness Committee of the Senate.

\* \* \*

(6) The chairperson and minority chairperson of the Veterans' Affairs and Emergency Preparedness Committee of the House of Representatives.  
(1929, P.L.343, No.176, § 8013)

### **Section 8023. Report by Local Government Commission.**

The Local Government Commission shall conduct a study on the impact of the annual taxes levied under sections 8021(a) and 8022(a) and the delivery and utilization of fire and emergency services. The Local Government Commission shall conduct the study no later than three years after the effective date of this section. No later than six months after conducting the study, the Local Government Commission shall submit a report on the study to all of the following:

\* \* \*

(4) The chairperson and minority chairperson of the Veterans' Affairs and Emergency Preparedness Committee of the Senate.

\* \* \*

(6) The chairperson and minority chairperson of the Veterans' Affairs and Emergency Preparedness Committee of the House of Representatives.  
(1929, P.L.343, No.176, § 8023)

### **Section 8033. Report by Local Government Commission.**

The Local Government Commission shall conduct a study on the impact of the annual taxes levied under sections 8031(a) and 8032(a) and the delivery and utilization of fire and emergency services. The Local Government Commission shall conduct the study no later than three years after the effective date of this section. No later than six months after conducting the study, the Local Government Commission shall submit a report on the study to all of the following:

\* \* \*

(4) The chairperson and minority chairperson of the Veterans' Affairs and Emergency Preparedness Committee of the Senate.

\* \* \*

(6) The chairperson and minority chairperson of the Veterans' Affairs and Emergency Preparedness Committee of the House of Representatives.  
(1929, P.L.343, No.176, § 8033)

### **Section 204. Exemptions from Taxation [in the General County Assessment Law].--**

(a) The following property shall be exempt from all county, city, borough, town, township, road, poor and school tax, to wit:

\* \* \*

(2) All actual places of burial, including burial grounds and all mausoleums, vaults, crypts or structures intended to hold or contain the bodies of the dead, when used or held by a person or organization deriving no private or corporate profit therefrom and no substantial part of whose activity consists of selling personal property in connection therewith;

(3) All hospitals, universities, colleges, seminaries, academies, associations and institutions of learning, benevolence, or charity, including fire and rescue stations, with the



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grounds thereto annexed and necessary for the occupancy and enjoyment of the same, founded, endowed, and maintained by public or private charity: Provided, That the entire revenue derived by the same be applied to the support and to increase the efficiency and facilities thereof, the repair and the necessary increase of grounds and buildings thereof, and for no other purpose: And provided further, That any charitable organization providing residential housing services in which the charitable nonprofit organization receives subsidies for at least ninety-five per centum of the residential housing units from a low-income Federal housing program shall remain a "purely public charity" and tax exempt provided that any surplus from such assistance or subsidy is monitored by the appropriate governmental agency and used solely to advance common charitable purposes within the charitable organization;

\* \* \*

(8) All real and personal property owned, occupied, and used by any branch, post or camp of honorably discharged servicemen or servicewomen and actually and regularly used for benevolent, charitable or patriotic purposes;

\* \* \*

(b) Except as otherwise provided in clauses (11) and (13) of this section, all property real or personal, other than that which is actually and regularly used and occupied for the purposes specified in this section, and all such property from which any income or revenue is derived, other than from recipients of the bounty of the institution or charity, shall be subject to taxation, except where exempted by law for State purposes, and nothing herein contained shall exempt same therefrom.

(c) Except as otherwise provided in clause (10) of this section, all property, real and personal, actually and regularly used and occupied for the purposes specified in this section shall be subject to taxation, unless the person or persons, associations or corporation, so using and occupying the same, shall be seized of the legal or equitable title in the realty and possessor of the personal property absolutely.

(d) Each county, city, borough, incorporated town, township and school district may, by ordinance or resolution, exempt any person whose total income from all sources is less than five thousand dollars (\$5,000), per annum from its per capita, or similar head tax, occupation tax and occupational privilege tax or any portion thereof. Each taxing authority may adopt regulations for the processing of claims for the exemption.

(1933, P.L.853, No.155, § 204)

### **Section 2002-B. Definitions [relating to educational tax credits].**

The following words and phrases when used in this article [Article XX-B of the Public School Code of 1949] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

\* \* \*

"Household income." All money or property received of whatever nature and from whatever source derived. The term does not include the following:

\* \* \*

(7) Compensation received by United States servicemen serving in a combat zone.

\* \* \*

(1949, P.L.30, No.14, § 2002-B)

### **Section 1. Definitions [relating to first class A school district earned income tax].--**

The following words and phrases, when used in this act [the act of August 24, 1961, P.L.1135, No.508, referred to as the First Class A School District Earned Income Tax Act], shall have the meanings ascribed to them in this section, except where the context clearly indicates or requires a different meaning:

\* \* \*

"Salaries, wages, commissions and other compensation." Shall include salaries, wages, commissions, bonuses, incentive payments, fees and tips that may accrue or be received by an individual for services rendered, whether directly or through an agent and whether in cash or in property; but shall not include periodic payments for sick or disability benefits and those

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commonly recognized as old-age benefits, retirement pay, or pensions paid to persons retired from service after reaching a specific age or after a stated period of employment, nor public assistance or unemployment compensation payments, nor any wages or compensation paid by the United States to any person for active service in the Army, Navy or Air Force of the United States nor any bonus or additional compensation paid by the United States or the Commonwealth of Pennsylvania or any other state for such service.

\* \* \*

(1961, P.L.1135, No.508, § 1)

### **Section 501. Definitions [relating to consolidated collection of local income taxes].**

The following words and phrases when used in this chapter [Chapter 5 of The Local Tax Enabling Act] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

\* \* \*

"Earned income." The compensation as required to be reported to or as determined by the Department of Revenue under section 303 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, and rules and regulations promulgated under that section subject to the following:

\* \* \*

(2) The term does not include:

(i) Wages or compensation paid to individuals on active military service, regardless of whether it is earned for active military service inside or outside this Commonwealth.

\* \* \*

(1965, P.L.1257, No.511, § 501)

**Section 1101-C. Definitions [relating to realty transfer tax].**--The following words when used in this article [Article XI-C of the Tax Reform Code of 1971] shall have the meanings ascribed to them in this section:

\* \* \*

"Veterans' service organization." A not-for-profit organization that has been chartered by the Congress of the United States to service veterans or is a member of the State Veterans' Commission under 51 Pa.C.S. Ch. 17 (relating to State Veterans' Commission and Deputy Adjutant General for Veterans' Affairs).

\* \* \*

(1971, P.L.6, No.2, § 1101-C)

**Section 1102-C.2. Exempt Parties.**--The United States, the Commonwealth or any of their instrumentalities, agencies or political subdivisions, or veterans' service organizations shall be exempt from payment of the tax imposed by this article. The exemption under this section shall not, however, relieve any other party to a transaction from liability for the tax.  
(1971, P.L.6, No.2, § 1102-C.2)

### **Section 1801-B. Definitions [relating to tax credit for new jobs].**

The following words and phrases when used in this article [Article XVIII-B of the Tax Reform Code of 1971] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

\* \* \*

"Veteran." An individual who served on active duty in the United States Armed Forces, including any of the following:

(1) A reservist or member of the National Guard who was discharged or released from the service under honorable conditions.

(2) A reservist or member of the National Guard who completed an initial term of enlistment or qualifying period of service.

(3) A reservist or member of the National Guard who was disabled in the line of duty

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during training.

\* \* \*

(1971, P.L.6, No.2, § 1801-B)

### **Section 1804-B. Tax credits.**

(a) Maximum amount.--A company may claim a tax credit of \$1,000 per new job created, or \$2,500 per each new job created if the newly created job is filled by a veteran or an unemployed individual, up to the maximum job creation tax credit amount specified in the commitment letter.

\* \* \*

(1971, P.L.6, No.2, § 1804-B)

**Section 1902-A. Definitions [relating to neighborhood assistance tax credit].**--The following words, terms and phrases, when used in this article [Article XIX-A of the Tax Reform Code of 1971], shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

\* \* \*

"Domestic violence or veterans' housing assistance." Furnishing financial assistance, labor, material and technical advice to aid in the acquisition, construction, renovation or rehabilitation of real property in an impoverished area that will be used to provide housing for victims of domestic violence or veterans.

\* \* \*

"Neighborhood organization." Any organization performing community services, offering neighborhood assistance or providing job training, affordable housing, domestic violence or veterans' housing assistance, education or crime prevention in an impoverished area, holding a ruling from the Internal Revenue Service of the United States Department of the Treasury that the organization is exempt from income taxation under the provisions of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.) and approved by the Department of Community and Economic Development.

\* \* \*

(1971, P.L.6, No.2, § 1902-A)

**Section 1904-A. [Neighborhood Assistance] Tax Credit.**--(a) Any business firm which engages or contributes to a neighborhood organization which engages in the activities of providing neighborhood assistance, comprehensive service projects, affordable housing, domestic violence or veterans' housing assistance, job training or education for individuals, community services, youth and adolescent development services or crime prevention in an impoverished area or private company which makes qualified investment to rehabilitate, expand or improve buildings or land located within portions of impoverished areas which have been designated as enterprise zones shall receive a tax credit as provided in section 1905-A if the secretary annually approves the proposal of such business firm or private company. The proposal shall set forth the program to be conducted, the impoverished area selected, the estimated amount to be invested in the program and the plans for implementing the program.

\* \* \*

(b.3) The secretary [of Community and Economic Development], in cooperation with the Department of Military and Veterans Affairs, shall promulgate guidelines for the approval or disapproval for tax credits by business firms that contribute to veterans' housing assistance.

\* \* \*

(1971, P.L.6, No.2, § 1904-A)

**Section 1905-A. Grant of Tax Credit.**--(a) The Department of Revenue shall grant a tax credit against any tax due under Article III, IV, VI, VII, VIII, IX or XV of this act [the Tax Reform Code of 1971], or any tax substituted in lieu thereof in an amount which shall not exceed sixty-five per cent of the total amount contributed during the taxable year by a business firm or twenty-five per cent of qualified investments by a private company in programs approved

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pursuant to section 1904-A of this act: Provided, That a tax credit of up to ninety per cent of the total amount contributed during the taxable year by a business firm or up to thirty-five per cent of the amount of qualified investments by a private company may be allowed for investment in programs where activities fall within the scope of special program priorities as defined with the approval of the Governor in regulations promulgated by the secretary [of Community and Economic Development], and Provided further, That a tax credit of up to ninety per cent of the total amount contributed during the taxable year by a business firm in comprehensive service projects with five-year commitments and up to ninety-five per cent of the total amount contributed during the taxable year by a business firm in comprehensive service projects with six-year or longer commitments shall be granted, and Provided further, That a tax credit of up to ninety per cent of the total amount contributed during the taxable year by a business firm in veterans' housing assistance approved under section 1904-A(b.3) shall be granted. Such credit shall not exceed one million dollars (\$1,000,000) annually for contributions or investments to fewer than four projects or two million five hundred thousand dollars (\$2,500,000) annually for contributions or investments to four or more projects. No tax credit shall be granted to any bank, bank and trust company, insurance company, trust company, national bank, savings association, mutual savings bank or building and loan association for activities that are a part of its normal course of business. Any tax credit not used in the period the contribution or investment was made may be carried over for the next five succeeding calendar or fiscal years until the full credit has been allowed. A business firm shall not be entitled to carry back or obtain a refund of an unused tax credit. The total amount of all tax credits allowed pursuant to this act shall not exceed seventy-two million dollars (\$72,000,000) in any one fiscal year. Of that amount, two million dollars (\$2,000,000) shall be allocated exclusively for pass-through entities. However, if the total amounts allocated to either the group of applicants, exclusive of pass-through entities, or the group of pass-through entity applicants is not approved in any fiscal year, the unused portion shall become available for use by the other group of qualifying taxpayers.

(b) Notwithstanding any other provision of law and except for the tax credits which are granted under subsection (a) on the effective date of this subsection, no additional tax credits may be granted under this article [Article XIX-A of the Tax Reform Code of 1971]. (1971, P.L.6, No.2, § 1905-A)

### **Section 1. Extension of tax deadlines [for Persian Gulf veterans].**

(a) General rule.--The following individuals may be accorded an extension of the legal deadline for the filing of any tax return or the payment of any tax, as described in section 2, without being subject to any interest, penalty or other charges or forfeiture of eligibility for any discount provided by law:

(1) Any resident of this Commonwealth serving in the armed forces of the United States in an area designated by Presidential Executive order as a "combat zone" or who has been ordered to active duty with the armed forces of the United States as a result of Operations Desert Shield and Desert Storm subsequent to August 2, 1990, and prior to the legal deadline for the filing of any tax return or the payment of any tax, as described in section 2, may have such deadline extended until the date 180 days following the date of:

- (i) the return of that resident to the United States or prior duty station;
- (ii) release from active duty; or
- (iii) release of the resident from a military or veterans' hospital in the case of a service-connected injury.

(2) Any resident of this Commonwealth serving in a civilian capacity in support of the United States Armed Forces subsequent to August 2, 1990, in the "combat zone" in the Middle East as designated by the Presidential Executive order or serving outside the boundaries of this Commonwealth in support of such armed forces and prior to the legal deadline for the filing of any tax return or the payment of any tax, as described in section 2, may have such deadlines extended until the date 180 days following:

- (i) the date of the return of that employee to this Commonwealth; or
- (ii) the date designated by the Presidential Executive order as the date of

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termination of combative activities in the Middle East "combat zone," whichever occurs first.

(3) Any spouse of an individual qualifying under paragraph (1) or (2) shall have the same rights and be subject to the same restrictions as provided in this subsection.

(b) Liability waived.--The estate of any individual covered under subsection (a)(1) or (2) who dies while serving in a "combat zone" or dies as a result of injuries received while in a "combat zone" may not be liable for payment of the decedent's earned income tax for the year of death and for the year immediately preceding the year of death.

(1991, P.L.3, No.2, § 1)

### Section 2. Applicability.

Local taxing authorities may adopt any or all of the provisions of this act [the act of March 26, 1991, P.L.3, No.2] in regard to the following taxes imposed or collected under the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949; the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act; the act of August 5, 1932 (Sp.Sess., P.L.45, No.45), referred to as the Sterling Act; any of the various county and municipal codes; and any other applicable statute:

- (1) Real property taxes.
- (2) Earned income taxes.
- (3) Intangible personal property taxes.
- (4) Per capita taxes.
- (5) Occupation taxes.
- (6) Occupational privilege taxes.

(1991, P.L.3, No.2, § 2)

### Section 3. Time extension information.

Any local taxing authority which adopts any of the options under this act [the act of March 26, 1991, P.L.3, No.2] and which issues any notice relating to a delinquent return or overdue tax payment shall include information relating to any time extension available under this act.

(1991, P.L.3, No.2, § 3)

### Section 1303. Definitions [relating to taxpayer relief].

The following words and phrases when used in this chapter [Chapter 13 in the Taxpayer Relief Act] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

\* \* \*

"Income." All income from whatever source derived, including, but not limited to:

\* \* \*

The term does not include surplus food or other relief in kind supplied by a governmental agency, property tax or rent rebate, inflation dividend, Federal veterans' disability payments or State veterans' benefits.

\* \* \*

"State veterans' benefits." Service-connected compensation or benefits of any kind provided to a veteran or an unmarried surviving spouse of a veteran by a Commonwealth agency or authorized under the laws of this Commonwealth.

\* \* \*

(2006, Sp.Sess., P.L.1873, No.1, § 1303)

### § 2. Exemptions and special provisions [in Constitution of Pennsylvania].

(a) The General Assembly may by law exempt from taxation:

\* \* \*

(ii) Actual places of burial, when used or held by a person or organization deriving no private or corporate profit therefrom and no substantial part of whose activity consists of selling personal property in connection therewith;

(iii) That portion of public property which is actually and regularly used for public purposes;

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(iv) That portion of the property owned and occupied by any branch, post or camp of honorably discharged servicemen or servicewomen which is actually and regularly used for benevolent, charitable or patriotic purposes; and

(v) Institutions of purely public charity, but in the case of any real property tax exemptions only that portion of real property of such institution which is actually and regularly used for the purposes of the institution.

(b) The General Assembly may, by law:

\* \* \*

(ii) Establish as a class or classes of subjects of taxation the property or privileges of persons who, because of age, disability, infirmity or poverty are determined to be in need of tax exemption or of special tax provisions, and for any such class or classes, uniform standards and qualifications. The Commonwealth, or any other taxing authority, may adopt or employ such class or classes and standards and qualifications, and except as herein provided may impose taxes, grant exemptions, or make special tax provisions in accordance therewith. No exemption or special provision shall be made under this clause with respect to taxes upon the sale or use of personal property, and no exemption from any tax upon real property shall be granted by the General Assembly under this clause unless the General Assembly shall provide for the reimbursement of local taxing authorities by or through the Commonwealth for revenue losses occasioned by such exemption;

\* \* \*

(c) Citizens and residents of this Commonwealth, who served in any war or armed conflict in which the United States was engaged and were honorably discharged or released under honorable circumstances from active service, shall be exempt from the payment of all real property taxes upon the residence occupied by the said citizens and residents of this Commonwealth imposed by the Commonwealth of Pennsylvania or any of its political subdivisions if, as a result of military service, they are blind, paraplegic or double or quadruple amputees or have a service-connected disability declared by the United States Veterans Administration or its successor to be a total or 100% permanent disability, and if the State Veterans' Commission determines that such persons are in need of the tax exemptions granted herein. This exemption shall be extended to the unmarried surviving spouse upon the death of an eligible veteran provided that the State Veterans' Commission determines that such person is in need of the exemption.

(Pennsylvania Constitution, Art. VIII, § 2)

### **§ 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

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any time not later than six months after the termination of the military service of such person.  
(51 Pa.C.S. § 7311)

### **§ 8901. Definitions [relating to disabled veterans' real estate tax exemption].**

The following words and phrases when used in this chapter [51 Pa.C.S. Ch. 89 (relating to disabled veterans' real estate tax exemption)] 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.  
(51 Pa.C.S. § 8901)

### **§ 8902. Exemption.**

(a) General rule.--Any 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, with his or her spouse or as an estate by the entireties.

(4) The need for the exemption from the payment of real estate taxes has been determined by the State Veterans' Commission in compliance with the requirements of this chapter [51 Pa.C.S. Ch.89 (relating to disabled veterans' real estate tax exemption)].

(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.  
(51 Pa.C.S. § 8902)

### **§ 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 [State Veterans'] 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.  
(51 Pa.C.S. § 8903)

### **§ 8904. Duty of [State Veterans'] 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. In fixing such uniform and equitable standards, the commission shall apply a rebuttable presumption that an applicant with annual income of \$75,000 or less has a need for the exemption. Beginning on January 1, 2009, and every two years thereafter, the commission shall adjust the annual income level qualifying for the rebuttable presumption of need by an amount equal to the change in the Consumer Price Index in the preceding two years. The commission shall publish the adjusted annual income level qualifying for the rebuttable presumption of need as a notice

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in the Pennsylvania Bulletin.

(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 five 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 [51 Pa.C.S. Ch. 89 (relating to disabled veterans' real estate tax exemption)].

(51 Pa.C.S. § 8904)

### **§ 8905. Appeals.**

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

(51 Pa.C.S. § 8905)

### **§ 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 [51 Pa.C.S. Ch.89 (relating to disabled veterans' real estate tax exemption)] shall be sold for the nonpayment of real property taxes for which the exemption from payment has been granted.

(51 Pa.C.S. § 8906)

### **§ 1142. Residency during military service.**

(a) General rule.--A person's active military duty shall not disqualify the person from fulfilling a residency requirement imposed by a municipal code or charter as a qualification of elected office or to fill a vacancy of elected office.

(b) Deemed residency.--For purposes of subsection (a), a person who is a resident of a municipality for at least one year immediately prior to the person's absence due to active military duty shall be deemed to be an ongoing resident of the municipality unless and until the person demonstrates an intent to establish a new domicile outside of the municipality.

(c) Definition.--As used in this section, the term "active military duty" shall include active service in any of the armed forces of the United States, including a National Guard or reserve component.

(53 Pa.C.S. § 1142)

## **Chapter 8. Health Care, Veterans' Homes and Hospitals**

**Section 1. [Transfer of moneys to Department of Health for veterans' care]** Be it enacted, &c., That all moneys heretofore or hereafter received by the State Treasurer from the United States Government in payment of the cost of the care and treatment of sick and disabled soldiers, sailors, and marines, placed by the United States Government in State institutions under the control of the Department of Health, are hereby appropriated to the State Department of Health, shall be credited by him to the Tuberculosis Fund of the said department, and shall be paid out of the State Treasury in the same manner as other appropriations to the State Department of Health are paid.

(1921, P.L.66, No.36, § 1)

### **Section 603-B. Definitions [relating to health insurance coverage parity and nondiscrimination].**



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(a) General rule.--The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

\* \* \*

"Health insurance policy." A policy, subscriber contract, certificate or plan issued by an insurer that provides medical or health care coverage. The term does not include any of the following:

\* \* \*

(9) A policy under which benefits are provided by the Federal Government to active or former military personnel and their dependents.

\* \* \*

(1921, P.L.682, No.284, § 603-B)

**Section 1414. Hollidaysburg Veterans' Home.**--(a) The Department of Military Affairs shall maintain and operate the Hollidaysburg Veterans' Home for military veterans.

(b) The department shall appoint a director to administer the home. The director shall be qualified and licensed in the Commonwealth as a nursing home administrator. The director shall appoint such officers and employees as may be necessary and fix their salaries in conformity with the standards established by the executive board.

(c) The department may accept gifts, grants or payments for the use of the home: Provided, however, That the department shall only receive and accept Federal funds to the extent they are appropriated to the department by the General Assembly.

(d) The department shall establish a schedule of fees to be charged residents. The fees shall be based on the level of service or care required and the ability of the resident to pay.

(e) The department shall establish the level of service to be provided in accordance with the Federal veteran's administration standards of nursing and domiciliary care.

(1929, P.L.177, No.175, § 1414)

### **Section 2128. Suicide or overdose death review teams.**

\* \* \*

(b) Membership [of suicide or overdose death review teams].--

\* \* \*

(2) The lead organization shall select the membership of the death review team. The following shall apply:

\* \* \*

(ii) Members of the suicide death review team shall be selected from any of the following categories:

(A) At least three mental health providers specializing in trauma, youth mental health, veteran and military mental health or another relevant specialty.

\* \* \*

(1929, P.L.177, No.175, § 2128)

### **Section 2201-C. Definitions [relating to PennSERVE].**

The following words and phrases when used in this article [XXII-C] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

\* \* \*

"Community service." The performance of tasks designated to accomplish any of the following:

\* \* \*

(7) Impact the quality of life of veterans and military families.

\* \* \*

(1929, P.L.177, No.175, § 2201-C)

### **Section 1728-H. Department of Labor and Industry.**

The following apply to appropriations to the Department of Labor and Industry:

(1) From money appropriated for Industry Partnerships, no less than the amount

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allocated in the 2014-2015 fiscal year shall be used for a work force development program that links veterans with employment in a home rule county that is a county of the second class A.

\* \* \*

(1929, P.L.343, No.176, § 1728-H)

### **Section 1730-H. Department of Human Services.**

The following apply to appropriations for the Department of Human Services:

(1) From money appropriated for mental health services or from Federal money, \$580,000 shall be used for the following:

\* \* \*

(ii) The expansion of the existing web portals, including services and resources for military veterans and their families, including comprehensive referral services for transitional, temporary and permanent housing, job placement and career counseling and other services for military veterans returning to civilian life.

\* \* \*

(1929, P.L.343, No.176, § 1730-H)

**Section 1. [Veteran defined]** Be it enacted, &c., That within the meaning of this act [the act of May 17, 1933, P.L.803, No.121], "veteran" shall mean any ex-service man or woman, having a legal residence in this Commonwealth, who has been honorably discharged from any branch of the military or naval forces of the United States, and ex-members of the army nurse corps (female), ex-members of the navy nurse corps (female), and women who were transported from the United States by the United States Government to serve in base hospitals overseas, and whose service with the United States Government terminated honorably, whether by discharge or otherwise.

(1933, P.L.803, No.121, § 1)

**Section 2. [Duty of State-aided hospitals to treat veterans]** It shall be the duty of any State-aided hospital within this Commonwealth, which has facilities available for treatment of the disease with which an indigent veteran is afflicted, immediately to admit such veteran if sick or disabled and eligible for Federal hospitalization, if said indigent veteran has applied for Federal hospitalization and an emergency exists, and the hospital shall provide care and treatment for such veteran until such time as a bed is available in a Federal institution.

(1933, P.L.803, No.121, § 2)

**Section 3. [Compensation of State-aided hospitals for treating veterans]** Every State-aided hospital which cares for and treats an indigent veteran under the provisions of this act [the act of May 17, 1933, P.L.803, No.121] shall be compensated for such care and treatment as in the case of other indigent patients.

(1933, P.L.803, No.121, § 3)

**Section 1. [Commonwealth borrowing authorized for treatment of veterans]** Pursuant to the adoption by the people at the municipal election held in November, one thousand nine hundred forty-five of an amendment to article nine of the Constitution of Pennsylvania which reads as follows:

"Section 21. In addition to the purposes stated in article nine, section four of this Constitution, the Commonwealth may be authorized by law to create debt and to issue bonds to the amount of fifty million dollars (\$50,000,000) for the construction of public buildings, highways, drainage and sanitary systems, anti-stream pollution and flood control projects for purposes of reforestation, and for the rehabilitation and hospitalization of war veterans," the Governor, the Auditor General and the State Treasurer, in accordance with the provisions thereof, and on the credit of the Commonwealth of Pennsylvania, are hereby authorized and directed, from time to time, to borrow such sum or sums of money, not exceeding in the aggregate, the sum of fifty million dollars (\$50,000,000) as may be deemed necessary to carry

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out the purposes of said amendment and statutes passed in conformity therewith.  
(1947, P.L.1062, No.455, § 1)

### **Section 401. Applications for Admission or Commitment; to Whom Made.--\* \* \***

(c) Whenever a court commits any person under any provision of this act [the Mental Health and Intellectual Disability Act of 1966], it may commit such person directly to a facility willing and able to receive him; otherwise, the court shall commit to a designated local or State facility, or to the Veterans Administration or other agency of the United States upon receipt of a certificate that the person is eligible for such hospitalization and there is available space for his care.

(1966, Sp.Sess.3, P.L.96, No.6, § 401)

**Section 404. Commitment on Application by Relative, etc.; Physicians' Certificates; Review.--**(a) A written application for commitment to a facility may be made in the interest of any person who appears to be mentally disabled and in need of care. It may be made by a relative, guardian, friend, individual standing in loco parentis to the person to be committed, or by the executive officer or an authorized agent of a governmental or recognized nonprofit health or welfare organization or agency or any responsible person.

(b) Such application shall be accompanied by the certificates of two physicians who have examined the person whose commitment is sought, within one week of the date of the certificates, and who have found that, in their opinion, such person is mentally disabled and in need of care. In the case of a mentally retarded person, the physician's certification shall be accompanied by the report of a psychologist. No person shall be committed hereunder if any certificate is dated more than thirty days prior to the date of commitment, except that if the mental disability consists of intellectual disability, the certificates may be dated not more than three months prior to the date of commitment. The application, certificates and the report, if any, shall be signed and sworn to or affirmed.

(c) The director may receive the person named in the application and detain him until discharge in accordance with the provisions of this act [the Mental Health and Intellectual Disability Act of 1966]. When application is made by any person other than a relative or guardian, the director upon reception of the person named in the application shall notify the appropriate relative or guardian of such person of the commitment.

(d) Every commitment made under this section except those to the Veterans Administration or other agency of the United States Government, shall be reviewed at least annually by a committee appointed by the director from the professional staff of the facility wherein the person is detained, to determine whether continued care and commitment is necessary. Said committee shall make written recommendations to the director which shall be filed at the facility, and be open to inspection and review by the department [of Human Services], and such other persons as the secretary, by regulation, may permit.

(1966, Sp.Sess.3, P.L.96, No.6, § 404)

**Section 415. Commitment or Transfers to Facilities of the United States Government or of Another State; Reciprocal Agreements.--**(a) Except when a person has been charged with or sentenced for crime, if proceedings for his admission or commitment have been effected he may be committed or transferred to the Veterans Administration or any other agency of the United States Government or to another state for care therein.

\* \* \*

(1966, Sp.Sess.3, P.L.96, No.6, § 415)

**Section 424. Funds of Persons Admitted or Committed to State Operated Facilities.--**Where no guardian has been appointed for a mentally disabled person admitted or committed to a State operated facility all money and other personal property of such person shall be handled in the following manner, unless the director determines that such person's recovery or well-being will be promoted by his own handling of such money or personal property:

\* \* \*

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(10) Upon the death of any such person the director shall transfer to the revenue agent all money and other personal property belonging to such person. The revenue agent shall continue to serve as provided in this section, with respect to any sums due such person as of the date of his death, or as burial allowances. After the payment of burial expenses and satisfaction of such person's obligation to the Commonwealth, the balance of such funds, if any, shall be disposed of in accordance with existing statutes governing decedents' estates except those veterans' benefits which by Federal law are to be returned to the United States. (1966, Sp.Sess.3, P.L.96, No.6, § 424)

### **Section 801-G. Definitions [relating to Statewide quality care assessment].**

The following words and phrases when used in this article [Article VIII-G of the Human Services Code] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

\* \* \*

"Covered hospital." A hospital other than an exempt hospital.

\* \* \*

"Exempt hospital." Any of the following:

(1) A Federal veterans' affairs hospital.

\* \* \*

(1967, P.L.31, No.21, § 801-G)

### **Section 804-G. Administration.**

\* \* \*

(a.2) Calculation of assessment with closures or other changes in operation.--Except as provided in subsection (a.1)(2), a covered hospital that closes or that becomes an exempt hospital during a fiscal year is liable for both:

(1) The annual assessment amount for the fiscal year in which the closure or change occurs prorated by the number of days in the fiscal year during which the covered hospital was in operation.

(2) Any outstanding assessment amounts related to periods prior to the closure or change in operation.

\* \* \*

(1967, P.L.31, No.21, § 804-G)

### **Section 808-G. Tax exemption.**

(a) General rule.--Notwithstanding any exemptions granted by any other Federal, State or local tax or other law, no covered hospital other than an exempt hospital shall be exempt from the assessment.

\* \* \*

(1967, P.L.31, No.21, § 808-G)

### **Section 502. Definitions [relating to pharmaceutical assistance for the elderly (PACE)].**

The following words and phrases when used in this chapter [Chapter 5 of the State Lottery Law] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

\* \* \*

"Income." All income from whatever source derived, including, but not limited to, salaries, wages, bonuses, commissions, income from self-employment, alimony, support money, cash public assistance and relief, the gross amount of any pensions or annuities, including railroad retirement benefits, all benefits received under the Social Security Act (49 Stat. 620, 42 U.S.C. § 301 et. seq.) net of amounts withheld for Medicare Part B premium payment, all benefits received under State unemployment insurance laws, all interest received from the Federal Government or any state government or any instrumentality or political subdivision thereof, realized capital gains, rentals, workmen's compensation and the gross amount of loss of time insurance benefits, life insurance benefits and proceeds, except the first \$10,000 of the total of

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death benefits payments, and gifts of cash or property, other than transfers by gift between members of a household, in excess of a total value of \$300, but shall not include surplus food or other relief in kind supplied by a government agency or property tax rebate nor shall the term include any State veterans' benefit payments.

\* \* \*

(1971, P.L.351, No.91, § 502)

**Section 105. [Mental Health] Treatment Facilities.**--Involuntary treatment and voluntary treatment funded in whole or in part by public moneys shall be available at a facility approved for such purposes by the county administrator (who shall be the County Mental Health and Mental Retardation Administrator of a county or counties, or his duly authorized delegate), or by the department [of Human Services]. Approval of facilities shall be made by the appropriate authority which can be the department pursuant to regulations adopted by the department. Treatment may be ordered at the Veterans Administration or other agency of the United States upon receipt of a certificate that the person is eligible for such hospitalization or treatment and that there is available space for his care. Mental health facilities operated under the direct control of the Veterans Administration or other Federal agency are exempt from obtaining State approval. The department's standards for approval shall be at least as stringent as those of the joint commission for accreditation of hospitals and those of the Federal Government pursuant to Titles 18 and 19 of the Federal Social Security Act to the extent that the type of facility is one in which those standards are intended to apply. An exemption from the standards may be granted by the department for a period not in excess of one year and may be renewed. Notice of each exemption and the rationale for allowing the exemption must be published pursuant to the act of July 31, 1968 (P.L.769, No.240), known as the "Commonwealth Documents Law," and shall be prominently posted at the entrance to the main office and in the reception areas of the facility.

(1976, P.L.817, No.143, § 105)

**Section 202. To Whom Application May be Made.**--Application for voluntary examination and treatment shall be made to an approved facility or to the county administrator, Veterans Administration or other agency of the United States operating a facility for the care and treatment of mental illness. When application is made to the county administrator, he shall designate the approved facility for examination and for such treatment as may be appropriate.

(1976, P.L.817, No.143, § 202)

**Section 401. Examination and Treatment of a Person Charged with Crime or Serving Sentence.**--(a) Examination and Treatment to be Pursuant to Civil Provisions.--Whenever a person who is charged with crime, or who is undergoing sentence, is or becomes severely mentally disabled, proceedings may be instituted for examination and treatment under the civil provisions of this act [the Mental Health Procedures Act] in the same manner as if he were not so charged or sentenced. Proceedings under this section shall not be initiated for examination and treatment at Veterans Administration facilities if such examination and treatment requires the preparation of competency reports and/or the facility is required to maintain custody and control over the person. Such proceedings, however, shall not affect the conditions of security required by his criminal detention or incarceration.

(b) Status in Voluntary and Involuntary Treatment.--Whenever a person who is detained on criminal charges or is incarcerated is made subject to inpatient examination or treatment, he shall be transferred, for this purpose, to a mental health facility. Transfer may be made to a Veterans Administration facility provided that neither custody nor control are required in addition to examination and treatment. Such individuals transferred to the Veterans Administration are not subject to return by the Federal agency to the authority entitled to have them in custody. During such period, provisions for his security shall continue to be enforced, unless in the interim a pretrial release is effected, or the term of imprisonment expires or is terminated, or it is otherwise ordered by the court having jurisdiction over his criminal status. In those instances where a person is charged with offenses listed in section 304(g)(2) and where

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the court, after hearing, deems it desirable, security equivalent to the institution to which he is incarcerated must be provided. Upon discharge from treatment, a person who is or remains subject to a detainer or sentence shall be returned to the authority entitled to have him in custody. The period of involuntary treatment shall be credited as time served on account of any sentence to be imposed on pending charges or any unexpired term of imprisonment.

\* \* \*

(1976, P.L.817, No.143, § 401)

### **Section 3. Definitions in medicare supplement policies.**

As used in any medicare supplement policy issued under this act [the Medicare Supplement Insurance Act]:

\* \* \*

(3) "Hospital" may be defined in relation to its status, facilities and available services or to reflect its accreditation by the Joint Commission on Accreditation of Hospitals or the American Osteopathic Association: Provided, That:

(i) the definition of the term "hospital" shall not be more restrictive than one requiring that the hospital:

(A) be an institution operated pursuant to law;

(B) be primarily and continuously engaged in providing the medical care and treatment of sick or injured persons on an inpatient basis for which a charge is made; and

(C) provide 24-hour nursing service by or under the supervision of registered graduate professional nurses.

(ii) the definition of the term "hospital" may state that such term shall not include:

(A) convalescent homes, convalescent, rest or nursing facilities;

(B) facilities primarily affording custodial, educational care;

(C) facilities for the aged, drug addicts or alcoholics; or

(D) any military or veterans hospital or soldiers home or any hospital contracted for or operated by any national government or agency thereof for the treatment of members or ex-members of the armed forces, except for services rendered on an emergency basis where a legal liability exists for charges made to the individual for such services.

\* \* \*

(1982, P.L.1291, No.292, § 3)

### **Section 903.1. Spinal Cord Injury Research Program.**

\* \* \*

(b) [Health Research] Advisory committee.--

\* \* \*

(2) The secretary [of Health] shall appoint nine members to the advisory committee, which shall consist of the following:

\* \* \*

(vii) One member who is a veteran who has a spinal cord injury.

\* \* \*

(2001, P.L.755, No.77, § 903.1)

### **Section 2302. Definitions [relating to PACE reinstatement and PACENET expansion].**

The following words and phrases when used in this chapter [Chapter 23 of the Tobacco Settlement Act] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

\* \* \*

"Income." All income from whatever source derived, including, but not limited to, salaries, wages, bonuses, commissions, income from self-employment, alimony, support money, cash public assistance and relief, the gross amount of any pension or annuities, including railroad

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retirement benefits, all benefits received under State unemployment insurance laws and veterans' disability payments, all interest received from the Federal Government or any state government or any instrumentality or political subdivision thereof, realized capital gains, rentals, workers' compensation and the gross amount of loss of time insurance benefits, life insurance benefits and proceeds, except the first \$5,000 of the total of death benefits payments, and gifts of cash or property, other than transfers by gift between members of a household, in excess of a total value of \$300, but shall not include surplus food or other relief in kind supplied by a government agency or property tax rebate.

\* \* \*

(2001, P.L.755, No.77, § 2302)

### **Section 4. Definitions [relating to Childhood Lead Test Act].**

The following words and phrases when used in this act [Childhood Blood Lead Test Act] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

\* \* \*

"Health insurance policy." A policy, subscriber contract, certificate or plan issued by an insurer that provides hospital or medical/surgical health care coverage. The term does not include any of the following:

\* \* \*

(11) A policy under which benefits are provided by the Federal Government to active or former military personnel and their dependents.

\* \* \*

(2022, P.L.2135, No.150, § 4)

### **§ 3309. Special studies and reports [relating to health care cost containment].**

\* \* \*

(b) Special reports.--

(1) A Commonwealth agency, the Senate or the House of Representative may study and issue a report on the special medical needs, demographic characteristics, access or lack thereof to health care services and need for financing of health care services of:

\* \* \*

(vii) Veterans.

\* \* \*

(35 Pa.C.S. § 3309)

### **§ 52A01. Definitions [relating to prescribing opioids to minors].**

The following words and phrases when used in this chapter [35 Pa.C.S. Ch. 52A (relating to prescribing opioids to minors)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

\* \* \*

"Minor." An individual under 18 years of age. The term excludes an individual who is emancipated by:

\* \* \*

(2) entering the armed forces of the United States;

\* \* \*

(35 Pa.C.S. § 52A01)

### **§ 5802. [COVID-19] Benefit.**

(a) Benefit.--Notwithstanding any other provision of law, a member of the Pennsylvania National Guard shall receive from the department a benefit computed under subsection (b)(2) if the member:

(1) is ordered to State Active Duty for Emergency or Special State Duty by the Adjutant General or by the Governor; and

(2) sustains an injury while participating in duty under paragraph (1) from the period

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of notification to report for duty until officially released.

\* \* \*

(d) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

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

\* \* \*

(35 Pa.C.S. § 5802)

### **§ 9103. Definitions.**

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

\* \* \*

"Health insurance policy." A policy, subscriber contract, certificate or plan issued by an insurer that provides hospital or medical/surgical health care coverage. The term does not include any of the following:

\* \* \*

(11) A policy under which benefits are provided by the Federal Government to active or former military personnel and their dependents.

\* \* \*

(40 Pa.C.S. § 9103)

### **§ 9309. Nonliability.**

(a) General rule.--Except as provided under subsection (b), there shall be no liability on the part of and no cause of action of any nature may arise against the exchange authority, board or advisory council or members thereof, the commissioner, the department, an insurer, insurance producer or an exchange assister or an authorized representative, agent or employee thereof, for the use of information furnished pertaining to:

(1) An application for, inquiry concerning or enrollment or disenrollment in a health insurance policy or government program, including an inquiry regarding eligibility for enrollment or eligibility for a government program, relevant to health insurance available through an exchange or health care coverage or other benefits through a government program.

\* \* \*

(40 Pa.C.S. § 9309)

### **§ 9505. Insurer eligibility and duties.**

\* \* \*

(d) Consideration for rate filings.--In a rate filing for a health insurance policy to be offered through the exchange, the impact of reinsurance payments under this chapter shall be identified.

\* \* \*

(40 Pa.C.S. § 9505)

### **§ 704. Advisory councils for veterans' homes.**

(a) Establishment of advisory council.--There is hereby established an advisory council for each veterans' home operated by the Commonwealth. Each advisory council shall consist of 15 members and the Adjutant General, who shall serve ex officio. Twelve of the members shall be appointed by the Governor from a list of nominations submitted to the Adjutant General by the Pennsylvania War Veterans' Council. The Speaker of the House of Representatives and the President pro tempore of the Senate shall each appoint one member from their respective bodies to serve on each council. The remaining member on the advisory council shall be selected by the residents of the veterans' homes.



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(b) Term of office and officers.--Each member of the councils appointed from the General Assembly shall serve for the duration of that General Assembly. The eight members appointed by the Governor shall serve a term of three years, provided that the initial eight members selected by the Governor shall serve as follows: three members for one year, three members for two years and two members for three years as designated by the Governor. Each council shall organize as soon as possible and shall annually elect a president, vice president and secretary.

(c) Removal for cause.--The members appointed by the Governor may be removed by the Governor for cause.

(d) Quorum and time of meetings.--Six members of a council shall constitute a quorum for the purpose of conducting the business of the council. Each advisory council shall meet at least quarterly and at other times at the call of the president.

(e) Expenses.--Members of each advisory council shall receive no compensation for their services but shall receive reimbursement for their necessary and proper expenses for attendance at meetings.

(f) Power and duty of advisory councils.--Each veterans' home advisory council shall advise the Adjutant General as to the management, operation and the adequacy of facilities and services at their respective homes.

(51 Pa.C.S. § 704)

### **§ 7901. Definitions [relating to veterans' litigation awards].**

The following words and phrases when used in this chapter [51 Pa.C.S. Ch.79 (relating to veterans' litigation awards)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Agent Orange." The herbicide composed of trichlorophenoxyacetic acid and dichlorophenoxyacetic acid and the contaminant dioxin (TCDD).

"Vietnam herbicide." The herbicides, defoliants and other causative agents containing dioxin, including Agent Orange, used in the Vietnam Conflict.

(51 Pa.C.S. § 7901)

### **§ 7902. Veterans' litigation awards.**

(a) Award exclusions.--Notwithstanding any other law of this Commonwealth to the contrary, any proceeds received pursuant to a judgment in, or settlement of, a lawsuit against the manufacturer or distributor of a Vietnam herbicide, for damages resulting from exposure thereto shall not be income or compensation for the purpose of any State or local tax, or for the calculation of any exemption or rebate therefrom, and shall not be income or an asset for determining the eligibility for State or local government benefit programs, including, but not limited to, general public assistance and vocational rehabilitation. Such proceeds shall not be subject to recoupment for the receipt of any governmental benefits, nor shall any lien be enforceable against such sums for any reason.

(b) Payment method.--This exclusion of litigation proceeds from use in tax or benefit program calculations shall be available to disabled veterans or their beneficiaries, whether payment is received in a lump sum or payable in installments over a period of years.

(51 Pa.C.S. § 7902)

### **§ 9502. Declaration of policy.**

The General Assembly finds and declares as follows:

(1) A mechanism is to be provided through which patients who have the ability to acquire lower cost drugs through the United States Department of Veterans Affairs have access to those drugs if they reside in a long-term care facility, assisted living residence or personal care home.

(2) The mechanism is to be provided by permitting the pharmacy within the long-term care facility, assisted living residence or personal care home, or which has a contract with the entity to:

(i) receive the lower cost drugs directly from the United States Department of

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Veterans Affairs drug benefit program in the patient's name; and

(ii) repackage and relabel those drugs so they may be dispensed in unit doses to patients in a long-term care facility, assisted living residence or personal care home in compliance with the Food and Drug Administration, the United States Pharmacopeia and the policies and procedures of the long-term care facility, assisted living residence or personal care home.

(3) This chapter [51 Pa.C.S. Ch.95 (relating to long-term care patient access to pharmaceuticals)] shall be interpreted and construed to effectuate the following purposes:

(i) To provide for the care, protection and treatment of patients in long-term care facilities, assisted living residences and personal care homes by allowing them to utilize the drug benefit provided by the United States Department of Veterans Affairs.

(ii) Consistent with the care, protection and treatment of patients in long-term care facilities, assisted living residences and personal care homes, to provide a means by which a pharmacy, within these settings or that has a contract with the entities listed, may:

(A) accept, on behalf of the patient, drugs received directly from the United States Department of Veterans Affairs; and

(B) repackage and relabel those drugs so that the patient may receive them in a unit dose in compliance with the Food and Drug Administration, the United States Pharmacopeia and the policies and procedures of the long-term care facility, assisted living residence or personal care home.

(iii) To provide a means through which this chapter is executed and enforced and in which long-term care facilities, assisted living residences, personal care homes, pharmacists, drug source facilities and pharmaceutical providers may implement this chapter.

(4) Only individuals eligible for benefits provided by the United States Department of Veterans Affairs are eligible for the program under this chapter.  
(51 Pa.C.S. § 9502)

### **§ 9503. Definitions [relating to long-term care patient access to pharmaceuticals].**

The following words and phrases when used in this chapter [51 Pa.C.S. Ch.95 (relating to long-term care patient access to pharmaceuticals)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Assisted living residence." As defined in section 1001 of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code.

\* \* \*

"Drug source facility." A facility:

(1) where drugs are lawfully manufactured, dispensed or distributed; and

(2) which is:

(i) operated by or under contract with the United States Department of Veterans Affairs; or

(ii) approved by the United States Department of Veterans Affairs.

\* \* \*

"Long-term care facility." A long-term care nursing facility as defined in section 802.1 of the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

\* \* \*

"Personal care home." As defined in section 1001 of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code.

\* \* \*

(51 Pa.C.S. § 9503)

### **§ 9505. Third-party drugs in long-term care facilities, assisted living residences and personal care homes.**

(a) Authority.--Notwithstanding any other provision of law, all of the following may

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dispense a drug acquired from a drug source facility outside the long-term care facility, assisted living residence or personal care home to a patient of a long-term care facility, assisted living residence or personal care home:

(1) A pharmacist employed by a long-term care facility, assisted living residence or personal care home.

(2) A pharmacy that contracts with a long-term care facility, assisted living residence or personal care home to fill prescriptions for patients residing in these settings.

(b) Unit dose.--A person authorized under subsection (a) to dispense a drug shall repackage, relabel and dispense the drug in a unit dose if all of the following conditions are met:

(1) The drug is obtained from a drug source facility.

(2) There is a prescription for the drug.

(3) The prescriber has signed a form authorizing the long-term care facility, assisted living residence or personal care home to administer a drug from a drug source facility outside the long-term care facility, assisted living residence or personal care home.

(4) The patient has signed a form authorizing the long-term care facility, assisted living residence or personal care home to administer a drug from a drug source facility outside the location and provided payment information for payment of the related fees to the pharmacy. In the case of a minor or a patient who is unable to sign the form, a parent, a guardian, an agent acting under a power of attorney or a family member is authorized to sign the form. The form must explain that a person authorized under subsection (a) to dispense a drug from a drug source facility outside the long-term care facility, assisted living residence or personal care home:

(i) is required to go through the process of repackaging and relabeling the drug;

(ii) may charge a fee for repackaging and relabeling the drug, including the amount of the fee and the frequency of its assessment; and

(iii) has immunity from civil liability arising from dispensation of the drug if the person properly repackages and relabels the drug as set forth in section 9508 (relating to civil liability and unprofessional conduct).

(5) The attending physician or other provider prescribing medications for the patient within their scope of practice has issued an order continuing the patient's medical regime.

(6) The repackaging is in compliance with the Food and Drug Administration, the United States Pharmacopeia and the policies and procedures of the long-term care facility, assisted living residence or personal care home.

(7) The United States Department of Veterans Affairs provides the drug directly to the pharmacy in the long-term care facility, assisted living residence or personal care home in the patient's name or by mailing it to a lockbox located at the long-term care facility, assisted living residence or personal care home in the patient's name and with the following information in preparation for the repackaging and relabeling:

(i) The name and address of the dispensing pharmacy.

(ii) (Reserved).

(iii) (Reserved).

(iv) A copy of the original prescription upon request.

(v) The date the drug was dispensed.

(vi) Directions for use, contraindications and other materials required by law to be provided to the patient.

(7.1) A pharmacist must be held responsible for his activity or activity performed under his supervision or authorization.

(8) The pharmacist manager of the pharmacy, within the long-term care facility, assisted living residence or personal care home or that has a contract with the long-term care facility, assisted living residence or personal care home responsible for access to the lockbox shall be responsible for the following:

(i) Reviewing and approving written policies and procedures for lockbox operation, safety, security, accuracy, access and patient confidentiality.

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- (ii) Ensuring that medications received at the lockbox are inspected for expiration date, misbranding and physical integrity and ensuring that the lockbox is inspected for security and accountability every month.
- (iii) Inspecting medications received at the lockbox to determine if:
  - (A) the original contents have deteriorated significantly due to heat, cold fermentation or prolonged agitation; or
  - (B) the sensors indicate the integrity of the drug was compromised if the drugs were shipped in a manner that would preserve the integrity of the drug, such as cold packs or other temperature control devices.
- (iv) Assigning, discontinuing or changing authorized personnel access to the lockbox.
- (v) Ensuring that an accountability record is maintained in accordance with the written policies and procedures of operation.
- (vi) Ensuring compliance with the applicable provisions of Federal and State law.

(51 Pa.C.S. § 9505)

### Chapter 9. Miscellaneous Benefits

**Section 495. Identification Cards; Licensees and State Liquor Store Employees Saved From Prosecution.**--(a) The valid photo driver's license or identification card issued by the Department of Transportation or by any other state, or Canadian driver's license or other bona fide Canadian identification such as a Canadian-issued passport, or a valid armed forces of the United States identification card, a valid passport or a travel visa issued by the United States or a foreign country that contains the holder's photograph shall, for the purpose of this act [the Liquor Code], be accepted as an identification card.

\* \* \*

(1951, P.L.90, No.21, § 495)

**Section 215. Determining Whether Applicants are Veterans.**--(a) The department [of Human Resources] shall make a good faith effort to determine whether an applicant for cash, medical or energy assistance is a veteran. While in the process of making its determination, the department shall dispense benefits to the applicant, if otherwise eligible.

(b) As a condition of eligibility to receive cash, medical or energy assistance, unless there is good cause not to do so, an applicant who is a veteran shall be required to contact a veteran service officer accredited and recognized by the United States Department of Veterans Affairs, the Department of Military and Veterans Affairs or the county director of veterans affairs in which the applicant resides in order to determine the applicant's eligibility for veteran's benefits or to file a veteran claims packet. The department shall develop a standard form to be used by a veteran service officer to verify the applicant's eligibility for veteran's benefits and make this form available on its official website.

(c) An applicant who is a veteran shall provide proof of compliance with this section and the department shall, to the greatest extent possible, require the applicant to provide information on the final determination of eligibility for veteran's benefits and the type of benefits the veteran is entitled to receive.

(d) As used in this section, the following words and phrases shall have the following meanings:

"Assistance" means money, services and payment for medical coverage or energy assistance for needy persons who are residents of this Commonwealth, are in need of assistance and meet all conditions of eligibility.

"Veteran claims packet" means an application requesting a determination or entitlement or evidencing a belief in entitlement to a benefit as provided for in 38 CFR (relating to pensions, bonuses, and veterans' relief) or 51 Pa.C.S. (relating to military affairs).

(1967, P.L.31, No.21, § 215)

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**Section 1. [Emergency and law enforcement personnel death benefits]** (a) In the event a law enforcement officer, ambulance service or rescue squad member, firefighter, certified hazardous material response team member, member of the Pennsylvania Civil Air Patrol or National Guard member dies as a result of the performance of his duties, an application, including a certification of death, shall be made to the department within three years of the date of such death by any of the following:

- (1) A political subdivision.
- (2) A Commonwealth agency.
- (3) In the case of National Guard members, the Adjutant General.
- (4) In the case of a member of a Commonwealth law enforcement agency, the agency head.
- (5) In the case of a campus police officer, the university or college president.
- (6) Any survivor eligible for payment of benefits under this act or individual authorized to act on the survivor's behalf.
- (7) In the case of the Pennsylvania Civil Air Patrol, the State Commander.

(a.1) A firefighter, ambulance service or rescue squad member, law enforcement officer, certified hazardous material response team member, member of the Pennsylvania Civil Air Patrol or National Guard member who suffers a fatal heart attack or stroke while on duty or not later than 24 hours after participating in a physical training exercise or responding to an emergency is presumed to have died as a result of the performance of his duties for purposes of this act [the act of June 24, 1976, P.L.424, No.101].

\* \* \*

(e) The Commonwealth of Pennsylvania shall pay out of the General Fund to the surviving spouse or, if there is no surviving spouse, the minor children of a National Guard member, certified hazardous material response team member, member of the Pennsylvania Civil Air Patrol, volunteer firefighter, ambulance service or rescue squad member who died as a result of the performance of his duties the sum of \$100,000, adjusted in accordance with subsection (f) of this section. When no spouse or minor children survive, the benefit shall be paid to the parent or parents of such National Guard member, certified hazardous material response team member, member of the Pennsylvania Civil Air Patrol, volunteer firefighter, ambulance service or rescue squad member. The benefit shall be payable whether or not the National Guard member or certified hazardous material response team member, member of the Pennsylvania Civil Air Patrol, volunteer firefighter, ambulance service or rescue squad member died as a result of the performance of his duty within the Commonwealth of Pennsylvania.

\* \* \*

(g) A National Guard member shall be deemed to be acting in the performance of his duties for the purposes of this act when:

- (1) his death occurs in an official duty status authorized under 51 Pa.C.S. § 508 (relating to active State duty for emergency); or
  - (2) going directly to or from the place of such duties.
- (1976, P.L.424, No.101, § 1)

**Section 2.1. [Construction of emergency and law enforcement personnel death benefits]** This act [the act of June 24, 1976, P.L.424, No.101] shall be broadly construed to grant benefits to firefighters, ambulance service or rescue squad members, law enforcement officers or National Guard personnel for deaths related to the performance of their duties. (1976, P.L.424, No.101, § 2.1)

### **Section 503. Fees and charges [relating to check casher licensing].**

(a) Allowable fees.--The licensee or any person subject to any provision of this act [the Check Casher Licensing Act] may collect the following fees for cashing a check:

- (1) A sum not exceeding 1.5% of the face amount of a government check or 0.5% of the face amount of a government assistance check, provided the payee submits valid identification in the form of a driver's license, an identification card issued by the Department of Transportation or the equivalent.

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- (2) A sum not exceeding 3% of the face amount of a payroll check.
  - (3) A sum not exceeding 10% of the face amount of a personal check.
  - (b) New customer fee.--Notwithstanding anything in this section to the contrary, the licensee or any person subject to any provision of this act may charge an initial fee not to exceed \$10 to a new customer to cover the cost of investigating the customer's credit.
  - (c) Receipt of transaction.--The licensee or any person subject to any provision of this act shall provide a receipt of the transaction.
  - (d) Other goods and services.--
    - (1) The licensee or any person subject to any provision of this act shall not require consumers to purchase other goods or services in order to cash a check.
    - (2) Nothing in this section shall prevent a licensee or any person subject to this act from offering additional goods and services.
  - (e) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:
    - "Government assistance check." A check issued by the Federal Government or State government on a continuing periodic basis by a government agency for the payment to the recipient payee of Federal or State assistance, Social Security, workers' compensation, unemployment compensation, railroad retirement benefits, veterans benefits or housing assistance.
    - "Government check." A check issued by the Federal Government, State government or local government other than a government assistance check.
- (1998, P.L.146, No.22, § 503)

### **§ 714. PA VETConnect Program.**

- (a) Establishment.--The PA VETConnect Program is established.
- (b) Participants.--The program may include Federal agencies, State agencies, county directors of veterans' affairs, veterans' service organizations, accredited postsecondary educational and technical institutions, the health care provider community, businesses and nonprofit organizations.
- (c) Purpose.--The program shall:
  - (1) Improve the health and well-being of veterans and the families of veterans through referrals, community engagement and consistent network communication.
  - (2) Organize participants under subsection (b) to cooperate with network partners to provide for proactive solutions to address the problems faced by veterans.
- (d) Requirements.--Program requirements shall be determined by the department and information shall be disseminated to the greatest extent possible on how to best navigate and utilize available resources to improve the health and well-being of veterans and the families of veterans.
- (e) Duties of department.--The department shall develop and administer the program, which shall contain a mission statement that shall be clearly communicated to network advocates, partners and participants under subsection (b). The department shall:
  - (1) Coordinate with Federal agencies, State agencies, county directors of veterans' affairs, veterans' service organizations, accredited postsecondary educational and technical institutions, the health care provider community, businesses and nonprofit organizations, identified by the department, that provide programs, initiatives, reintegration outreach and related services to veterans and the families of veterans.
  - (2) Provide Pennsylvania Salutes You for Your Service information to recently separated service members.
  - (3) Provide information regarding program initiatives, resources, training opportunities, veterans' service organizations and services available to be utilized by individuals or groups who support veterans and their families as volunteers and offer outreach and support for veterans.
  - (4) Coordinate with county directors of veterans' affairs by providing information of veterans who request support for Federal and State benefits and programs.
  - (5) Coordinate with veterans' service officers from veterans' service officer grant

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programs or other veterans' service officers to assist veterans in applying for Federal veterans benefits.

(51 Pa.C.S. § 714)

### **§ 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.

(51 Pa.C.S. § 4106)

### **§ 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.

(51 Pa.C.S. § 7310)

### **§ 7314. Stay of proceedings when military service affects conduct thereof.**

At any stage thereof any action or proceeding in any court in which a person in military service is involved, either as plaintiff or defendant, during the period of such service or within 60 days thereafter may, in the discretion of the court in which it is pending, on its own motion, and shall, on application to it by such person or some person on his behalf, be stayed as provided in the act of October 17, 1940, known as the Soldiers' and Sailors' Civil Relief Act of 1940 (54 Stat. 1178, 50 U.S.C. app. § 501 et seq.), unless, in the opinion of the court, the ability of the plaintiff to prosecute the action or the defendant to conduct his defense is not materially affected by reason of his military service.

(51 Pa.C.S. § 7314)

### **§ 7315. Termination of leases and similar obligations by military personnel.**

\* \* \*

(e) Memberships subject to termination.--A member of the Pennsylvania National Guard

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or other reserve component of the armed forces of the United States, as described in subsection (a), may terminate without cost or penalty any membership or similar obligation incurred prior to the member's entry on active duty in a health club, fitness center, country club, outdoor or indoor recreational organization or similar organization where periodic payments are required to maintain membership, or the member, at his option, may suspend his periodic payments during his period of active service and shall be readmitted to active membership without payment of any initiation or other initial membership fee upon release from active service. The notice described in subsection (c) shall be sufficient for a member to notify the club or organization of the termination or suspension of membership.  
(51 Pa.C.S. § 7315)

### **§ 7315.1. Early termination of housing rental agreement by military personnel.**

(a) General rule.--A member of the armed forces of the United States or a member of the Pennsylvania National Guard serving on full-time duty or as a civil service technician with a national guard unit may, through the procedure detailed in this subsection, terminate a housing rental agreement if the member or technician:

- (1) has received permanent change of station orders;
- (2) has received temporary duty orders in excess of three months;
- (3) is honorably discharged or released from active duty with the armed forces of the United States or from full-time duty or technician status with the Pennsylvania National Guard; or
- (4) has received orders for mandatory housing assignment to government-supplied quarters resulting in forfeiture of basic allowance for housing (BAH).

(b) Notice of termination.--Tenants who qualify to terminate a housing rental agreement under this section shall do so by serving on the landlord a written notice of termination effective not less than 30 days after receipt of the notice. Prior to the termination date, the tenant shall furnish the landlord with a copy of the official notification of the orders or a signed letter confirming the orders from the tenant's commanding officer.

(c) Final rent.--The final rent shall be prorated to the date of termination and shall be payable at such time as would have otherwise been required by the terms of the housing rental agreement.

(d) Arrearages and other obligations and liabilities.--Rents or lease amounts unpaid for the period preceding the effective date of the lease termination shall be paid on a prorated basis.

(e) Rent paid in advance.--Rents or lease amounts paid in advance for a period after the effective date of the termination of the lease shall be refunded to the lessee by the lessor, or the lessor's assignee or the assignee's agent, within 30 days of the effective date of the termination of the lease.

(f) Relief to lessor.--Upon application by the lessor to a court before the termination date provided in the written notice, relief granted by this section to a servicemember may be modified as justice and equity require.

(g) Tenant's obligations.--Nothing in this section shall affect the tenant's obligations under section 503-A of the act of April 6, 1951 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951.

(h) Penalties.--

(1) Any person who knowingly seizes, holds or detains the personal effects, security deposit or other property of a servicemember or a servicemember's dependent who lawfully terminates a lease covered by this section, or who knowingly interferes with the removal of such property from premises covered by such lease, for the purpose of subjecting or attempting to subject any of such property to a claim for rent accruing subsequent to the date of termination of such lease, or attempts to do so, commits a summary offense.

(2) The remedy and rights provided under this section are in addition to and do not preclude any remedy for wrongful conversion otherwise available under law to the person claiming relief under this section, including any award for consequential or punitive damages.



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(51 Pa.C.S. § 7315.1)

## § 7316. Maximum rates of interest and scheduling of debts.

\* \* \*

(d) Rescheduling of debt payments.--When a member's income is materially reduced as a result of his being called or ordered to active duty, the member, his spouse or his agent or attorney-in-fact may apply to his creditors for a rescheduling of his debt payments to take into account the material reduction in his income. The member, his spouse or his agent or attorney-in-fact shall provide the creditor with a statement of his income prior to being called or ordered to active duty and his income thereafter. Based on proof of a material reduction in income, the creditor shall thereafter adjust or reschedule the monthly or other periodic payments of the member. Nothing in this subsection shall be construed to relieve a member of the obligation to repay the principal of his debt after his release or discharge from active duty and restoration of his income at periodic payments equal to those in effect prior to activation.

\* \* \*

(51 Pa.C.S. § 7316)

## § 8501. Definitions [relating to veterans' emergency assistance].

The following words and phrases when used in this chapter [51 Pa.C.S. Ch.85 (relating to veterans' emergency assistance)] 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 person who served in the armed forces of the United States, including a reserve component or the National Guard, or a women's organization officially connected therewith, who:

- (1) was discharged or released from service under conditions other than dishonorable after a period of active duty, other than active duty for training, as evidenced by a DD-Form 214, NGB-22 or other official documentation;
- (2) died in service or was killed in action; or
- (3) suffered a service-connected disability as certified by the United States

Department of Veterans Affairs.

"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.

"Necessities of living." Water, food, shelter, clothing, health care, personal vehicle, essential furnishings, utilities, transportation, communication and laundry services to the extent not provided by other government programs.

"Need for temporary assistance." Financial circumstances resulting in insufficient funds to pay for necessities of living for a veteran and family members of the veteran or surviving dependents when any of the following occur:

- (1) The veteran or surviving dependents are temporarily unable to obtain or maintain the necessities of living without undue hardship.
- (2) The need is caused by a loss of income, assets or support due to sickness, disability, unemployment, natural or manmade disaster or other cause beyond the control of, and not as a result of misconduct by, the applicant.
- (3) The need is caused by an increase in costs of obtaining or maintaining necessities of living beyond the control of, and not as a result of misconduct by, the applicant.

"Program." The Veterans' Temporary Assistance Program under this chapter.

"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

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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.  
(51 Pa.C.S. § 8501)

### **§ 8502. Purpose.**

The purpose of the 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 living.  
(51 Pa.C.S. § 8502)

### **§ 8503. Eligibility [for veterans' emergency assistance].**

In order to qualify for the program, applicants must demonstrate that:

- (1) They are eligible veterans or eligible surviving dependents of eligible veterans.
- (2) They are permanent residents of this Commonwealth who do not maintain residence in any other state for any purpose.
- (3) They are not receiving sufficient monetary assistance from any Federal or State agency based on the need for temporary assistance described in the application. The receipt of food stamp assistance does not disqualify an applicant from eligibility for temporary assistance.
- (4) Other funds or resources are not available to address the need for temporary assistance by providing documentation acceptable to the department.
- (5) An immediate need for temporary assistance in order to provide themselves and their families with the necessities of living. The assistance must be essential for the applicant to obtain and maintain the necessities of living. Assistance for the relief of an inconvenience is deemed nonessential.

(51 Pa.C.S. § 8503)

### **§ 8504. Amounts of assistance.**

(a) Maximum amount.--In no event shall veterans' temporary assistance payments exceed the established maximum assistance or the documented amount of need, whichever is less.

(b) Standards.--Subject to the limitation set forth in subsection (a), the department [of Military and Veterans Affairs] shall determine uniform and equitable standards for the amounts of veterans' temporary assistance. The department shall report periodically to the [State Veterans'] commission on the administration and status of the program.

(c) Restrictions.--No person shall be eligible to receive veterans' temporary assistance for more than the established maximum assistance in any 12-month period.

(d) Method; adjustments.--No payments shall be made in the form of relief orders. The department may adjust the amounts of assistance paid under the program so that total payments do not exceed the amount of available funds.

(51 Pa.C.S. § 8504)

### **§ 8505. Appeals.**

Any person aggrieved by a decision denying payment of veterans' temporary assistance may appeal to the Adjutant General under provisions of 1 Pa. Code § 35.20 (relating to appeals from actions of the staff).

(51 Pa.C.S. § 8505)

### **§ 9901. Definitions.**

The following words and phrases when used in this chapter [Ch. 99 (relating to veterans' benefit payment exclusion)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

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"Commonwealth program." A program administered by the Commonwealth that requires, as a condition for eligibility, the inclusion of an individual's income. The term does not include a federally funded program that requires a state to meet Federal criteria.

"Veteran." An individual who served in the United States Armed Forces, including a reserve component or National Guard, and who was discharged or released from that service under conditions other than dishonorable.

"Veterans' benefit payment." Compensation or payment received by a veteran that is directly related to or the result of the veteran's service-connected disability as determined by the United States Department of Veterans Affairs or benefits provided to a veteran by a Commonwealth agency or authorized under the laws of this Commonwealth.

(51 Pa.C.S. § 9901)

### **§ 9902. Exclusion.**

(a) Income exclusion.--One hundred percent of a veterans' benefit payment may not be included as income for any Commonwealth program.

(b) Resources.--Notwithstanding any other provision of law, unspent veterans' benefit payments may not be considered a resource in determining eligibility for a Commonwealth program under section 432.5 of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code.

(c) Extension to spouses.--The exclusion under subsection (a) shall apply to an unmarried surviving spouse upon the death of a veteran for any compensation or payment the unmarried surviving spouse is entitled to receive.

(51 Pa.C.S. § 9902)

## **PART III. BURIALS AND BURIAL GROUNDS**

### **Section 2. Notice To Board of Bodies in Institutions; Claims of Relations or Friends; Bodies of Soldiers, Sailors, and Marines; Burial of Paupers burial of paupers**

All public officers, agents, and servants, and all officers, agents, and servants of any and every county, city, township, borough, district, and other municipality, and of any and every almshouse, prison, morgue, hospital, or other municipality, or other public institution, and all other persons, having charge or control over dead human bodies required to be buried at the public expense, are hereby required to notify immediately the said board of distribution, or such person or persons as may, from time to time, be designated by said board or its duly authorized officer or agent, whenever any such body or bodies come to his or their possession, charge, or control; and shall, without fee or reward, deliver, within thirty-six hours after death, except those coroners' cases in which more time may be required, such body or bodies, and permit and suffer the said board and its agents to take and remove all such bodies to be used within the State for the advancement of medical science.

Such notice shall be given to the board of distribution in all cases, but no such body shall be delivered, if any relative by blood or marriage shall claim the body for burial, at the expense of such relative, within thirty-six hours after death, but the body shall be surrendered to said claimant for interment; nor shall any such body be delivered, if any friend, or any representative of a fraternal society of which deceased was a member, or a representative of any charitable organization, shall claim the said body for burial within thirty-six hours after death; said burial to be at the expense of such friend, fraternal society, or charitable organization; nor shall the body be delivered if said person was an honorably discharged soldier, sailor, or marine of the United States, or of the militia of the State of Pennsylvania; in which case said body shall be buried in accordance with the provisions of existing laws.

In case of the death of any person whose body is required to be buried at the public expense, and the duly authorized officer or agent of the board deems such body unfit for anatomical purposes, he shall notify in writing the county commissioners in counties of the first class and the executive officers of the county institution district in all other counties where such person died, and who shall direct some person to take charge of the body of such deceased indigent person, and cause it to be buried; and draw warrants upon the treasurer of their county

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for the payment of such expenses, which expenses shall not be more than fifty dollars in counties of the first class and second class, and not more than seventy-five dollars in all other counties on each body buried in accordance with the provisions of this act [the act of June 13, 1883, P.L.119, No.16]. Such warrants shall be made payable to the persons so authorized and directed, who shall have buried the bodies for which said warrants are to be drawn. No warrants for the payment of the expenses of the burial of any person whose body is required to be buried at the public expense shall be drawn or paid except upon the certificate of the duly authorized officer or agent of the board, to the effect that such body is unfit for anatomical purposes or that the body is that of a soldier, sailor, or marine of the United States or of the militia of the State of Pennsylvania required to be buried at the public expense, and that the provisions of this act have been complied with.

Wherever, through the failure of any person to notify and deliver the body of a deceased indigent as required by this act, such body shall become unfit for anatomical purposes, and is so certified by the duly authorized officer or agent of said board of distribution, such body shall be buried at the expense of the person so failing to notify and deliver such body.  
(1883, P.L.119, No.106, § 2)

**Section 1. [Veterans' grave registration record in counties]** Be it enacted, &c., That the county commissioners of each county in the State are hereby authorized and directed, at the expense of the county, to compile a record of the burial places within such county of soldiers, sailors, marines, and members of the enlisted nurse corps, who served in the military or naval or other branch of the combative forces of the United States during any war in which the United States has been engaged. Such record, so far as practicable, shall indicate the name of each such person, the service in which he or she was engaged, the number of the regiment or company or command, the rank and period of service, the name and location of the cemetery or other place in which his body is interred, the location of the grave in such cemetery or other place, and the character of headstone or other marker, if any, at such grave. Such record shall be transcribed in a book, properly indexed, to be known as the Veterans' Grave Registration Record of ..... County, and shall be a public record, open to inspection during business hours.  
(1929, P.L.609, No.251, § 1)

**Section 2. [Duties of county commissioners]** The county commissioners of each county in this State shall cause record blanks to be prepared, according to forms furnished by the Department of Military Affairs, whereby the information required for such record may be transmitted to them. Every person, firm, association, or corporation, including a municipal corporation, owning or controlling any cemetery or burial place within the State, in which are interred the bodies of persons who served as set forth in the first section hereof, shall file with the county commissioners of the county in which such cemetery is located a certificate, on the record blanks provided by said county commissioners, of the facts required for such record, as far as the same are within the knowledge of such person, firm, association, corporation, or the agents thereof. The county commissioners shall cause record blanks to be distributed to such persons, firms, associations, and corporations, as they deem advisable, with a request that such information be transmitted to them.  
(1929, P.L.609, No.251, § 2)

**Section 3. [Duties of veterans organizations]** For the purpose of locating the burial places of persons who have served in the military or naval service, or other branches of the combative forces of the United States during any war in which the United States was engaged, the Grand Army of the Republic, the United Spanish War Veterans, the Veterans of Foreign Wars of the United States, the American Legion, the Veterans of World War I of the U. S. A., Inc., the Italian American War Veterans of the United States, Incorporated, and the Disabled American Veterans of the World War, through their local camps, posts and branches in this State, are authorized, without expense to the county, to collect the required data, and prepare and file with the county commissioners or the city commissioners of cities of the first class certificates embodying the information provided for in section one hereof.

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(1929, P.L.609, No.251, § 3)

**Section 4. [Maintenance of veterans' graves]** The county commissioners of each county in this State shall, at all times, see that the graves and tombstones of all soldiers, sailors or marines, who served in the military or naval or other branch of the combative forces of the United States during any war in which the United States was engaged, and who are buried in such county, receive proper and fitting care, and may employ all necessary assistance to carry out the provisions of this section. The expense of the care of such graves and tombstones shall be borne by the respective counties where said graves are located, except where suitable care is otherwise provided. Money so appropriated may be expended directly by the county commissioners, or paid over to the person, firm, association, or corporation owning or controlling any cemetery or burial place in the county where any such grave is situated; but the sum so paid over in any year shall not exceed for each grave the charge for the annual care and maintenance of like graves in the same cemetery, or, if no such fixed charge is established in that cemetery, it shall not exceed the sum charged in other cemeteries in the same county for like service.

(1929, P.L.609, No.251, § 4)

**Section 5. [Duties of Department of Military and Veterans Affairs]** For the purpose of organizing, supervising and assisting the work of securing the records in the several counties, provided for in this act [the act of April 18, 1929, P.L.609, No.251], and of securing uniformity in the forms to be used and records to be compiled, the Department of Military Affairs may employ such persons, at such compensation, as the Adjutant General may determine, which, together with other expenses necessarily incurred by the department in carrying out the provisions of this act, shall be paid from an item inserted in the general appropriation law to the Department of Military Affairs.

(1929, P.L.609, No.251, § 5)

**Section 1. [Unlawful prohibition of headstones for veterans]** Be it enacted, &c., That it shall be unlawful for an officer, trustee, association, corporation, or person in control of any cemetery, or a public burial ground, in the Commonwealth of Pennsylvania, to make or enforce a rule or by-law prohibiting, or to prohibit, the erection of headstones furnished or approved by the United States Government, or by any county of the Commonwealth of Pennsylvania, for the graves of soldiers, sailors, and marines, or members of the enlisted nurse corps, who have served in the military or naval forces of the United States, or of the Commonwealth; and any rule or by-law heretofore passed by any cemetery association or corporation, trustees or persons having control of any cemetery or burial ground, prohibiting the erection of such headstones, shall be void and of no effect. Any officer, person, association, corporation or person, seeking or attempting to enforce any such rule, or prohibiting the erection of any such headstone, shall, upon conviction thereof in a summary proceeding before a magistrate, alderman, or justice of the peace, be sentenced to pay a fine of not less than ten dollars nor more than one hundred dollars for each offense.

(1929, P.L.865, No.379, § 1)

### **Section 1313-B. Care of memorials.**

(a) Maintenance and repair.--The board of commissioners may maintain and keep in good order and repair, at the expense of the township, a soldiers' monument, gun or carriage or similar memorial if the memorial is not in the charge or care of an individual, body or organization and the memorial was not erected by the Federal Government, the Commonwealth or the commissioners of the county or by the direction or authority of any other state.

(b) Donations.--The board of commissioners may receive money from an individual or organization and may expend the money for the benefit of memorials.

(1931, P.L.1206, No.331, § 1313-B)

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### **Section 1314-B. Purchase of burial grounds for deceased service persons.**

The board of commissioners may appropriate money and purchase plots of ground in a cemetery or burial ground for the interment of deceased service persons:

(1) Who die within the township or die beyond the township limits but had a legal residence within the township at the time of death.

(2) Whose bodies are entitled to be buried by the county under the provisions of existing law.

(1931, P.L.1206, No.331, § 1314-B)

**Section 1537. Burial Plots of Service Persons [in Second Class Townships].**--The board of supervisors may purchase plots of ground in any cemetery or burial ground for the interment of deceased or former service men and women who at the time of their death maintained legal residence within the township.

(1933, P.L.103, No.69, § 1537)

**Section 1. [Definitions relating to funeral expenses of deceased service persons]** Be it enacted, &c., Definition.--The term "deceased service persons," as used in this act [the act of June 11, 1935, P.L.326, No.149], shall be defined and construed to mean and include:

(1) Any deceased person, who at the time of his or her death, was serving (whether or not in a combat zone) in the Army, Navy, Marine Corps or Coast Guard during any war or armed conflict in which the United States has been, is now or shall hereafter be engaged, or who, at the time of his or her death, was serving in a zone where a campaign or state or condition of war or armed conflict then existed, in which the United States was, is or shall be a participant. The existence of a campaign or state or condition of war or armed conflict, and the participation of the United States therein, as well as the fact that the deceased person served in a zone where such campaign or state or condition of war or armed conflict existed, shall in each case be established by the records of the War or Naval Departments of the Federal Government; or

(2) Any deceased person who had so served at any time during his or her life, and whose separation from such service was honorable, whether by discharge or otherwise, or who at the time of his or her death was continuing in such service after the cessation of the war, armed conflict, campaign or state or condition of war during or in which he or she served; or

(3) Any deceased person who was in active service in the militia of the State of Pennsylvania, under and in pursuance of any proclamation issued by the Governor, during the Civil War and not duly mustered into the service of the United States, and has been honorably discharged or relieved from such service.

The term "legal residence" as used in this act shall be construed as synonymous with "domicile," and is hereby defined as actual residence, coupled with intention that it shall be permanent, or a residence presently fixed with no definite intention of changing it or of returning to a former residence at some future period. Legal residence is to be determined by abode of person, and his or her intention to abandon his or her former domicile and establish a new one. The legal residence of a deceased service person shall be prima facie in the county where he or she made his or her abode at the time of his or her death.

(1935, P.L.326, No.149, § 1)

**Section 2. Sum to be Spent [on Funerals of Deceased Service Persons].**--Any county of the first class of this State is hereby authorized and directed to contribute the sum of seventy-five dollars (\$75.00) and may contribute an additional sum of twenty-five dollars (\$25.00) towards the funeral expenses of each deceased service person in the cases enumerated below, where in each case application therefor is made within one year after the date of his or her death: Provided, That in the case of any deceased service person who died while in the service, application need not be made within one year after the date of his or her death, but may be made at any time thereafter, if the reason for the delay is satisfactory to the county. Payment shall be made under the following circumstances:

(1) Where the deceased service person at the time of his or her death had his or her legal residence in the county, whether or not he or she died in the county, and whether or not he or

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she was buried in the county. It is hereby declared to be the intent of the General Assembly that every deceased service person having a legal residence in any county of the first class in this Commonwealth at the time of his or her death shall be entitled to the benefits of this section, regardless of where he or she may have died or where he or she may be buried, and that the liability therefor shall be on the county where such deceased service person shall have had his or her legal residence at the time of his or her death.

(2) Where the deceased service person died and was buried in the county, but at the time of his death did not have a legal residence within this Commonwealth, if the county commissioners of the county where he died shall be notified in writing by any organization of veterans that the body is unclaimed by relatives or friends and upon investigation shall find such condition to exist.

(3) When a deceased service person has died, while a member of the Pennsylvania Soldiers' and Sailors' Home at Erie, Pennsylvania, and such home incurs all funeral expenses and buries such person in a cemetery in the City of Erie, Pennsylvania, or the home furnishes clothing, casket, and shipping case, and ships the body to the county from which he was admitted to the home, the county from which he was admitted shall reimburse and pay to the Pennsylvania Soldiers' and Sailors' Home, the amount of seventy-five dollars (\$75.00), or so much thereof, as was actually expended by such home.

(1935, P.L.326, No.149, § 2)

**Section 3. Burial of Widows of Deceased Service Persons.**--Upon due application and proof, such county is hereby authorized and directed to contribute the sum of seventy-five dollars (\$75.00) and may contribute an additional sum of twenty-five dollars (\$25.00) from the county funds toward the funeral expenses of any widow of any male, deceased service person who, at the time of her death, had a legal residence in the county, whether or not she died in the county, and whether or not she was buried in the county: Provided, however, That the county shall not contribute any moneys toward the funeral expenses of any such widow of a deceased service person who had remarried after the death of such deceased service person, nor unless application for the payment of such moneys shall be made within one year after the date of the death of such widow of a deceased service person.

(1935, P.L.326, No.149, § 3)

**Section 4. Payments.**--It shall be the duty of each such county in this State to draw a warrant upon the treasurer of their county in the sum of seventy-five dollars (\$75.00), or one hundred dollars (\$100.00) if the additional sum of twenty-five dollars (\$25.00) is authorized, for each body buried in accordance with the provisions of this act, to be paid out of the funds of the county, and such warrants shall be made payable to the applicant or applicants if the application shows that the funeral expenses have been paid, otherwise to the undertaker performing the services, with notice to the applicant.

Application for such contribution shall be made by the personal representative of such deceased service person or deceased service person's widow, if there be such personal representative, if no such personal representative has qualified, then by any next of kin, individual or veterans' organization who, or which, assumes responsibility for the cost of burial of the body, and shall be sustained by affidavit as to the facts.

Such application shall be on forms prescribed by the Department of Military Affairs, and shall set forth whether or not the funeral expenses have been paid. The application shall have attached thereto, a certified copy of the death certificate, and a certification by the undertaker, who had charge of the burial of the body, and to the effect that the undertaker did render such service.

(1935, P.L.326, No.149, § 4)

**Section 5. Markers for Graves; Headstones.**--The county commissioners of any such county of this State shall, from time to time, as is considered expedient by the commissioners, procure appropriate markers for the graves of deceased service persons and the graves of all other deceased persons who served in the Army, Navy, Air Force, Marine Corps, Coast Guard,

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Merchant Marine during World War II or any organization officially connected therewith and whose separation from such service was honorable, whether by discharge or otherwise. Such markers shall be of cast bronze, which term shall mean a proper composition of the following metals in the following proportions: Copper eighty-five per centum, tin five per centum, zinc five per centum, and lead five per centum, or aluminum or a suitable substitute material.

The county commissioners of each county of the first class are hereby authorized and directed to place a marker upon the grave of each deceased service person and the graves of all other deceased persons who served in the Army, Navy, Air Force, Marine Corps, Coast Guard, Merchant Marine during World War II or any organization officially connected therewith and whose separation from such service was honorable, whether by discharge or otherwise, who, at the time of his or her death, had his or her legal residence in the county, whether or not he or she died in the county and whether or not he or she was buried in the county, and upon the grave of each deceased service person buried in the county who at the time of his or her death did not have a legal residence within this Commonwealth. When such deceased service person shall have been a veteran of any war for which the Government of the United States issued discharge buttons, the markers designated for their graves shall include a facsimile of said discharge button. When such deceased service person shall have been a veteran of the Korean Conflict, the markers designated for their graves shall include a circular emblem with the word "Korea, U. S., 1950-1953" in the border thereof, and shall incorporate the insignia of the Army, Navy, Marine Corps, Air Force, and Coast Guard, in the form approved by the Pennsylvania State Veterans' Commission.

It shall also be the duty of the county commissioners of such county upon, or at any time subsequent to, the death of any deceased service person who, at the time of his or her death, had his or her legal residence in the county, on application as hereinafter provided, to cause a headstone or bronze memorial tablet to be placed at the head of, or on the grave of, each such deceased service person and the graves of all other deceased persons who served in the Army, Navy, Air Force, Marine Corps, Coast Guard, Merchant Marine during World War II or any organization officially connected therewith and whose separation from such service was honorable, whether by discharge or otherwise. Such headstone shall contain his or her name and the rank and organization to which he or she belonged or in which he or she served in letters raised or cut in at least three-sixteenths of an inch deep. Such headstone shall be of either marble or granite, and to be placed or set in a concrete base at least three feet deep, or if a headstone has been provided for such grave by the United States Government, the county commissioners shall provide such concrete base therefor, or if lettering only on an existing memorial is desired by the family, the county commissioners shall provide such lettering. In the event the body of any deceased service person, either cannot be or will not be returned to the United States of America, it shall be the duty of the county commissioners to cause a headstone to be placed in the family plot of such deceased service person. Said headstone shall have inscribed thereon (a) the name, rank and organization of such deceased service person, (b) the name of the country, location or manner in which such person lost his or her life, and (c) the cemetery or location in which the body, if buried, was finally laid to rest. Application therefor shall in each case be made on forms prescribed by the Department of Military Affairs and may be made by any relative of the deceased service person or by a friend, provided in the latter case there is no objection by the nearest relative and the application is approved by an organization of veterans of any war in which the United States has been, is now or shall hereafter be engaged. The expense in each case shall be borne by the county in which the deceased service person had his or her legal residence at the time of his or her death, whether or not he or she died in the county and whether or not he or she was buried in the county: Provided, however, That the expense shall not exceed the sum of one hundred dollars (\$100) for each headstone or concrete base or lettering or bronze memorial tablet, and the county commissioners of each such county, acting under this section, shall draw a warrant on the treasurer of their county for the payment of said expense in favor of the party or parties furnishing such headstone or concrete base or lettering or bronze memorial tablet: Provided, however, That in cases of dispute concerning the legal residence of a deceased service person the county in which a deceased service person is buried shall perform the duties hereinbefore



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set forth. No such payment or payments shall be made unless the application therefor shall be approved before the commencement of the project by the county commissioners.  
(1935, P.L.326, No.149, § 5)

**Section 5.1. Proof of Service, Et Cetera.**--In each case where application is made for a contribution towards the funeral expenses of a deceased service person, or the widow of a deceased service person, or for a headstone or concrete base or lettering or bronze memorial tablet, the county commissioners shall before expending any money therefor require proof of the following facts:

(1) The service of the deceased service person which entitles him or his widow to the benefits of this act [the act of June 11, 1935, P.L.326, No.149], which proof shall be by the production of an honorable discharge or other official record showing service during any war in which the United States is or was engaged, or by the records of the War or Naval Departments of the Federal Government, or by copies thereof filed in the Department of Military Affairs showing the existence of a campaign or state or condition of war, the participation of the United States therein, and the service of the deceased service person in a zone where such campaign or state or condition of war existed.

(2) The death of the deceased service person.

(3) In the case of the burial of the widow of a deceased service person, the death of such widow and the fact that she was married to the deceased service person at the time of his death, and that she has not since remarried. The proofs required by clause (1) and (2) of this section shall also be required in such cases.

(4) Except in cases where persons not having a legal residence within this Commonwealth are entitled to any of the benefits of this act, the legal residence within the county of the deceased service person or of the widow of a deceased service person, as the case may be.

Death shall in all cases be proved by death certificate, where the same is procurable, otherwise by affidavit of one or more persons personally acquainted with the deceased, and the fact of his or her death, or by proof of the record of death kept by the attending physician, or the record of burial kept by the undertaker by whom he or she was buried, or by the church burial association or cemetery company maintaining the graveyard, burial ground or cemetery in which he or she was buried.

Where any proof required by this section has been furnished to the county commissioners, no further proof of the same facts shall be required in order to obtain any other benefit under the provisions of this act.

(1935, P.L.326, No.149, § 5.1)

**Section 6. Care of Graves and Markers.**--The county commissioners of each county of the first class in this State shall, at all times, see that the graves and tombstones of all deceased service persons, who are buried in such county, receive proper and fitting care, and may employ all necessary assistance to carry out the provisions of this section. The expense of the care of such graves and tombstones shall be borne by the respective counties where said graves are located, except where suitable care is otherwise provided. Money so appropriated may be expended directly by the county commissioners, or paid over to the person, firm, association or corporation owning, or controlling, any cemetery or burial place in the county where any such grave is situated, but the sum so paid over in any year shall not exceed for each grave, the charge for the annual care and maintenance of like graves in the same cemetery, or if no such fixed charge is established in that cemetery, it shall not exceed the sum charged in other cemeteries in the same county for like service.

(1935, P.L.326, No.149, § 6)

**Section 8. Compilation of War Records.**--The county commissioners of each county of the first class in the State are hereby authorized and directed, at the expense of the county, to compile a record of the burial places, within such county, of deceased service persons. Such record, so far as practicable, shall indicate the name of each such person, the service in which he or she was engaged, the number of the regiment or company or command, the rank and

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period of service, the name and location of the cemetery or other place in which his or her body is interred, the location of the grave in such cemetery or other place, and the character of headstone or other marker, if any, at such grave. Such record shall be known as the "Veterans' Grave Registration Record of ..... County," and shall be a public record open to inspection during business hours.

(1935, P.L.326, No.149, § 8)

**Section 9. Information for War Records.**--The county commissioners of each county of the first class shall cause record blanks to be prepared, according to forms furnished by the Department of Military Affairs, whereby the information required for such record may be transmitted to them. Every person, firm, association or corporation, including a municipal corporation, owning or controlling any cemetery or burial place within a county of the first class, in which are interred the bodies of deceased service persons, shall file with the county commissioners of such county, in which such cemetery is located, a certificate on the record blanks, provided by said county commissioners, of the facts required for such record as far as the same are within the knowledge of such person, firm, association, corporation, or the agents thereof. The county commissioners shall cause record blanks to be distributed to such persons, firms, associations, and corporations, as they deem advisable, with the request that such information be transmitted to them. Any such person, firm, association or corporation, except municipal corporations, upon receipt of such blanks or forms who shall refuse or neglect to fill out and transmit to the county commissioners such blanks or forms within six months after receipt of same, shall be subject to a fine, upon conviction in summary proceedings, of one hundred dollars (\$100.00).

(1935, P.L.326, No.149, § 9)

**Section 10. Voluntary Assistance by Veterans' Organizations.**--For the purpose of locating the burial places of deceased service persons, 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, the Veterans of World War I of the U. S. A., Inc., the American Veterans of World War II (AMVETS), the Marine Corps League and The Italian American War Veterans of the United States, Incorporated, through their local camps, posts, and branches in this State, are authorized, without expense to the county, to collect the required data, and prepare and file with the county commissioners, certificates embodying the information provided for in this section.

(1935, P.L.326, No.149, § 10)

**Section 403. Provision for Burial of Dependents and Other Persons.**--Except as otherwise provided by law, the local authorities of any institution district shall provide for the burial of any person who dies in the county or city, unless his body is claimed by a relative by blood or marriage, or by a friend, or by his fraternal or veterans' organization, or by a charitable organization or by the Anatomical Board of the State of Pennsylvania, and is buried at the expense of such relative, friend or organization. No such burial shall cost more than three hundred dollars.

(1937, P.L.2017, No.396, § 403)

**Section 105. General Provisions: Definitions.**--As used in this act [the Vital Statistics Law of 1953], the following words and phrases shall have the meanings given to them in this section unless the context clearly indicates otherwise--

\* \* \*

(10) "Veteran" means a deceased person who qualifies for burial at a national cemetery under 38 U.S.C. (relating to veterans' benefits).

(11) "Veterans' service organization" means an association, corporation or other entity that qualifies under section 501(c)(3) or (19) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3) or (19)) as a tax exempt organization that has been organized for the benefit of veterans and recognized or chartered by the Congress of the United States.

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The term includes, but is not limited to, the Disabled American Veterans, the Veterans of Foreign Wars, the American Legion and the Vietnam Veterans of America. The term also includes a member or employee of an eligible nonprofit veterans' corporation, association or entity, such as the Missing In America Veteran Recovery Program, that specifically assists in facilitating the identification and interment or final disposition of unclaimed remains of American veterans.

(12) "National cemetery" means any cemetery under the control of the United States Department of Veterans Affairs National Cemetery Administration.  
(1953, P.L.304, No.66, § 105)

### **Section 506.2. Death and Fetal Death Registration: Disposition of Cremated Remains of Veterans.**

--(a) A funeral director or funeral establishment which has held in its possession cremated remains for more than one hundred twenty (120) days from the date of cremation may, in accordance with this section, determine if the cremated remains are those of a veteran and, if so, shall dispose of the remains as provided in this section.

(b) (1) Notwithstanding any law or regulation to the contrary, nothing in this section shall prevent a funeral director or funeral establishment from sharing information with the United States Department of Veterans Affairs, a veterans' service organization or a national cemetery for the purpose of determining whether the cremated remains are those of a veteran.

(2) A funeral director or funeral establishment shall be discharged from any legal obligations or liability with regard to releasing information to or sharing information with the United States Department of Veterans Affairs, a veterans' service organization or a national cemetery in accordance with this section.

(c) (1) If a funeral director or funeral establishment ascertains the cremated remains in its possession are those of a veteran and the funeral director or funeral establishment has not been instructed by the legally authorized person in control of the final disposition of the decedent to arrange for the final disposition of the cremated remains, the funeral director or funeral establishment shall relinquish possession of the cremated remains to a veterans' service organization.

(2) Final disposition shall be made in a national cemetery if the deceased veteran is eligible for interment in such a manner.

(d) The funeral director, funeral establishment or veterans' service organization, notwithstanding any law to the contrary, upon disposing of cremated remains in accordance with this section, shall be:

(1) Held harmless for any costs or damages, except if there is gross negligence or willful misconduct.

(2) Discharged from any legal obligation or liability concerning the cremated remains.

(e) When the estate of the decedent has been identified, the estate of the decedent shall be responsible for reimbursing a funeral director, funeral establishment or veterans' service organization for all reasonable expenses incurred in relation to the final disposition of the cremated remains.

(f) A funeral director or funeral establishment shall establish and maintain a record identifying the veterans' service organization receiving the cremated remains and the site designated for final disposition of the cremated remains.

(g) The funeral director or funeral establishment shall make a good faith effort to notify the next of kin of the identified cremated remains of the veteran.

(h) Nothing in this section shall require a funeral director or funeral establishment to:

(1) Determine or seek others to determine that an individual's cremated remains are those of a veteran if the funeral director or funeral establishment was informed by the legally authorized person in control of the final disposition of the cremated remains that the individual was not a veteran.

(2) Relinquish possession of the cremated remains to a veterans' service organization if the funeral director or funeral establishment was instructed by the legally authorized person in control of the cremated remains or had a reasonable belief that the decedent did not desire any funeral or burial-related services or ceremonies recognizing the decedent's service as a

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veteran.

(i) As used in this section, "final disposition" does not include the scattering of cremated remains.

(1953, P.L.304, No.66, § 506.2)

**Section 2108. Definitions [relating to Veterans in Second Class Counties].**---(a) The term "deceased service person" as used in this subdivision [Subdivision (b) of Article XXI of the Second Class County Code] shall mean and include:

(1) Any deceased person who, at the time of his or her death, was serving (whether or not in a combat zone) in the Army, Navy, Air Force, Marine Corps, Coast Guard, or any women's organization officially connected therewith, during any war or armed conflict in which the United States has been, is now, or shall hereafter be engaged, or who, at the time of his or her death, was serving in a zone where a campaign or state or condition of war or armed conflict then existed, in which the United States was, is, or shall be a participant. The existence of a campaign or state or condition of war or armed conflict and the participation of the United States therein, as well as the fact that the deceased person served in a zone where such campaign or state or condition of war or armed conflict existed, shall, in each case, be established by the records of the Department of Defense of the Federal Government; or

(2) Any deceased person who had so served at any time during his or her life, and whose separation from such service was honorable, whether by discharge or otherwise, or who, at the time of his or her death, was continuing in such service after the cessation of the war, armed conflict, campaign or state or condition of war during or in which he or she served; or

(3) Any deceased person who was in active service in the militia of the State of Pennsylvania under and in pursuance of any proclamation issued by the Governor during the Civil War, who was not duly mustered into the service of the United States, but was honorably discharged or relieved from such service.

(b) The term "legal residence," as used in this subdivision, shall be construed as synonymous with "domicile," and is hereby defined as actual residence, coupled with intention that it shall be permanent, or a residence presently fixed with no definite intention of changing it or of returning to a former residence at some future period. Legal residence is to be determined by abode of person and his or her intention to abandon his or her former domicile and establish a new one. The legal residence of a deceased service person shall be prima facie in the county where he or she made his or her abode at the time of his or her death.

(1953, P.L.723, No.230, § 2108)

**Section 2109. Funeral Expenses of Deceased Service Persons [in Second Class Counties].**---(a) Any county is hereby authorized and directed to contribute the sum of seventy-five dollars (\$75) and may contribute an additional sum of twenty-five dollars (\$25) towards the funeral expenses of each deceased service person in the cases enumerated below, where in each case application therefor is made within one year after the date of his or her death. In the case of any deceased service person who died while in the service, application need not be made within one year after the date of his or her death, but may be made at any time thereafter.

(b) Payments shall be made under the following circumstances:

(1) Where the deceased service person, at the time of his or her death, had his or her legal residence in the county, whether or not he or she died in the county and whether or not he or she was buried in the county. It is hereby declared to be the intent of the General Assembly that every deceased service person having a legal residence in this Commonwealth at the time of his or her death shall be entitled to the benefits of this section, regardless of where he or she may have died or where he or she may be buried, and that the liability therefor shall be on the county where the deceased service person shall have had his or her legal residence at the time of his or her death.

(2) Where the deceased service person died and was buried in the county, but at the time of his or her death did not have a legal residence within this Commonwealth, if the county commissioners of the county where he or she died are notified in writing by any organization of

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veterans that the body is unclaimed by relatives or friends and upon investigation shall find such condition to exist.

(3) Where a deceased service person has died while a member of the Pennsylvania Soldiers' and Sailors' Home at Erie, Pennsylvania, and such home incurs all funeral expenses and buries the soldier in a cemetery in the City of Erie, Pennsylvania, or the home furnishes clothing, casket and shipping case and ships the body to the county from which he was admitted to the home, the county from which he was admitted shall reimburse and pay to the Pennsylvania Soldiers' and Sailors' Home the amount of seventy-five dollars (\$75), or so much thereof as was actually expended by the home.

(1953, P.L.723, No.230, § 2109)

**Section 2110. Burial of Widows of Deceased Service Persons [in Second Class Counties].**--Upon due application and proof, the county is hereby authorized and directed to contribute the sum of seventy-five dollars (\$75), and may contribute an additional sum of twenty-five dollars (\$25) from the county funds towards the funeral expenses of any widow of any male deceased service person who, at the time of her death, had a legal residence in the county, whether or not she died in the county and whether or not she was buried in the county. The county shall not contribute any moneys toward the funeral expenses of any such widow of a deceased service person who had remarried after the death of such deceased service person, nor unless application for the payment of such moneys shall be made within one year after the date of the death of such widow.

(1953, P.L.723, No.230, § 2110)

**Section 2111. Payment.**--(a) It shall be the duty of the county to cause a warrant to be drawn upon the treasury of the county in the sum of seventy-five dollars (\$75), or one hundred dollars (\$100) if the additional sum of twenty-five dollars (\$25) is authorized, for each body buried in accordance with the provisions of this subdivision [Subdivision (b) of Article XXI of the Second Class County Code], to be paid out of the funds of the county, and such warrants shall be made payable to the applicant or applicants if the application shows that the funeral expenses have been paid; otherwise, to the undertaker performing the services, with notice to the applicant.

(b) Application for such contribution shall be made by the personal representative of such deceased service man or deceased service man's widow, if there be such personal representative, and if no such personal representative has qualified, then by any next of kin, individual or veterans' organization who or which assumes responsibility for the cost of burial of the body. The application shall be sustained by affidavit as to the facts.

(c) The application shall be on forms prescribed by the Department of Military Affairs, and shall set forth whether or not the funeral expenses have been paid. The application shall have attached thereto a certified copy of the death certificate, and a certificate by the undertaker who had charge of the burial of the body and to the effect that the undertaker did render such service.

(1953, P.L.723, No.230, § 2111)

**Section 2112. Notification to County Commissioners.**--The coroners and all other public officers, agents and servants, and all officers, agents and servants of any county, city, township, borough, district or other municipality, or of any prison, morgue, hospital, home or other public institution, having the control or custody of the body of the deceased service person whose body is entitled to be buried under the provisions of this subdivision [Subdivision (b) of Article XXI of the Second Class County Code], shall immediately, upon the death or arrival of the body of such deceased service person, notify the county commissioners of the county wherein such death occurred or wherein such deceased service person shall have had his legal residence.

(1953, P.L.723, No.230, § 2112)

**Section 2113. Markers on Graves; Memorial Certificates; Headstones.**--(a) The county

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commissioners of the county shall from time to time, as they consider expedient, procure appropriate markers for the graves of deceased service persons and the graves of all other deceased persons who served in the Army, Navy, Air Force, Marine Corps, Coast Guard, Merchant Marine during World War II or any organization officially connected therewith and whose separation from such service was honorable, whether by discharge or otherwise. Such markers shall be of cast bronze, aluminum or a suitable substitute material.

(b) The county commissioners shall procure bronze, aluminum or suitable substitute material markers from some manufacturer or manufacturers engaged in the manufacturing of the same, and in the contract for the furnishing thereof the manufacturer furnishing the bronze markers shall warrant that the same are made of the following metals and in the following proportions: copper, eighty-five per centum; tin, five per centum; zinc, five per centum; and lead, five per centum.

(c) The manufacturer shall be liable to the county to an amount equal to the sum paid to him by the county for the markers if the above proportions of metals are not contained in the markers.

(d) Nothing, except actual fraud on the part of the county commissioners, shall render them liable for any amount if it is established that the markers are not composed of the metals in the proportions above recited.

(e) No officer, trustee, association, corporation or person in control of any cemetery or a public burying ground shall have the right to question the composition of such bronze markers, or to require that any of them be chemically analyzed before being placed in the cemetery, or under any circumstances to refuse to permit the erection thereof in the cemetery or public burying ground, or to charge for making the foundations for the same more than is charged for making similar foundations of the same proportions. Any person who violates any of the provisions of this subsection shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not less than ten dollars (\$10) nor more than one hundred dollars (\$100) for each offense.

(f) The county commissioners of the county are hereby authorized and directed to place a marker upon the grave of each deceased service person and the graves of all other deceased persons who served in the Army, Navy, Air Force, Marine Corps, Coast Guard, Merchant Marine during World War II or any organization officially connected therewith and whose separation from such service was honorable, whether by discharge or otherwise, who, at the time of his or her death, had his or her legal residence in the county, whether or not he or she died in the county and whether or not he or she was buried in the county, and upon the grave of each deceased service person buried in the county who, at the time of his or her death, did not have a legal residence within this Commonwealth. When such deceased service person shall have been a veteran of any war or campaign for which the Government of the United States issued discharge buttons, the markers designated for their graves shall include a facsimile of said discharge button. When such markers are upright flag holders they shall consist of cast bronze or any other weather resistant material. When such deceased service person shall have been a veteran of the Korean Conflict, the markers designated for their graves shall include a circular emblem with the words "Korea, U.S., 1950-1953" in the border thereof, and shall incorporate the insignia of the Army, Navy, Marine Corps, Air Force, and Coast Guard, in the form approved by the Veterans' Commission. In lieu of placing an upright flag holder on the grave, if the next of kin of a veteran so requests, a memorial certificate may be issued to the next-of-kin of a deceased service person who at the time of his or her death had his or her legal residence in the county, whether or not he or she died in the county and whether or not he or she was buried in the county. The memorial certificate shall indicate the deceased service person's name and designate the war or campaign in which the deceased service person served.

(g) It shall be the duty of the county commissioners of the county upon or at any time subsequent to the death of any deceased service person who, at the time of his or her death, had his or her legal residence in the county, on application as hereinafter provided, to cause a headstone or bronze memorial tablet to be placed at the head of or on the grave of each such deceased service person and the graves of all other deceased persons who served in the

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Army, Navy, Air Force, Marine Corps, Coast Guard, Merchant Marine during World War II or any organization officially connected therewith and whose separation from such service was honorable, whether by discharge or otherwise.

(h) Each headstone shall contain his or her name and the rank and organization to which he or she belonged or in which he or she served, in letters raised or cut in at least three-sixteenths of an inch deep. The headstone shall be of either marble or granite and shall be placed or set in a concrete base at least three feet deep, or if a headstone has been provided for such grave by the United States Government, the county commissioners shall provide the concrete base therefor, or if lettering only on an existing memorial is desired by the family, the county commissioners shall provide such lettering.

(i) In the event the body of any deceased service person either cannot or will not be returned to the United States of America, it shall be the duty of the county commissioners to cause a headstone to be placed in the family plot of such deceased service person. Said headstone shall have inscribed therein: (1) the name, rank and organization of such deceased service person; (2) the name of the country, location or manner in which such person lost his or her life; and (3) the cemetery or location in which the body, if buried, was finally laid to rest. Application therefor shall in each case be made on forms prescribed by the Department of Military Affairs, and may be made by any relative of the deceased service person, or by a friend if there is no objection by the nearest relative. Each application must be approved by an organization of veterans of any war in which the United States has been, is now, or shall hereafter be engaged.

(j) The expense in each case shall be borne by the county in which the deceased service person had his or her legal residence at the time of his or her death, whether or not he or she died in the county and whether or not he or she was buried in the county. The expense shall not exceed the sum of one hundred dollars (\$100) for each headstone or concrete base or lettering or bronze memorial tablet, and the county commissioners of the county, acting under this section, shall cause to be drawn a warrant on the treasury of the county for the payment of said expense in favor of the party or parties furnishing such headstone or concrete base or lettering or bronze memorial tablet.

(k) In cases of dispute concerning the legal residence of a deceased service person, the county in which a deceased service person is buried shall perform the duties hereinbefore set forth. No such payment or payments shall be made unless the application therefor shall be approved, before the commencement of the project, by the county commissioners.

(l) Any person who shall wilfully, maliciously or carelessly destroy, mutilate, remove or deface any grave marker or headstone placed or erected under the provisions of this section shall be guilty of the grade of offense in relation to the dollar amount of the theft or damage done in accordance with 18 Pa.C.S. § 3903 (relating to grading of theft offenses).  
(1953, P.L.723, No.230, § 2113)

**Section 2114. Burial Plots.**--The county commissioners of the county are hereby authorized to purchase plots of ground in any cemetery or burial ground in the counties for the interment of deceased service persons whose bodies are entitled to be buried under the provisions of this subdivision [Subdivision (b) of Article XXI of the Second Class County Code], and to cause to be drawn a warrant upon their county treasury for the payment of the same. The purchase price of said plots of ground shall not be charged against or allotted as part of the cost of burial of such deceased service persons who may be buried in any of said plots under the provisions of this subdivision.  
(1953, P.L.723, No.230, § 2114)

**Section 2115. Care of Graves and Markers.**--The county commissioners of the county shall at all times see that the graves and tombstones of all deceased service persons who are buried in such county receive proper and fitting care, and may employ all necessary assistance to carry out the provisions of this section. The expense of the care of such graves and tombstones shall be borne by the county where said graves are located, except where suitable care is otherwise provided. Money so appropriated may be expended directly by the county

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commissioners or paid over to the person, firm, association or corporation owning or controlling any cemetery or burial place in the county where any such grave is situated. The sum so paid over in any year shall not exceed, for each grave, the charge for the annual care and maintenance of like graves in the same cemetery, or if no such fixed charge is established in that cemetery, it shall not exceed the sum charged in other cemeteries in the same county for like service.

(1953, P.L.723, No.230, § 2115)

**Section 2116. Proof of Service, Et Cetera.**--(a) In each case where application is made for a contribution towards the funeral expenses of a deceased service person or the widow of a deceased service person or for a headstone or concrete base or lettering or bronze memorial tablet, the county commissioners shall, before expending any money therefor, require proof of the following facts:

(1) The service of the deceased service person which entitles him or his widow to the benefits of this subdivision [Subdivision (b) of Article XXI of the Second Class County Code]. Such proof shall be by the production of an honorable discharge or other official record showing service during any war in which the United States is or was engaged, or by the records of the Department of Defense of the Federal Government or by copies thereof filed in the Department of Military Affairs, showing the existence of a campaign or state or condition of war, the participation of the United States therein, and the service of the deceased service person in a zone where such campaign or state or condition of war existed.

(2) The death of the deceased service person.

(3) In the case of the burial of the widow of a deceased service person, the death of such widow, and the fact that she was married to the deceased service person at the time of his death and that she has not since remarried. The proof required by clauses one and two of this subsection shall also be required in such cases.

(4) Except in cases where persons not having a legal residence within this Commonwealth are entitled to any of the benefits of this subdivision, the legal residence within the county of the deceased service person or of the widow of a deceased service person, as the case may be.

(b) Death shall in all cases be proved by death certificate where the same is procurable; otherwise, by affidavit of one or more persons personally acquainted with the deceased and the fact of his or her death, or by proof of the record of death kept by the attending physician, or by proof of the record of burial kept by the undertaker by whom he or she was buried or by the church burial association or cemetery company maintaining the graveyard, burial ground or cemetery in which he or she was buried.

(c) Where any proof required by this subdivision has been furnished to the county commissioners, no further proof of the same facts shall be required in order to obtain any other benefit under the provisions of this subdivision.

(1953, P.L.723, No.230, § 2116)

**Section 2123. Compilation of War Records; Director of Veterans' Affairs.**--(a) The county commissioners of the county are hereby authorized and directed, at the expense of the county, to compile a record of the burial places within such county of deceased service persons. Such record, so far as practicable, shall indicate the name of each such person, the service in which he or she was engaged, the number of the regiment or company or command, the rank and period of service, the name and location of the cemetery or other place in which his or her body is interred, the location of the grave in such cemetery or other place, and the character of headstone or other marker, if any, at such grave. Such record shall be known as the Veterans' Grave Registration Record of ..... County, and shall be a public record open to inspection during business hours.

(b) The county commissioners of the county shall cause record blanks to be prepared according to forms prescribed by the Department of Military Affairs, whereby the information required for such record may be transmitted to them.

(c) Every person, firm, association or corporation, including a municipal corporation, owning or controlling any cemetery or burial place within the Commonwealth in which are



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interred the bodies of deceased service persons, shall file with the county commissioners of the county in which such cemetery is located, a certificate, on the record blanks provided by said county commissioners, of the facts required for such record, as far as the same are within the knowledge of such person, firm, association, corporation, or the agents thereof.

(d) The county commissioners shall cause record blanks to be distributed to such persons, firms, associations and corporations, as they deem advisable, with the request that such information be transmitted to them. Any such person, firm, association or corporation, except municipal corporations, upon receipt of such blanks or forms, who shall refuse or neglect to fill out and transmit to the county commissioners such blanks or forms within six months after receipt of same, upon conviction thereof in a summary proceeding, shall be sentenced to pay a fine of one hundred dollars (\$100).

(e) For the purpose of locating the burial places of persons who have served in the military or naval service or other branches of the combative forces of the United States during any war or armed conflict in which the United States was engaged, 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, the American Veterans of World War II (AMVETS), the Marine Corps League, and the Italian American War Veterans of the United States, Incorporated, through their local camps, posts and branches in this Commonwealth, are authorized, without expense to the county, to collect the required data and prepare and file with the county commissioners certificates embodying the information provided for in this section.

\* \* \*

(1953, P.L.723, No.230, § 2123)

**Section 1. [Authorization for autopsies]** An autopsy or postmortem examination may be performed upon the body of a deceased person by a physician licensed under the laws of the Commonwealth of Pennsylvania to engage in the practice of medicine and surgery in all of its branches within the scope of the act, approved the third day of June, one thousand nine hundred eleven (Pamphlet Laws 639), and its amendments, or in the practice of osteopathy or osteopathic surgery within the scope of the act, approved the nineteenth day of March, one thousand nine hundred nine (Pamphlet Laws 46), and its amendments, when the dead body is claimed within thirty-six hours after death for burial at the expense of the claimant and authorization for the postmortem examination has been obtained in any of the following manners:

(1) By written authorization signed by the deceased during lifetime and the written consent of his surviving spouse, if any, after death.

(2) By written authorization of any party whom the deceased during lifetime designed by written instrument to take charge of his body for burial and the written consent of decedent's surviving spouse, if any, after death.

(3) By written authorization of the decedent's surviving spouse.

(4) If the surviving spouse is incompetent, unavailable or does not claim the body for burial, or if there is no surviving spouse, by written authorization of the following in order of precedence if the claimant agrees to provide burial: (i) adult children, (ii) adult grandchildren, (iii) parents, (iv) brothers or sisters, (v) nephews or nieces, (vi) grandparents, (vii) uncles or aunts, (viii) cousins, (ix) stepchildren, (x) relatives or next of kin of previously deceased spouse.

(5) If none of the above persons are available to claim the body, by written authorization of any other relative or friend who assumes custody of the body for burial.

(1955, P.L.1702, No.575, § 1)

**Section 3. [Applicability to veterans]** The provisions of this act [the act of May 24, 1955, P.L.1702, No.575] do not apply to postmortem examinations performed under the authority of statutes pertaining to the coroner's office or the office of postmortem examinations. It shall be applicable in cases of the bodies of honorably discharged soldiers, sailors, marines or airmen of the United States or of the Militia of the State of Pennsylvania, or the bodies of women who have served the United States in military activities, if authorization for a postmortem examination is granted in accordance with this act. In such cases the bodies shall be buried in

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accordance with the provisions of existing Federal law. If no person is available who is entitled to authorize a postmortem examination on a veteran's body, the body shall not be subjected to postmortem study and shall be buried in accordance with the provisions of existing Federal law. (1955, P.L.1702, No.575, § 3)

### **§ 2816. Purchase of plots for burial of deceased service members.**

(a) Authority.--A borough may purchase plots of ground in a cemetery or burial ground within its limits for the interment of deceased members of the armed forces who:

(1) die within the borough or have a legal residence within the borough at the time of death; and

(2) are entitled to be buried by the county under the provisions of existing law.

(b) Cost.--Plots purchased under this section shall be paid for out of the borough treasury. (8 Pa.C.S. § 2816)

### **§ 144A21. Purchase of burial grounds for deceased servicepersons.**

Council may appropriate money for and purchase plots of ground in any cemetery or burial ground within its respective city limits for the interment of deceased servicepersons:

(1) who:

(i) die within the city; or

(ii) die beyond the city limits but had a legal residence within the city at the time of death; and

(2) whose bodies are entitled to be buried by the county under the provisions of existing law.

(11 Pa.C.S. § 144A21)

### **§ 144A22. Care of memorials.**

(a) Council authority.--Council may take charge of, care for, maintain and keep in good order and repair, at the expense of the city, any soldier's monument, gun or carriage or similar memorial, if the memorial:

(1) Is situate in the city.

(2) Is not in the charge or care of any individual, body or organization.

(3) Is not put up or placed by the Federal Government, the Commonwealth or the commissioners of the county or by the direction or authority of any other state.

(b) Donations.--Council may receive money from any individual or organization and may expend the money for the benefit of memorials.

(11 Pa.C.S. § 144A22)

### **§ 144A23. Memorial trees.**

Council may provide for or authorize provision for memorial trees for residents of the city who died while in the military service of the United States or in consequence of that service. Council may make appropriations or accept contributions for this purpose. Trees shall bear some permanent indication of their purpose.

(11 Pa.C.S. § 144A23)

### **§ 705. Burial details for veterans.**

(a) Authority.--The department [of Military and Veterans Affairs] shall have the power to arrange for burial details for veteran soldiers who are to be interred at any of the following national cemeteries:

(1) Indiantown Gap National Cemetery.

(2) National Cemetery of the Alleghenies.

(3) Washington Crossing National Cemetery.

\* \* \*

(c) Terms.--Any burial detail contract entered into under this section shall include the following terms:

(1) A minimum of three veterans shall participate in the burial detail.

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- (2) The veterans shall be similarly uniformed and equipped.
  - (3) A bugler shall perform taps or a recording of taps may be played over the tape recording system of the cemetery.
  - (4) The party under the contract shall indemnify and hold harmless the department and the Commonwealth from any claims arising out of the performance of the burial details.
  - (d) Insurance.--Any veterans organization, the members of which perform a burial detail pursuant to this section, shall provide liability insurance for the burial details in such amount as prescribed by the department.
  - (e) Regulations.--The department shall promulgate the rules and regulations necessary to carry out this section.
- (51 Pa.C.S. § 705)

### **§ 3705. Furnishing United States flag for deceased members.**

- (a) General rule.--The department [of Military and Veterans Affairs] shall furnish a United States flag to drape the casket of each deceased member who at the time of death was:
    - (1) An active member of the Pennsylvania National Guard or the Pennsylvania Guard.
    - (2) A retired member of the Pennsylvania National Guard or the Pennsylvania Guard.
    - (3) Discharged from the Pennsylvania National Guard or the Pennsylvania Guard for a disability incurred or aggravated in the line of duty.
  - (b) Exception.--Any member eligible for a burial flag under the provisions of 38 United States Code § 901 (relating to flags) is not authorized to receive the United States flag under the provisions of this section.
  - (c) Appropriation for cost.--The necessary appropriations to pay for any flags issued 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.
- (51 Pa.C.S. § 3705)

## **PART IV. PROVISIONS RELATING TO SPECIFIC SITUATIONS**

### **Chapter 1. Fishing and Hunting Licenses**

#### **§ 2707. [Fishing license for] Disabled veterans and former prisoners of war.**

- (a) General rule for disabled veterans.--
  - (1) Any disabled veteran who has a disability incurred in any war or armed conflict which consists of the loss of one or more limbs, or the loss of use of one or more limbs, or total blindness, or who is 100% disabled as certified by the United States Department of Veterans Affairs, and who meets the qualifications of section 2701 (relating to resident fishing licenses), shall be issued a free resident fishing license upon application to the commission or a county treasurer. An application submitted by a disabled veteran shall, in addition to any information required under section 2701, contain a statement that the applicant is a war or armed conflict veteran and that the qualifying disability was service incurred. The issuing agent or the [Pennsylvania Fish and Boat] commission may require the production of the discharge papers of the applicant.
  - (2) Any disabled veteran who has a disability incurred in any war or armed conflict and possesses a disability rating between 60% and 99% as certified by the United States Department of Veterans Affairs and who meets the qualifications of section 2701 shall be issued a resident fishing license at the cost of \$1 upon application to the commission or a county treasurer. An application submitted by a disabled veteran shall, in addition to any information required under section 2701, contain a statement that the applicant is a war or armed conflict veteran and that the qualifying disability was service incurred. The issuing agent or the commission may require the production of the discharge papers of the

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applicant.

(a.1) General rule for former prisoners of war.--

(1) A former prisoner of war who meets the qualifications of section 2701 shall be issued a resident fishing license at the cost of \$1 upon application to the commission or a county treasurer. An application submitted by a former prisoner of war shall, in addition to any information required under section 2701, contain a statement that the applicant is a former prisoner of war.

(2) As used in this subsection, the term "former prisoner of war" means an individual who was imprisoned by enemy forces while in the service of the armed forces of the United States as certified by the appropriate branch of the armed forces of the United States.

(b) Lifetime licenses.--

(1) If a disabled veteran who qualifies for issuance of a free resident fishing license under subsection (a)(1) presents documentation to show that the qualifying disability is permanent, the commission or county treasurer shall issue a disabled veteran lifetime fishing license.

(2) A former prisoner of war who meets the qualifications of section 2701(b) shall be issued a senior resident lifetime fishing license at the cost of \$1 upon application to the commission or a county treasurer.

(c) Home rule and optional plan counties.--In a county where there is no county treasurer by virtue of a home rule charter or optional plan of government, the county official who performs the functions of a county treasurer and who has been designated an issuing agent by the commission shall issue free and reduced fee resident fishing licenses to disabled veterans and reduced fee resident fishing licenses to former prisoners of war under this section.

(30 Pa.C.S. § 2707)

### **§ 2707.1. Deployed Pennsylvania National Guard members.**

(a) Eligibility.--The commission or a county treasurer shall issue one annual resident fishing license at a cost of \$1 to any person eligible under section 2701 (relating to resident fishing licenses) for the license who provides documentation that within the previous 24 months the person was deployed overseas as a member of the Pennsylvania Army National Guard or Air National Guard on active Federal service for a period of 60 consecutive days or more or was released early from such service because of an injury or disease incurred in the line of duty. Only one Pennsylvania National Guard fishing license under this section may be issued for each qualifying deployment of a person applying for the license.

(b) Regulations.--The commission may promulgate regulations to implement this section.  
(30 Pa.C.S. § 2707.1)

### **§ 2707.2. Reserve component of armed forces members.**

(a) Eligibility.--The [Pennsylvania Fish and Boat] commission or a county treasurer shall issue one annual resident fishing license at a cost of \$1 to any person eligible for the license under section 2701 (relating to resident fishing licenses) who provides documentation that within the previous 24 months the person was deployed overseas as a member of the reserve component of the armed forces pursuant to 51 Pa.C.S. § 7301 (relating to definitions) for a period of 60 consecutive days or more or was released early from service because of an injury or disease incurred in the line of duty. Only one fishing license under this section may be issued for each qualifying deployment of a person applying for the license.

(b) Regulations.--The commission may promulgate regulations to implement this section.  
(30 Pa.C.S. § 2707.2)

### **§ 2708. Institutional [fishing] licenses.**

Any resident of this Commonwealth who is a resident patient in a Commonwealth owned or supported medical or rehabilitation institution or county home or hospital, is a veteran and a patient in a United States Government Veterans' Administration Hospital or in a State veterans' home, or is a juvenile of a State youth development center or forestry camp, and who may benefit from recreational fishing during the course of treatment, rehabilitation or hospitalization

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is eligible for inclusion on an institutional license issued by the commission to a qualifying institution at no cost. The commission shall establish policies and procedures for the issuance of institutional licenses. The commission may revoke license issuing privileges of any institution for failure to comply with any provisions of this chapter [30 Pa.C.S. Ch.27 (relating to fishing licenses)], the regulations promulgated thereunder and the policies and procedures established hereunder.

(30 Pa.C.S. § 2708)

### **§ 2709. Exemptions from license requirements.**

\* \* \*

(f) Military personnel.--

(1) The provisions of this chapter [30 Pa.C.S. Ch. 27 (relating to fishing licenses)] shall not apply to persons who satisfy all of the following:

- (i) Are residents of this Commonwealth.
- (ii) Are on active and full-time duty in the United States Armed Forces.
- (iii) Are assigned to a facility outside this Commonwealth.
- (iv) Are on temporary leave in this Commonwealth.
- (v) Have on their person while fishing evidence of Commonwealth residency, proof of their assignment to a facility outside this Commonwealth and a copy of their orders assigning them to temporary leave.

(2) Such persons shall comply with the regulations of the [Pennsylvania Fish and Boat] commission.

(30 Pa.C.S. § 2709)

### **§ 2907.2. Lake Erie fishing permits.**

(a) Permit required.--No person shall fish in Lake Erie, Presque Isle Bay and their tributaries, including waters that flow into those tributaries, without first procuring an annual special permit to fish in Lake Erie and tributaries or a combination trout permit and Lake Erie permit.

\* \* \*

(c) Exemptions.--Persons entitled to free fishing licenses under section 2707 (relating to disabled veterans) and persons exempt from fishing license requirements under Chapter 27 (relating to fishing licenses) are exempt from the requirements of this section. Holders of Senior Resident Lifetime Fishing Licenses issued under section 2701 (relating to resident fishing licenses) shall meet the requirements of this section by purchasing one annual special permit which shall be valid for the licensee's lifetime.

\* \* \*

(30 Pa.C.S. § 2907.2)

### **§ 2704. Eligibility for [hunting] license.**

(a) General rule.--Persons meeting the requirements of this title [34 Pa.C.S. (relating to game and wildlife)] who have reached or will reach their 12th birthday in the calendar year of application or who are older, whose hunting and furtaking privileges are valid and who shall meet the application requirements set forth in this title and pay the prescribed license cost and issuance fee shall be eligible to obtain the applicable hunting or furtaking license.

(b) Hunter education.--Persons who have not held a hunting license lawfully issued to them in this Commonwealth or another state or nation or have not hunted under the exceptions in section 2706 (relating to resident license and fee exemptions) or do not possess a certificate of training approved by the director prior to the enactment of this title shall be required to attain accreditation in a hunter education program approved by the director before a hunting license is issued to them. The provisions of this subsection shall not apply to a person who presents:

(1) Evidence of service in the armed forces of the United States or in the United States Coast Guard and discharge or separation under honorable conditions within six months of the date of application.

(2) Evidence that the person is currently serving in the armed forces of the United

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States or in the United States Coast Guard.

\* \* \*

(34 Pa.C.S. § 2704)

### **§ 2705. Classes of [hunting] licenses.**

Unless otherwise provided, any person wishing to exercise any of the privileges granted by this title shall first secure the applicable resident or nonresident hunting or furtaker license as follows:

\* \* \*

(13) Antlerless deer licenses, bear licenses, archery licenses, muzzleloader licenses and any other license required to insure just and proper administration of this title and sound game or wildlife conservation to eligible persons, subject to the regulations, requirements and conditions which the commission shall establish. Any such license shall be made available to residents serving on active duty in the armed forces of the United States or in the United States Coast Guard without regard to quota limitations or application deadlines.

(14) Migratory game bird licenses for hunting all migratory game birds to eligible persons, subject to the regulations, requirements and conditions which the commission shall establish. Any such license shall be made available to residents serving on active duty in the armed forces of the United States or in the United States Coast Guard without regard to quota limitations or application deadlines.

\* \* \*

(34 Pa.C.S. § 2705)

### **§ 2706. Resident [hunting] license and fee exemptions.**

\* \* \*

(b) Disabled veterans.--

(1) Any resident disabled veteran who has a disability incurred in any war or armed conflict which consists of the loss of one or more limbs, or the loss of the use of one or more limbs, or who is 100% disabled as certified by the United States Department of Veterans Affairs, and who meets all other qualifications of this title and is otherwise mentally and physically fit, shall be issued a free regular hunting or furtaking license upon application to the commission or a county treasurer.

(1.1) Any disabled veteran who has a disability incurred in any war or armed conflict and possesses a disability rating between 60% and 99% as certified by the United States Department of Veterans Affairs and who meets all other qualifications of this act and is otherwise mentally and physically fit shall be issued a resident hunting or furtaking license at the cost of \$1 upon application to the commission or a county treasurer.

(2) The application for the issuance of a license under paragraph (1) or (1.1) shall, in addition to the other information required by the commission, contain a statement that the applicant is a war or armed conflict veteran and that the qualifying disability was service incurred.

(3) The issuing agent or the commission may require the production of the discharge papers of the applicant.

(4) If a disabled veteran who qualifies for issuance of a license under paragraph (1) presents documentation to show that the qualifying disability is permanent, the county treasurer shall issue the disabled veteran a lifetime hunting or furtaking license.

(5) In a county where there is no county treasurer by virtue of a home rule charter or optional plan of government, the county official who performs the functions of a county treasurer and who has been designated an issuing agent by the commission shall issue licenses under this subsection.

(b.1) Prisoners of war.--A former prisoner of war shall be entitled to purchase a resident hunting license at the cost of \$1 plus the current issuing fee upon application to the commission. An application under this subsection shall contain the same information as is required for other resident hunting license applications. As used in this subsection, the term

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"former prisoner of war" means an individual who was imprisoned by enemy forces while in the service of the armed forces of the United States as certified by the appropriate branch of the armed forces of the United States.

\* \* \*

(f) Pennsylvania National Guard hunting licenses.--

(1) Pennsylvania National Guard hunting licenses shall be issued by the commission, county treasurer or issuing agent to any person otherwise eligible for a resident hunting license in this Commonwealth who provides documentation that within the previous 24 months the person was deployed overseas as a member of the Pennsylvania Army National Guard or Air National Guard on active Federal service for a period of 60 consecutive days or more or was released early from such service because of an injury or disease incurred in the line of duty. Only one Pennsylvania National Guard hunting license under this subsection may be issued for each qualifying deployment of a person applying for the license.

(2) The commission may promulgate regulations to implement this subsection.

(g) Reserve component of armed forces hunting licenses.--

(1) Reserve component of the armed forces hunting licenses shall be issued by the commission, county treasurer or issuing agent to any person otherwise eligible for a resident hunting license in this Commonwealth who provides documentation that within the previous 24 months the person was deployed overseas as a member of the reserve component of the armed forces pursuant to 51 Pa.C.S. § 7301 (relating to definitions) for a period of 60 consecutive days or more or was released early from service because of an injury or disease incurred in the line of duty. Only one hunting license under this subsection may be issued for each qualifying deployment of a person applying for the license.

(2) The commission may promulgate regulations to implement this subsection.

\* \* \*

(34 Pa.C.S. § 2706)

### **§ 2709. [Hunting and furtaking] License costs and fees [for veterans].**

(a) License costs.--Any person who qualifies under the provisions of this chapter [34 Pa.C.S. Ch.27 (relating to hunting and furtaking licenses)] shall be issued the applicable license upon payment of the following costs and the issuing agent's fee:

\* \* \*

(2) \* \* \*

- (ii) Resident military personnel hunting - \$1.
- (iii) Former prisoner of war hunting - \$1.
- (iv) Pennsylvania National Guard hunting - \$1.
- (v) Reserve component of the armed forces hunting - \$1.
- (vi) Volunteer instructor license - \$1.

\* \* \*

(5) Antlerless deer:

- (i) Resident, including resident military, resident disabled veteran and landowner - \$5.

\* \* \*

(17) Resident disabled veteran hunting or furtaker under section 2706(b) (relating to disabled veterans) - no cost.

\* \* \*

(34 Pa.C.S. § 2709)

## **Chapter 2. Firearms**

### **§ 913. Possession of firearm or other dangerous weapon in court facility.**

(a) Offense defined.--A person commits an offense if he:

- (1) knowingly possesses a firearm or other dangerous weapon in a court facility or knowingly causes a firearm or other dangerous weapon to be present in a court facility; or

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(2) knowingly possesses a firearm or other dangerous weapon in a court facility with the intent that the firearm or other dangerous weapon be used in the commission of a crime or knowingly causes a firearm or other dangerous weapon to be present in a court facility with the intent that the firearm or other dangerous weapon be used in the commission of a crime.

\* \* \*

(c) Exceptions.--Subsection (a) shall not apply to:

\* \* \*

(4) Associations of veteran soldiers and their auxiliaries or members of organized armed forces of the United States or the Commonwealth, including reserve components, when engaged in the performance of ceremonial duties with county approval.

\* \* \*

(18 Pa.C.S. § 913)

### § 6109. Licenses [for firearms].

\* \* \*

(e) Issuance of license.--

(1) A license to carry a firearm shall be for the purpose of carrying a firearm concealed on or about one's person or in a vehicle and shall be issued if, after an investigation not to exceed 45 days, it appears that the applicant is an individual concerning whom no good cause exists to deny the license. A license shall not be issued to any of the following:

\* \* \*

(xi) An individual who has been discharged from the armed forces of the United States under dishonorable conditions.

\* \* \*

(18 Pa.C.S. § 6109)

### § 6304. Sale and use of air rifles.

\* \* \*

(c) Exceptions.--

(1) Nothing in this section shall make it unlawful for any person under 18 years of age to have in his possession any air rifle, if it is:

(i) kept within his domicile;

(ii) used by the person under 18 years of age and he is a duly enrolled member of any club, team or society organized for educational purposes and maintaining as part of its facilities or having written permission to use an indoor or outdoor rifle range under the supervision, guidance and instruction of a responsible adult, and then only, if said air rifle is actually being used in connection with the activities of said club, team or society under the supervision of a responsible adult; or

(iii) used in or on any private grounds or residence under circumstances when such air rifle can be fired, discharged or operated in such a manner as not to endanger persons or property, and then only, if it is used in such manner as to prevent the projectile from transversing any grounds or space outside the limits of such grounds or residence.

(2) Nothing in this section shall prohibit sales of air rifles:

(i) By wholesale dealers or jobbers.

(ii) To be shipped out of this Commonwealth.

(iii) To be used at a target range operated in accordance with paragraph (1) of this subsection or by members of the armed services of the United States or veterans' organizations.

\* \* \*

(18 Pa.C.S. § 6304)

## Chapter 3. Vehicles



## PENNSYLVANIA LAWS RELATING TO VETERANS

**Section 2328. Regulation of Parking [in Second Class Townships].**--(a) The board of supervisors may by ordinance regulate parking, provide parking accommodations to promote the convenience and protection of the public, post signs regulating parking in areas established or designated for handicapped or severely disabled veteran parking and impose penalties for the violation of those regulations.

(b) The board of supervisors may provide for the erection, maintenance and regulation of parking meters, and it may by ordinance establish parking meter charges and impose penalties for the violation of those regulations.

(1933, P.L.103, No.69, § 2328)

### **Section 1333.3. Penalties for Violating Compulsory School Attendance Requirements.**--\*\*\*

(g) \*\*\*

(4) A child whose driving privileges have been suspended or whose eligibility for a permit or license is delayed under this section may have that license or eligibility restored by providing the Department of Transportation with a form developed by the Department of Transportation containing the following information in the form of a certified record from the child's school that the child:

\*\*\*

(iii) graduates, withdraws from school pursuant to compulsory attendance requirements under section 1327, receives a general education diploma or enlists in the military.

\*\*\*

(1949, P.L.30, No.14, § 1333.3)

### **§ 1320. Contributions to Veterans' Trust Fund.**

(a) Option.--The department [of Transportation] shall provide for all of the following:

(1) Ability of an applicant for an original or renewal driver's license or identification card to make a contribution of \$5 to the Veterans' Trust Fund.

(2) Ability of an applicant for a renewal vehicle registration to make a contribution of \$5 to the Veterans' Trust Fund.

(3) Ability of an applicant for a two-year vehicle registration to make a contribution of \$10 to the Veterans' Trust Fund on the department's publicly accessible Internet website.

(b) Implementation.--

(1) A contribution under subsection (a) shall be added, as appropriate, to the regular fee for:

(i) an original or renewal driver's license or identification card; and

(ii) a renewal of a vehicle registration.

(2) One contribution under subsection (a) may be made for:

(i) each issuance or renewal of a driver's license or identification card; and

(ii) each renewal vehicle registration.

(c) Use.--Contributions under subsection (a) shall be used exclusively for purposes set forth in 51 Pa.C.S. § 1721(c) (relating to Veterans' Trust Fund).

(d) Deposits.--

(1) The department shall determine on a monthly basis the total amount collected under this section and report the amount to the State Treasurer.

(2) The State Treasurer shall transfer the amount collected to the Veterans' Trust Fund.

(e) Reimbursement.--The Veterans' Trust Fund shall reimburse the Motor License Fund for the actual costs incurred by the department in the administration of this section.

(75 Pa.C.S. § 1320)

### **§ 1333. Lost, stolen, damaged or illegible registration plate.**

\*\*\*

(b.1) Illegible registration plate.--

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\* \* \*

(2) Notwithstanding paragraph (1):

(ii) Subparagraph (i) shall apply to plates issued under:

- (A) Section 1342 (relating to veteran plates and placard).
- (B) Section 1345 (relating to special plates for recipients of the Medal of Honor).
- (C) Section 1346 (relating to special plates for recipients of Purple Heart).
- (D) Section 1348 (relating to special plates for Pearl Harbor survivors).
- (E) Section 1350 (relating to special plates for veterans of Korean War).
- (F) Section 1350.1 (relating to special plates for recipients of Korean Defense Service Medal).
- (G) Section 1351 (relating to special plates for veterans of Persian Gulf War).
- (H) Section 1356 (relating to special plates for recipients of Expeditionary Forces Medal).
- (I) Section 1357 (relating to special plates for World War II veterans).
- (J) Section 1357.1 (relating to special plates for individuals in the service of the United States Merchant Marine).
- (K) Section 1360 (relating to special plates for veterans of Vietnam Conflict).
- (L) Section 1361 (relating to special motorcycle plates related to veterans).
- (M) Section 1362 (relating to Operation Iraqi Freedom veterans plate).
- (N) Section 1363 (relating to Operation Enduring Freedom veterans plate).
- (O) Section 1363.1 (relating to Afghanistan and Iraq veterans plate).
- (P) Section 1364 (relating to special plates for veterans).
- (Q) Section 1364.1 (relating to special plates for current members of the armed forces of the United States).
- (R) Section 1365 (relating to Gold Star Family plate).
- (S) Section 1366 (relating to special plates for recipients of Silver Star).
- (T) Section 1366.1 (relating to special plates for United States military airborne units).
- (U) Section 1366.2 (relating to Blue Star Family plate).
- (V) Section 1366.3 (relating to special plates for recipients of Air Medal).
- (W) Section 1367 (relating to special plates for recipients of Bronze Star).
- (X) Section 1368 (relating to special plates for recipients of Bronze Star for Valor).
- (Y) Section 1368.1 (relating to special plates for recipients of Soldier's Medal).
- (Z) Section 1368.2 (relating to special plates for recipients of Presidential Service Badge).
- (AA) Section 1368.3 (relating to special plates for recipients of Legion of Merit).
- (BB) Section 1369 (relating to special plates for recipients of Distinguished Service Cross, Distinguished Flying Cross, Navy Cross or Air Force Cross).
- (CC) Section 1369.1 (relating to special plates for recipients of Combat Action Badge, Combat Infantryman Badge, Combat Action Ribbon, Combat Action Medal or Combat Medical Badge).
- (DD) Section 1369.3 (relating to special plates for veterans of an ally foreign country).

\* \* \*

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(75 Pa.C.S. § 1333)

### **§ 1341.1. Personal organization registration plates.**

\* \* \*

(b) Additional fee.--

\* \* \*

(2) For any personal plate issued under sections 1338 (relating to person with disability plate and placard) and 1342 (relating to veteran plates and placard), the department [of Transportation] shall collect only an additional fee of \$50.

(75 Pa.C.S. § 1341.1)

### **§ 1342. Veteran plates and placard.**

(a) Severely disabled veteran plate.--On the application of a veteran whose service-connected disability is certified at 100% by the service unit of the armed forces in which the veteran served or by the United States Veterans' Administration or who has a service-connected disability of the type enumerated in section 1338 (relating to person with disability plate and placard), the department [of Transportation] shall issue a special registration plate designating the vehicle as belonging to a severely disabled veteran. The registration plate shall have a white background, shall have blue numbers or letters as the department may determine, shall have the words "disabled veteran" in at least ten-point bold type inscribed in red at the bottom of the plate and shall include the international symbol for access for persons with disabilities. A special registration plate issued to a veteran under this section may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds. In the case of a motorcycle, the department shall issue a decal containing the international symbol for access for persons with disabilities and the words "disabled veteran" for display on the registration plate.

(b) Severely disabled veteran placard.--On the application of any person who meets the qualifications of subsection (a), the department shall issue one special parking placard of such size and design as the department shall specify, designating the vehicle in which it is displayed as being used for the transportation of a severely disabled veteran. When parking the designated vehicle, the severely disabled veteran parking placard shall be prominently displayed so that it may be viewed from the front and rear of the vehicle by hanging it from the front windshield rearview mirror of a vehicle only when that vehicle is utilizing a parking space reserved for persons with disabilities. When there is no rearview mirror, or the placard is not designed in such a manner to accommodate hanging from a rearview mirror, the placard shall be prominently displayed on the dashboard of the vehicle when it is in use for the transportation of such severely disabled veteran. Placards may also be issued for use in vehicles when operated for the use and benefit of severely disabled veterans provided that a severely disabled veteran is being transported in the vehicle.

(c) Disabled veteran plates.--On the application of any veteran having a disability certified by the service unit of the armed forces in which the veteran served or by the United States Veterans' Administration as service-connected, the department shall issue a special registration plate designating the vehicle as belonging to a disabled veteran. The registration plate shall have a white background, shall have numbers or letters as the department may determine and shall have the words "disabled veteran" in at least ten-point bold type inscribed at the bottom of the plate. A special registration plate issued to a veteran under this section may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.

(d) Prisoner of war plate.--On the application of an ex-prisoner of war whose imprisonment while in the service of the armed forces of the United States is certified by the appropriate branch of the armed forces, the department shall issue a special registration plate designating the vehicle as belonging to an ex-prisoner of war. The registration plate shall contain the letters "POW" and such other numbers or letters as the department may determine and shall have the words "prisoner of war" in at least ten-point bold type inscribed at the bottom of the plate. A special registration plate issued to an ex-prisoner of war under this subsection may be used only on a passenger car or truck with a registered gross weight of not more than 14,000

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pounds.

(e) Documentation of eligibility.--The department may require current holders of disabled veteran registration plates and placards to provide documentation of their eligibility under this section where current documentation is not sufficient.

(f) Return of plates and placard.--Upon the death of a veteran to whom a severely disabled veteran plate or placard has been issued under this section, the severely disabled veteran plate or placard shall be void 30 days after death and shall not be displayed on any vehicle. The personal representative of the deceased shall return the plate to the department. If there is no personal representative, the spouse or, if there is no spouse, the next of kin of the deceased shall return the plate or placard to the department.  
(75 Pa.C.S. § 1342)

### **§ 1345. Special plates for recipients of the Medal of Honor.**

Upon application of any person who is a recipient of the Medal of Honor, the department [of Transportation] shall issue to such person a special registration plate designating the vehicle so licensed as belonging to a person who is a recipient of the Medal of Honor. The plate shall have a light blue background interspersed with 13 white stars. The center of the plate shall bear a golden bronze replica of the appropriate medal. The initials of each recipient shall be embossed in red to the left of the medal and the letters "CMH" (for Congressional Medal of Honor) shall be embossed in red to the right of the medal.  
(75 Pa.C.S. § 1345)

### **§ 1346. Special plates for recipients of Purple Heart.**

Upon application of any person who is a recipient of the Purple Heart, the department [of Transportation] shall issue to such person a special registration plate designating the vehicle so licensed as belonging to a person who is a recipient of the Purple Heart. A severely disabled veteran, as described in section 1342(a) (relating to veteran plates and placard), who is qualified to receive a plate under this section may also elect to receive a placard under section 1342(b). The special registration plate may be used only on a passenger car, motorcycle or truck with a registered gross weight of not more than 14,000 pounds.  
(75 Pa.C.S. § 1346)

### **§ 1348. Special plates for Pearl Harbor survivors.**

Upon application of any person who is a survivor of Pearl Harbor, accompanied by a fee of \$20 which shall be in addition to the annual registration fee and by such documentation as the department [of Transportation] shall require, the department shall issue to such person a special registration plate designating the vehicle so licensed as belonging to a person who is a survivor of Pearl Harbor. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.  
(75 Pa.C.S. § 1348)

### **§ 1350. Special plates for veterans of Korean War.**

Upon application of any person who is a veteran of the Korean War, accompanied by a fee of \$20, which shall be in addition to the annual registration fee, and by such documentation as the department [of Transportation] shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a veteran of the Korean War. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.  
(75 Pa.C.S. § 1350)

#### **§ 1350.1. Special plates for recipients of Korean Defense Service Medal.**

Upon application of any person who is a recipient of the Korean Defense Service Medal, accompanied by a fee of \$20 which shall be in addition to the annual registration fee and by such documentation as the department shall require, the department [of Transportation] shall issue to the person a special registration plate designating the vehicle so licensed as belonging

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to a person who is a recipient of the Korean Defense Service Medal. The department shall design and produce the special registration plate. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.

(75 Pa.C.S. § 1350.1)

### **§ 1351. Special plates for veterans of Persian Gulf War.**

Upon application of any person who is a veteran of the Persian Gulf War, accompanied by a fee of \$20, which shall be in addition to the annual registration fee, and by such documentation as the department shall require, the department [of Transportation] shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a veteran of the Persian Gulf War. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.

(75 Pa.C.S. § 1351)

### **§ 1353.1. Pennsylvania monument registration plate.**

(a) Design.--The department [of Transportation] shall design a Pennsylvania monument registration plate which shall have a replica of the Pennsylvania Memorial Monument at the Gettysburg National Military Park and shall display the words "Gettysburg 1863."

(b) Application.--Upon application of any person, accompanied by a fee of \$54 which shall be in addition to the annual registration fee, the department shall issue the registration plate under subsection (a) for a passenger car, motor home, trailer or truck with a registered gross weight of not more than 14,000 pounds.

(c) Proceeds.--The Pennsylvania Veterans' Monuments and Memorial Trust Fund shall receive \$23 of the fee paid by the applicant for the registration plate under subsection (a).

(d) Use of proceeds.--Proceeds under subsection (c) shall be used exclusively to provide grants to nonprofit organizations for the cleaning, repair and restoration of Pennsylvania monuments and memorials by the Gettysburg National Military Park. A grant under this subsection may not be used to pay for the cost of cleaning, repair or restoration of the grounds surrounding a Pennsylvania monument or memorial.

(75 Pa.C.S. § 1353.1)

### **§ 1356. Special plates for recipients of Expeditionary Forces Medal.**

Upon application of any person who is a recipient of the Expeditionary Forces Medal, accompanied by a fee of \$20 which shall be in addition to the annual registration fee and by such documentation as the department [of Transportation] shall require, the department shall issue to such person a special registration plate designating the vehicle so registered as belonging to a person who is a recipient of the Expeditionary Forces Medal. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.

(75 Pa.C.S. § 1356)

### **§ 1357. Special plates for World War II veterans.**

Upon application of any person who is a veteran of World War II, accompanied by a fee of \$20 which shall be in addition to the annual registration fee and by such documentation as the department [of Transportation] shall require, the department shall issue to such person a special registration plate carrying the symbol of a ruptured duck designating the vehicle so registered as belonging to a person who is a veteran of World War II. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.

(75 Pa.C.S. § 1357)

### **§ 1357.1. Special plates for individuals in the service of the United States Merchant Marine.**

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Upon application of any person who was in the service of the United States Merchant Marine during World War II, the Korean War, the Vietnam Conflict or any of the Gulf Wars, including Operation Desert Storm, Operation Iraqi Freedom and Operation Desert Shield, accompanied by a fee of \$20 which shall be in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who was in the service of the United States Merchant Marine during World War II, the Korean War, the Vietnam Conflict or any of the Gulf Wars, including Operation Desert Storm, Operation Iraqi Freedom and Operation Desert Shield. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds. (75 Pa.C.S. § 1357.1)

### **§ 1360. Special plates for veterans of Vietnam Conflict.**

Upon application of any person who is a veteran of the Vietnam Conflict as that term is defined for the awarding of the Vietnam Service Medal, accompanied by a fee of \$20 in addition to the annual registration fee and by such documentation as the department shall require, the department [of Transportation] shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a veteran of the Vietnam Conflict. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds. (75 Pa.C.S. § 1360)

### **§ 1361. Special motorcycle plates related to veterans.**

(a) Veterans.--Upon application of any person who is a veteran as defined under 51 Pa.C.S. § 7101.2 (relating to definitions), accompanied by a fee of \$26 which shall be in addition to the registration fee and by such documentation as the department [of Transportation] shall require, the department shall issue to the person a special registration plate designating the vehicle as belonging to a person who is a veteran. The special registration plate may be used only on a motorcycle.

(a.1) Women veterans.--Upon application of any woman who is a veteran as defined under 51 Pa.C.S. § 7101.2, accompanied by a fee of \$26 which shall be in addition to the registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle as belonging to a person who is a woman veteran. The special registration plate may be used only on a motorcycle.

(b) Honoring our veterans.--Upon application of any person, accompanied by a fee of \$41 which shall be in addition to the registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the motorcycle as belonging to a person who is honoring veterans of the armed forces of the United States. The special registration plate may be used only on a motorcycle. The Veterans' Trust Fund shall receive \$15 of the fee paid by the applicant for the plate.

(c) Honoring our women veterans.--Upon application of any person, accompanied by a fee of \$41, which shall be in addition to the registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle as belonging to a person who is honoring women veterans of the armed forces of the United States. The special registration plate may be used only on a motorcycle. The Veterans' Trust Fund shall receive \$15 of the fee paid by the applicant for the plate. The portion of the fee transferred to the Veterans' Trust Fund under this subsection shall be used for programs and resources that assist women veterans. (75 Pa.C.S. § 1361)

### **§ 1362. Operation Iraqi Freedom veterans plate.**

Upon application of any person who is a veteran of the liberation or occupation of Iraq, accompanied by a fee of \$20 which shall be in addition to the annual registration fee and by documentation as the department [of Transportation] shall require, the department shall issue

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to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a veteran of Operation Iraqi Freedom. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.

(75 Pa.C.S. § 1362)

### **§ 1362.1. Operation Inherent Resolve veterans plate.**

Upon application of any person who is a veteran of the military intervention against the Islamic State of Iraq and the Levant, which encompasses campaigns in Iraq, Syria and Libya, accompanied by a fee of \$26 which shall be in addition to the registration fee and by documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a veteran of Operation Inherent Resolve. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.

(75 Pa.C.S. § 1362.1)

### **§ 1363. Operation Enduring Freedom veterans plate.**

Upon application of any person who is a veteran of the liberation or occupation of Afghanistan, accompanied by a fee of \$20 which shall be in addition to the annual registration fee and by documentation as the department [of Transportation] shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a veteran of Operation Enduring Freedom. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.

(75 Pa.C.S. § 1363)

### **§ 1364. Special plates for veterans.**

(a) Veterans.--Upon application of any person who is a veteran as defined under 51 Pa.C.S. § 7101.2 (relating to definitions), accompanied by a fee of \$26 which shall be in addition to the registration fee and by such documentation as the department [of Transportation] shall require, the department shall issue to the person a special registration plate designating the vehicle as belonging to a person who is a veteran. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.

(a.1) Women veterans.--Upon application of any woman who is a veteran as defined under 51 Pa.C.S. § 7101.2, accompanied by a fee of \$26 which shall be in addition to the registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle as belonging to a person who is a woman veteran. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.

(b) Honoring our veterans.--Upon application of any person, accompanied by a fee of \$35, which shall be in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle as belonging to a person who is honoring veterans of the armed forces of the United States. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds. The Veterans' Trust Fund shall receive \$15 of the fee paid by the applicant for the plate.

(c) Honoring our women veterans.--Upon application of any person, accompanied by a fee of \$35, which shall be in addition to the registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle as belonging to a person who is honoring women veterans of the armed forces of the United States. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds. The Veterans' Trust Fund shall receive \$15 of the fee paid by the applicant for the plate. The portion of the fee transferred to the Veterans' Trust Fund under this subsection shall be used for programs and

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resources that assist women veterans.  
(75 Pa.C.S. § 1364)

### **§ 1364.1. Special plates for current members of the armed forces of the United States.**

(a) General rule.--A special registration plate shall, upon application, be issued to an individual who is a member of the armed forces of the United States, including a member of a reserve component or the National Guard, under the following conditions:

- (1) A fee of \$20 has been paid in addition to the registration fee.
- (2) Documentation required by the department [of Transportation] has been provided.
- (3) The vehicle belongs to the applicant.
- (4) The plate issued appropriately designates the branch of service and includes the service emblem of which the applicant is a member.

(b) Eligibility.--A plate issued under subsection (a) shall be for members of the Pennsylvania National Guard and the following branches of the armed forces of the United States:

- (1) Army.
- (2) Navy.
- (3) Air Force.
- (4) Marine Corps.
- (5) Coast Guard.

(c) Limitation.--A plate issued under this section may only be used on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.

(75 Pa.C.S. § 1364.1)

### **§ 1365. Gold Star Family plate.**

(a) General rule.--Upon application of a family member of a person who was killed while serving on active duty in the military, accompanied by a fee of \$20 which shall be in addition to the annual registration fee and by such documentation as the department [of Transportation] shall require, the department shall issue to the family member a special registration plate designating the vehicle so licensed as belonging to a family member of a person who was killed while serving on active duty in the military. The department shall design and produce the special registration plate carrying the Service Flag Gold Star rimmed with blue which represents sacrifice to the cause of liberty and freedom. The words "Gold Star Family" shall be clearly displayed along the bottom of the plate. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.

(b) Documentation required.--An applicant for a Gold Star Family plate shall certify on a form approved by the department that the applicant is a family member of a person who was killed while serving on active duty in the military.

(c) Definition.--As used in this section, the term "family member" includes the following:

- (1) Widow.
- (2) Widower.
- (3) Mother.
- (4) Father.
- (5) Stepmother.
- (6) Stepfather.
- (7) Mother through adoption.
- (8) Father through adoption.
- (9) Foster mother in loco parentis.
- (10) Foster father in loco parentis.
- (11) Son.
- (12) Daughter.
- (13) Stepson.
- (14) Stepdaughter.
- (15) Son by adoption.



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- (16) Daughter by adoption.
- (17) Brother.
- (18) Sister.
- (19) Half brother.
- (20) Half sister.

(75 Pa.C.S. § 1365)

### **§ 1366. Special plates for recipients of Silver Star.**

Upon application of any person who is a recipient of the Silver Star, accompanied by a fee of \$10 which shall be in addition to the annual registration fee and by such documentation as the department [of Transportation] shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a recipient of the Silver Star. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.

(75 Pa.C.S. § 1366)

### **§ 1366.1. Special plates for United States military airborne units.**

(a) General rule.--Upon application of any person who is a veteran of or a member of a United States military airborne unit, accompanied by a fee of \$20 which shall be in addition to the annual registration fee and by such documentation as the department [of Transportation] shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a veteran of or a member of a United States military airborne unit. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds. The department shall design and produce the special registration plate to display a set of jump wings and glider wings.

(b) Definition.--As used in this section, the term "veteran of or a member of a United States military airborne unit" includes parachutist or glider units, glider troopers, paratroopers, air assault troopers, Rangers, U.S. Army Special Forces, USMC Recon, U.S. Navy Seals, U.S. Air Force Special Operations, Troop Carrier Command, including glider pilots and the 160th SOAR, military personnel who satisfactorily completed the prescribed proficiency tests while assigned or attached to an airborne unit and any other military personnel determined by the department to be appropriately classified as a member of a United States military airborne parachutist or glider unit.

(75 Pa.C.S. § 1366.1)

### **§ 1366.2. Blue Star Family plate.**

(a) General rule.--Upon application of a family member of a person who is an active duty service member in the military, including a reserve component or National Guard, accompanied by a fee of \$23 which shall be in addition to the registration fee and by such documentation as the department shall require, the department shall issue to the family member a special registration plate designating the vehicle so licensed as belonging to a family member of a person serving on active duty in the military, including a reserve component or National Guard. The department shall design and produce the special registration plate carrying the Blue Star which signifies that a family member is an active duty service member, including a reserve component or National Guard. The words "Blue Star Family" shall be clearly displayed along the bottom of the plate. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.

(b) Documentation required.--An applicant for a Blue Star Family plate shall certify on a form approved by the department that the applicant is a family member of a person who is an active duty service member in the military, including a reserve component or National Guard.

(c) Construction.--Nothing in this section shall be construed to require:

- (1) A person issued a Blue Star Family plate to return the plate to the department if a family member no longer serves on active duty in the military, including a reserve component or National Guard.

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(2) The department to periodically verify that a person issued a Blue Star Family plate has a family member serving on active duty in the military, including a reserve component or National Guard, after the initial issuance of the plate.

(d) Definition.--As used in this section, the term "family member" includes the following:

- (1) Mother.
- (2) Father.
- (3) Stepmother.
- (4) Stepfather.
- (5) Mother through adoption.
- (6) Father through adoption.
- (7) Foster mother in loco parentis.
- (8) Foster father in loco parentis.
- (9) Son.
- (10) Daughter.
- (11) Stepson.
- (12) Stepdaughter.
- (13) Son by adoption.
- (14) Daughter by adoption.
- (15) Brother.
- (16) Sister.
- (17) Half-brother.
- (18) Half-sister.
- (19) Grandfather.
- (20) Grandmother.
- (21) Spouse.

(75 Pa.C.S. § 1366.2)

### **§ 1367. Special plates for recipients of Bronze Star.**

Upon application of any person who is a recipient of the Bronze Star, accompanied by a fee of \$20 which shall be in addition to the annual registration fee and by such documentation as the department [of Transportation] shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a recipient of the Bronze Star. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.

(75 Pa.C.S. § 1367)

### **§ 1368. Special plates for recipients of Bronze Star for Valor.**

Upon application of any person who is a recipient of the Bronze Star for Valor, accompanied by a fee of \$10 which shall be in addition to the annual registration fee and by such documentation as the department [of Transportation] shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a recipient of the Bronze Star for Valor. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.

(75 Pa.C.S. § 1368)

#### **§ 1368.1. Special plates for recipients of Soldier's Medal.**

Upon application of any person who is a recipient of the Soldier's Medal, accompanied by a fee of \$20 which shall be in addition to the registration fee and by such documentation as the department [of Transportation] shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a recipient of the Soldier's Medal. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.

(75 Pa.C.S. § 1368.1)

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### **§ 1368.2. Special plates for recipients of Presidential Service Badge.**

Upon application of any person who is a recipient of the Presidential Service Badge, accompanied by a fee of \$20 which shall be in addition to the registration fee and by such documentation as the department [of Transportation] shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a recipient of the Presidential Service Badge. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.

(75 Pa.C.S. § 1368.2)

### **§ 1369. Special plates for recipients of Distinguished Service Cross, Distinguished Flying Cross, Navy Cross or Air Force Cross.**

Upon application of any person who is a recipient of the Distinguished Service Cross, Distinguished Flying Cross, Navy Cross or Air Force Cross, accompanied by a fee of \$10 which shall be in addition to the annual registration fee and by such documentation as the department [of Transportation] shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a recipient of the Distinguished Service Cross, Distinguished Flying Cross, Navy Cross or Air Force Cross. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.

(75 Pa.C.S. § 1369)

### **§ 1369.1. Special plates for recipients of Combat Action Badge, Combat Infantryman Badge, Combat Action Ribbon, Combat Action Medal or Combat Medical Badge.**

Upon application of any person who is a recipient of the Combat Action Badge, Combat Infantryman Badge, Combat Action Ribbon, Combat Action Medal or Combat Medical Badge accompanied by a fee of \$20, which shall be in addition to the annual registration fee, and by such documentation as the department [of Transportation] shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a recipient of the Combat Action Badge, Combat Infantryman Badge, Combat Action Ribbon, Combat Action Medal or Combat Medical Badge. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.

(75 Pa.C.S. § 1369.1)

### **§ 1369.3. Special plates for veterans of an ally foreign country.**

Upon application of a person who was a citizen of a foreign country that allied with the United States in a military conflict and served in a military branch of that foreign country during the military conflict, accompanied by a fee of \$20 which shall be in addition to the registration fee and by such documentation as the department [of Transportation] shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a veteran of a military branch of a foreign country that allied with the United States in a military conflict. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.

(75 Pa.C.S. § 1369.3)

### **§ 1510. Issuance and content of driver's license.**

\* \* \*

(a.1) Veteran's driver's license designation.--

(1) Beginning as soon as practicable, but no later than 18 months following the effective date of this subsection, the department [of Transportation] shall issue a driver's license or identification card that clearly indicates that the person is a veteran of the United States Armed Forces. A qualified applicant is an individual who has served in the United

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States Armed Forces, including a reserve component or the National Guard, and who was discharged or released from such service under conditions other than dishonorable.

(2) Upon receipt of an application from a qualified applicant accompanied by such documentation as the department shall require, the department shall independently validate the documentation and immediately issue to the veteran a driver's license or identification card displaying a veteran designation without submitting the application or documentation to the Department of Military and Veterans Affairs for review, approval or validation. There shall be no fee for the veteran designation, but the qualified applicant must pay any renewal or duplicate driver's license or identification card fees.

(3) The department and the Department of Military and Veterans Affairs shall enter into an agreement whereby the Department of Military and Veterans Affairs shall reimburse the Motor License Fund for the department's actual costs of the issuance of a veteran's designation on drivers' licenses and identification cards. Reimbursement shall be paid from the Veterans' Trust Fund or such other funds available for this purpose.

(4) A person who falsely represents himself as a veteran of the United States Armed Forces on an application for a driver's license or identification card is subject to the penalty under 18 Pa.C.S. § 4904(b) (relating to unsworn falsification to authorities).

\* \* \*

(75 Pa.C.S. § 1510)

### **§ 1607. Commercial driver's license qualification standards.**

\* \* \*

(b) Waiver of test.--The department [of Transportation] shall waive the skills test specified in this section for a commercial driver's license applicant:

\* \* \*

(2) Who, subject to the limitations and requirements of 49 CFR 383.77 (relating to substitute for driving skills tests), meets all certifications required for waiver under 49 CFR 383.77 and who certifies all of the following:

(i) That the applicant is a member of the active or reserve components of any branch or unit of the armed forces of the United States or a veteran who received an honorable discharge from any branch or unit of the active or reserve components of the armed forces of the United States.

(ii) That the applicant is or was regularly employed in a position in the armed forces of the United States requiring operation of a commercial motor vehicle.

\* \* \*

(75 Pa.C.S. § 1607)

### **§ 1901. Exemption of persons, entities and vehicles from [Vehicle Code] fees.**

\* \* \*

(b) Title and registration fees.--No fee shall be charged for titling or registration of any of the following:

\* \* \*

(4) Vehicles of totally disabled veterans whose disability is certified by the service unit of the armed forces in which the veterans served or by the United States Veterans' Administration as service-connected.

(5) Vehicles on loan or transferred to a nonprofit corporation by the United States Department of Defense or the United States General Services Administration and used exclusively for leasing to political subdivisions, State agencies and the Federal Government. Such vehicles shall be issued the same kind of registration plates as are issued to vehicles registered by political subdivisions.

(6) Vehicles registered to a veteran who lost a limb or eye or who became partially paralyzed while serving in the armed forces of the United States.

(7) Vehicles registered to a person who, as a member of the armed forces of the United States, was captured by the enemy in any armed conflict for which the Department of Defense authorizes a campaign medal.

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(8) Vehicles registered to a person who has been awarded the Congressional Medal of Honor or the Purple Heart.

(c) Processing fee in lieu of registration fee.--No registration fee shall be charged for vehicles registered by any of the following but the department shall charge a fee of \$10 to cover the costs of processing for issuing or renewing the registration:

(1) Hospital.

\* \* \*

(16) (i) Subject to adjustment under subparagraph (ii), a person who is retired and receiving social security or other pension and whose total annual income does not exceed \$29,906. Unless the retired person is physically or mentally incapable of driving the vehicle, the retired person shall be the principal driver of the vehicle but may from time to time authorize another person to drive the vehicle in his or her stead.

(ii) Beginning the first day of January following the year of the effective date of this subparagraph and each January 1 thereafter, the maximum total annual income amount in subparagraph (i) shall be fixed annually by the department based upon the maximum amount in the prior year as adjusted to reflect the change in the Consumer Price Index for All Urban Consumers (CPI-U) for the United States for all items as published by the United States Department of Labor, Bureau of Labor Statistics, for the previous 12-month period. The maximum amount as adjusted shall be rounded to the nearest multiple of \$1. The department shall transmit notice of the new maximum amount to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.

\* \* \*

(20) Nonprofit organizations which care for or otherwise provide services for the elderly or the infirm.

(21) Nonprofit organizations which principally serve mentally or physically handicapped or disabled persons.

\* \* \*

(d) Limitations.--

(1) Vehicles titled and registered under the provisions of this section shall be operated and used exclusively for the purpose for which the vehicles were entitled to the exemptions from fees.

(2) Only one passenger car or truck with a registered gross weight of not more than 9,000 pounds may be registered to any person under the provisions of subsection (b)(4), (6), (7) and (8) and subsection (c)(16).

(e) Penalty.--Any person violating the provisions of this section is guilty of a summary offense.

(75 Pa.C.S. § 1901)

### **§ 3354. Additional parking regulations [in Vehicle Code].**

\* \* \*

(d) Person with a disability and disabled veterans.--

(1) When a motor vehicle bearing a person with a disability or severely disabled veteran plate or displaying a person with a disability or severely disabled veteran parking placard as prescribed in this title is being operated by or for the transportation of the person with a disability or severely disabled veteran, the driver shall be relieved of any liability for parking for a period of 60 minutes in excess of the legal parking period permitted by local authorities except where local ordinances or police regulations provide for the accommodation of heavy traffic during morning, afternoon or evening hours.

(2) At the request of a person with a disability or severely disabled veteran, local authorities may erect on the highway as close as possible to the person's or veteran's place of residence a sign or signs indicating that that place is reserved for a person with a disability or severely disabled veteran, that no parking is allowed there by others, and that any unauthorized person parking there shall be subject to a fine and may be towed. The

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absence of a sign stating the penalty amount indicated in subsection (f) at parking spaces designated with an international symbol for access for persons with disabilities on a sign shall not preclude the enforcement of this subsection. A vehicle may only be towed under this paragraph if the parking space is posted with a sign indicating that vehicles in violation of this section may be towed.

(2.1) Local authorities may limit access to a parking space reserved under paragraph (2) to a specific vehicle, license plate or other method of designation. Under this paragraph, local authorities may charge a reasonable fee and shall comply with section 6109 (relating to specific powers of department and local authorities) and the Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327).

(3) (i) Except for persons parking vehicles lawfully bearing a person with a disability or severely disabled veteran registration plate or displaying a person with a disability or severely disabled veteran parking placard when such vehicles are being operated by or for the transportation of a person with a disability or a severely disabled veteran, no person shall park a vehicle on public or private property reserved for a person with a disability or severely disabled veteran which property has been so posted in accordance with departmental regulations. Regulations shall require that parking spaces designated with an international symbol for access for persons with disabilities on a sign are posted with a sign stating the penalty amount indicated in subsection (f) and that vehicles in violation of the subsection may be towed and require that signs be replaced when they become either obsolete or missing with all costs to replace the necessary signs to be borne by the persons responsible for signing the particular location. The absence of a sign stating the penalty amount at parking spaces designated with an international symbol for access for persons with disabilities shall not preclude the enforcement of this subsection. A vehicle which is unlawfully parked in a designated person with a disability parking area may be removed from that area by towing and may be reclaimed by the vehicle owner upon payment of the towing costs. A vehicle may only be towed under this paragraph if the parking space is posted with a sign indicating that vehicles in violation of this section may be towed.

(ii) Local authorities shall have the power and may, by ordinance or resolution, authorize a person with a disability and severely disabled veterans to issue statements to violators or violating vehicles for violation of subparagraph (i). The form of the statement shall be as prescribed by the local authorities.

(iii) No occupancy or driveway permit may be issued to a person whose property is reserved for a person with a disability or a severely disabled veteran if the property is not posted with a sign stating the penalty amount indicated in subsection (f).

\* \* \*

(e) Unauthorized use.--An operator of a vehicle bearing a person with a disability or severely disabled veteran plate or displaying a person with a disability or severely disabled veteran parking placard shall not make use of the parking privileges accorded to a person with a disability and severely disabled veterans under subsection (d)(3) unless the operator is a person with a disability or a severely disabled veteran or unless the vehicle is being operated for the transportation of a person with a disability or severely disabled veteran.

\* \* \*

(f) Penalty.--A person violating subsection (a), (b) or (d)(1) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$15. A person violating subsection (d)(2) or (3) or (e) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$50 nor more than \$200. If a person is convicted under subsection (d)(2) or (3) in the absence of a sign stating the penalty amount, the fine imposed may not exceed \$50. A person violating subsection (d.1) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$100 nor more than \$300.

(g) Special penalty; disposition.--

(1) In addition to any other penalty imposed under this section, a person who is

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convicted of violating subsection (d)(2) or (3) shall be sentenced to pay a fine of \$50.

(2) All fines collected under this subsection shall be disposed of as follows:

(i) Ninety-five percent shall be paid to the Department of Revenue, transmitted to the Treasury Department and credited to the Department of Public Welfare for use for the Attendant Care Program.

(ii) Five percent shall be paid to the municipality in which the offense occurred.

(h) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Access aisle." A physical area marked in accordance with departmental regulations:

(1) designated by white or blue pavement marking hash marks, cross-hatching or other similar visual no-parking indicators;

(2) which provides additional space for a person using a wheelchair, wheelchair lift or other mobility device; and

(3) which is located adjacent to a parking space reserved for a person with a disability.

"Person with a disability." A person issued a plate or placard.

"Plate or placard." A plate or placard issued under:

(1) Section 1338 (relating to person with disability plate and placard).

(2) Section 1342(a) or (b) (relating to veteran plates and placard).

(75 Pa.C.S. § 3354)

### Chapter 4. Voting

#### Section 28.1. Duties of Common Pleas Courts on Days of Primaries and Elections.--

The court of common pleas of each county or a judge or judges thereof of any county of the Commonwealth maintaining a reinstatement system of registration shall be in continuous session at the courthouse of said county on the day of each primary and election during the period the polls are open. During such period said court shall hear and determine (1) the petition of any qualified elector who has heretofore been duly registered as an elector of said county but who, due to circumstances beyond his control, has failed to file a removal notice or reinstatement card in order to insure the inclusion of his registration card in the district register of the election district of his residence, (2) the petition of any qualified registered elector who has suffered a physical disability which renders him unable to see or mark the ballot or operate the voting machine or to enter the voting machine compartment or voting booth without assistance and, due to circumstances beyond his control, was unable to make application personally at the office of the registration commission within the time prescribed by law in order to have such fact entered on his registration card, (3) the petition of any qualified elector who is a duly discharged veteran and who, by reason of his service in the armed forces, was unable to register within the time fixed by law, and (4) the petition of any commissioner, chief clerk, registrar or clerk, setting forth that the right to vote of the particular elector has been denied by reason of an error by the registration commission.

(1937, P.L.39, No.15, § 28.1)

**Section 102. Definitions [relating to Pennsylvania Election Code].--**The following words, when used in this act [the Pennsylvania Election Code], shall have the following meanings, unless otherwise clearly apparent from the context:

\* \* \*

(w) The words "qualified absentee elector" shall mean:

\* \* \*

(9) Any qualified war veteran elector who is bedridden or hospitalized due to illness or physical disability if he is absent from the municipality of his residence and unable to attend his polling place because of such illness or physical disability regardless of whether he is registered and enrolled; or

\* \* \*

(z.5) The words "proof of identification" shall mean:

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\* \* \*

- (2) For an elector who appears to vote under section 1210, a document that:
- (i) shows the name of the individual to whom the document was issued and the name substantially conforms to the name of the individual as it appears in the district register;
  - (ii) shows a photograph of the individual to whom the document was issued;
  - (iii) includes an expiration date and is not expired, except:

\* \* \*

(B) in the case of a document from an agency of the Armed forces of the United States or their reserve components, including the Pennsylvania National Guard, establishing that the elector is a current member of or a veteran of the United States Armed Forces or National Guard which does not designate a specific date on which the document expires, but includes a designation that the expiration date is indefinite; and

(iv) was issued by one of the following:

- (A) The United States Government.
- (B) The Commonwealth of Pennsylvania.
- (C) A municipality of this Commonwealth to an employee of that municipality.
- (D) An accredited Pennsylvania public or private institution of higher learning.
- (E) A Pennsylvania care facility.

\* \* \*

(1937, P.L.1333, No.320, § 102)

### **Section 305. Expenses of County Boards and of Primaries and Elections to Be Paid by County; Expenses of Special Elections; Boards to Be Provided with Offices.--**

\* \* \*

(c) The Commonwealth shall reimburse each city of the first class and county for election expenses incurred in and incidental to preparing, handling, mailing, delivering, counting and storing official absentee ballots requested by any elector in military service, Federal employment overseas, Merchant Marine, and in any religious group or welfare agency assisting the Armed Forces, including spouses and dependents, and bedridden and hospitalized veterans as herein provided in the sum of sixty cents (60¢) for each such ballot mailed or delivered.

Each county board of elections shall file in the Department of State, not later than thirty days after every election, on a form prescribed by the Department of State, a statement of the number of ballots mailed or delivered in such manner as is now or may hereafter be provided by law to electors in actual military service, Federal employment overseas, Merchant Marine, and in any religious group or welfare agency assisting the Armed Forces, including spouses and dependents, and to bedridden or hospitalized veterans.

The Department of State shall ascertain and fix the amount due, as herein provided, to each city of the first class and county for election expenses incurred, and by requisition in the usual course shall provide for payment of such amounts so found due from moneys appropriated to the Department of State for such purpose, or shall prorate the moneys so appropriated among the several cities of the first class and counties to be reimbursed, if the amount so appropriated shall not be sufficient for the payment in full to each city of the first class and county of the amount found to be due.

(1937, P.L.1333, No.320, § 305)

**Section 703. Residence of Electors.--**For the purpose of registration and voting, no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while employed in the service, either civil or military, of this State or of the United States, nor while engaged in the navigation of the waters of the State or of the United States, or on the high seas, nor while a student of any institution of learning, nor while kept in any poorhouse or other asylum at public expense, nor while confined in public prison, except that any veteran who resides in a home for disabled and indigent soldiers and sailors, operated and maintained by the Commonwealth of Pennsylvania, and who possesses all the qualifications for voting, may gain a residence for registration and voting at the home for



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disabled and indigent soldiers and sailors. The provisions of this amendment shall not be construed to affect the voting rights of bedridden or hospitalized veterans who choose to vote as absentee electors by the use of veteran's official ballots.

(1937, P.L.1333, No.320, § 703)

**Section 1301. Qualified Absentee Electors.**--The following persons shall be entitled to vote by an official absentee ballot in any primary or election held in this Commonwealth in the manner hereinafter provided:

\* \* \*

(i) Any qualified war veteran elector who is bedridden or hospitalized due to illness or physical disability if he is absent from the municipality of his residence and unable to attend his polling place because of such illness or physical disability regardless of whether he is registered and enrolled; or

\* \* \*

(k) Any qualified registered and enrolled elector who because of illness or physical disability is unable to attend his polling place or operate a voting machine and secure assistance by distinct and audible statement as required in section 1218 of this act [the Pennsylvania Election Code];

\* \* \*

(1937, P.L.1333, No.320, § 1301)

### **Section 1302. Applications for Official Absentee Ballots.**--\* \* \*

(e) Any qualified bedridden or hospitalized veteran absent from the municipality of his residence and unable to attend his polling place because of such illness or physical disability, regardless of whether he is registered or enrolled, may apply at any time before any primary or election for an official absentee ballot on any official county board of election form addressed to the Secretary of the Commonwealth of Pennsylvania or the county board of elections of the county in which his voting residence is located.

The application shall contain the following information: Residence at the time of becoming bedridden or hospitalized, length of time a citizen, length of residence in Pennsylvania, date of birth, length of time a resident in voting district, voting district if known, party choice in case of primary, name and address of present residence or hospital at which hospitalized. When such application is received by the Secretary of the Commonwealth, it shall be forwarded to the proper county board of elections.

The application for an official absentee ballot for any primary or election shall be made on information supplied over the signature of the bedridden or hospitalized veteran as required in the preceding subsection. Any qualified registered elector, including a spouse or dependent referred to in subsection (l) of section 1301, who expects to be or is absent from the municipality of his residence because his duties, occupation or business require him to be elsewhere on the day of any primary or election and any qualified registered elector who is unable to attend his polling place on the day of any primary or election because of illness or physical disability and any qualified registered bedridden or hospitalized veteran in the county of residence, or in the case of a county employe who cannot vote due to duties on election day relating to the conduct of the election, or in the case of a person who will not attend a polling place because of the observance of a religious holiday, may apply to the county board of elections of the county in which his voting residence is located for an Official Absentee Ballot. Such application shall be made upon an official application form supplied by the county board of elections. Such official application form shall be determined and prescribed by the Secretary of the Commonwealth of Pennsylvania.

\* \* \*

(2) The application of any qualified registered elector who is unable to attend his polling place on the day of any primary or election because of illness or physical disability and the application of any qualified registered bedridden or hospitalized veteran in the county of residence shall be signed by the applicant and shall include surname and given name or names of the applicant, proof of identification, his occupation, date of birth, residence at the

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time of becoming bedridden or hospitalized, length of time a resident in voting district, voting district if known, place of residence, post office address to which ballot is to be mailed, and such other information as shall make clear to the county board of elections the applicant's right to an official ballot. In addition, the application of such electors shall include a declaration stating the nature of their disability or illness, and the name, office address and office telephone number of their attending physician: Provided, however, That in the event any elector entitled to an absentee ballot under this subsection be unable to sign his application because of illness or physical disability, he shall be excused from signing upon making a statement which shall be witnessed by one adult person in substantially the following form: I hereby state that I am unable to sign my application for an absentee ballot without assistance because I am unable to write by reason of my illness or physical disability. I have made or have received assistance in making my mark in lieu of my signature.

.....(Mark)  
.....  
(Date)

.....  
(Complete Address of Witness) (Signature of Witness)

\* \* \*

(h) The county board of election shall number, in chronological order, the applications for an official absentee ballot, which number shall likewise appear on the official absentee ballot for the qualified elector. The numbers shall appear legibly and in a conspicuous place but before the ballots are distributed the number on the ballot shall be torn off by the county board of election. This number information shall be appropriately inserted and become a part of the Registered Absentee Voters File and the Military, Veterans and Emergency Civilian Absentee Voters File provided in section 1302.3 of this act.

\* \* \*

(j) Notwithstanding the provisions of this section requiring proof of identification, a qualified absentee elector shall not be required to provide proof of identification if the elector is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (Public Law 99-410, 100 Stat. 924) or by an alternative ballot under the Voting Accessibility for the Elderly and Handicapped Act (Public Law 98-435, 98 Stat. 1678). (1937, P.L.1333, No.320, § 1302)

### **Section 1302.2. Approval of Application for Absentee Ballot.--**

(a) The county board of elections, upon receipt of any application filed by a qualified elector not required to be registered under preceding section 1301, shall ascertain from the information on such application, district register or from any other source that such applicant possesses all the qualifications of a qualified elector other than being registered or enrolled. If the board is satisfied that the applicant is qualified to receive an official absentee ballot, the application shall be marked approved such approval decision shall be final and binding except that challenges may be made only on the ground that the applicant did not possess qualifications of an absentee elector. Such challenges must be made to the county board of elections prior to the applicable deadline for the absentee ballots to be received, as provided in section 1308(g). When so approved, the county board of elections shall cause the applicant's name and residence (and at a primary, the party enrollment) to be inserted in the Military, Veterans and Emergency Civilians Absentee Voters File as provided in section 1302.3, subsection (b): Providing, however, That no application of any qualified elector in military service shall be rejected for failure to include on the elector's application any information if such information may be ascertained within a reasonable time by the county board of elections.

(b) The county board of elections, upon receipt of any application filed by a qualified elector who is entitled, under the provisions of the Permanent Registration Law as now or hereinafter enacted by the General Assembly, to absentee registration prior to or concurrently with the time of voting as provided under preceding section 1301, shall ascertain from the information on such application or from any other source that such applicant possesses all the qualifications of a qualified elector. If the board is satisfied that the applicant is entitled, under the provisions of the Permanent Registration Law as now or hereinafter enacted by the General

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Assembly, to absentee registration prior to or concurrently with the time of voting and that the applicant is qualified to receive an official absentee ballot, the application shall be marked "approved." Such approval decision shall be final and binding except that challenges may be made only on the ground that the applicant did not possess the qualifications of an absentee elector prior to or concurrently with the time of voting. Such challenges must be made to the county board of elections prior to the applicable deadline for the absentee ballots to be received, as provided in section 1308(g). When so approved, the county board of elections shall cause the applicant's name and residence (and at a primary, the party enrollment) to be inserted in the Military, Veterans and Emergency Civilian Absentee Voters File as provided in section 1302.3 subsection (b).

(c) The county board of elections, upon receipt of any application of a qualified elector required to be registered under the provisions of preceding section 1301, shall determine the qualifications of such applicant by verifying the proof of identification and comparing the information set forth on such application with the information contained on the applicant's permanent registration card. If the board is satisfied that the applicant is qualified to receive an official absentee ballot, the application shall be marked "approved." Such approval decision shall be final and binding, except that challenges may be made only on the ground that the applicant was not a qualified elector. Such challenges must be made to the county board of elections prior to five o'clock p.m. on the Friday prior to the election: Provided, however, That a challenge to an application for an absentee ballot shall not be permitted on the grounds that the elector used an application for an absentee ballot instead of an application for a mail-in ballot or on the grounds that the elector used an application for a mail-in ballot instead of an application for an absentee ballot.

(d) In the event that any application for an official absentee ballot is not approved by the county board of elections, the elector shall be notified immediately to that effect with a statement by the county board of the reasons for the disapproval. For those applicants whose proof of identification was not provided with the application or could not be verified by the board, the board shall send notice to the elector with the absentee ballot requiring the elector to provide proof of identification with the absentee ballot or the ballot will not be counted.

\* \* \*

(f) Notwithstanding the provisions of this section, a qualified absentee elector shall not be required to provide proof of identification if the elector is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (Public Law 99-410, 100 Stat. 924) or by an alternative ballot under the Voting Accessibility for the Elderly and Handicapped Act (Public Law 98-435, 98 Stat. 1678). (1937, P.L.1333, No.320, § 1302.2)

### **Section 1302.3. Absentee and Mail-in Electors Files and Lists.--\* \* \***

(b) The county board of elections shall post in a conspicuous public place at its office a master list arranged in alphabetical order by election districts setting forth the name and residence, and at primaries, the party enrollment, of (1) every military elector to whom an absentee ballot is being sent, each such name to be prefixed with an "M"; (2) every bedridden or hospitalized veteran outside the county of his residence who is not registered and to whom an absentee ballot is being sent, each such name to be prefixed with a "V"; and (3) every registered elector who has filed his application for an absentee ballot too late for the extraction of his original registration card and to whom a ballot is being sent and every qualified elector who has filed his application for an absentee ballot and is entitled, under provisions of the Permanent Registration Law as now or hereinafter enacted by the General Assembly, to absentee registration prior to or concurrently with the time of voting, each such name to be prefixed with a "C." This list shall be known as the Military, Veterans and Emergency Civilians Absentee Voters File for the Primary or Election of (date of primary or election) and shall be posted for a period commencing the Tuesday prior to the day of the primary or election until the day following the primary or election or the day on which the county board of elections certifies the returns of the primary or election, whichever date is later. Such file shall be open to public inspection at all times subject to reasonable safeguards, rules and regulations. This posted list

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shall not contain any military address or references to any military organization. Upon written request, the county board shall furnish a copy of such list to any candidate or party county chairman.

\* \* \*

(1937, P.L.1333, No.320, § 1302.3)

### **Section 1308. Canvassing of Official Absentee Ballots and Mail-in Ballots.--\* \* \***

(g) (1) (i) An absentee ballot cast by any absentee elector as defined in section 1301(a), (b), (c), (d), (e), (f), (g) and (h) shall be canvassed in accordance with this subsection if the ballot is cast, submitted and received in accordance with the provisions of 25 Pa.C.S. Ch. 35 (relating to uniform military and overseas voters).

(ii) An absentee ballot cast by any absentee elector as defined in section 1301(i), (j), (k), (l), (m) and (n), an absentee ballot under section 1302(a.3) or a mail-in ballot cast by a mail-in elector shall be canvassed in accordance with this subsection if the absentee ballot or mail-in ballot is received in the office of the county board of elections no later than eight o'clock P.M. on the day of the primary or election.

(1.1) The county board of elections shall meet no earlier than seven o'clock A.M. on election day to pre-canvass all ballots received prior to the meeting. A county board of elections shall provide at least forty-eight hours' notice of a pre-canvass meeting by publicly posting a notice of a pre-canvass meeting on its publicly accessible Internet website. One authorized representative of each candidate in an election and one representative from each political party shall be permitted to remain in the room in which the absentee ballots and mail-in ballots are pre-canvassed. No person observing, attending or participating in a pre-canvass meeting may disclose the results of any portion of any pre-canvass meeting prior to the close of the polls.

(2) The county board of elections shall meet no earlier than the close of polls on the day of the election and no later than the third day following the election to begin canvassing absentee ballots and mail-in ballots not included in the pre-canvass meeting. The meeting under this paragraph shall continue until all absentee ballots and mail-in ballots received prior to the close of the polls have been canvassed. The county board of elections shall not record or publish any votes reflected on the ballots prior to the close of the polls. The canvass process shall continue through the eighth day following the election for valid military-overseas ballots timely received under 25 Pa.C.S. § 3511 (relating to receipt of voted ballot). A county board of elections shall provide at least forty-eight hours' notice of a canvass meeting by publicly posting a notice on its publicly accessible Internet website. One authorized representative of each candidate in an election and one representative from each political party shall be permitted to remain in the room in which the absentee ballots and mail-in ballots are canvassed.

(3) When the county board meets to pre-canvass or canvass absentee ballots and mail-in ballots under paragraphs (1), (1.1) and (2), the board shall examine the declaration on the envelope of each ballot not set aside under subsection (d) and shall compare the information thereon with that contained in the "Registered Absentee and Mail-in Voters File," the absentee voters' list and/or the "Military Veterans and Emergency Civilians Absentee Voters File," whichever is applicable. If the county board has verified the proof of identification as required under this act and is satisfied that the declaration is sufficient and the information contained in the "Registered Absentee and Mail-in Voters File," the absentee voters' list and/or the "Military Veterans and Emergency Civilians Absentee Voters File" verifies his right to vote, the county board shall provide a list of the names of electors whose absentee ballots or mail-in ballots are to be pre-canvassed or canvassed.

(4) All absentee ballots which have not been challenged under section 1302.2(c) and all mail-in ballots which have not been challenged under section 1302.2-D(a)(2) and that have been verified under paragraph (3) shall be counted and included with the returns of the applicable election district as follows:

(i) The county board shall open the envelope of every unchallenged absentee elector and mail-in elector in such manner as not to destroy the declaration executed thereon.

(ii) If any of the envelopes on which are printed, stamped or endorsed the words "Official Election Ballot" contain any text, mark or symbol which reveals the identity of the elector, the

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elector's political affiliation or the elector's candidate preference, the envelopes and the ballots contained therein shall be set aside and declared void.

(iii) The county board shall then break the seals of such envelopes, remove the ballots and count, compute and tally the votes.

(iv) Following the close of the polls, the county board shall record and publish the votes reflected on the ballots.

(5) Ballots received whose applications have been challenged and ballots which have been challenged shall be placed unopened in a secure, safe and sealed container in the custody of the county board until it shall fix a time and place for a formal hearing of all such challenges, and notice shall be given where possible to all absentee electors and mail-in electors thus challenged and to every individual who made a challenge. The time for the hearing shall not be later than seven (7) days after the deadline for all challenges to be filed. On the day fixed for said hearing, the county board shall proceed without delay to hear said challenges, and, in hearing the testimony, the county board shall not be bound by the Pennsylvania Rules of Evidence. The testimony presented shall be stenographically recorded and made part of the record of the hearing.

(6) The decision of the county board in upholding or dismissing any challenge may be reviewed by the court of common pleas of the county upon a petition filed by any person aggrieved by the decision of the county board. The appeal shall be taken, within two (2) days after the decision was made, whether the decision was reduced to writing or not, to the court of common pleas setting forth the objections to the county board's decision and praying for an order reversing the decision.

(7) Pending the final determination of all appeals, the county board shall suspend any action in canvassing and computing all challenged ballots received under this subsection irrespective of whether or not appeal was taken from the county board's decision. Upon completion of the computation of the returns of the county, the votes cast upon the challenged official absentee ballots that have been finally determined to be valid shall be added to the other votes cast within the county.

\* \* \*

(i) Notwithstanding the provisions of this section, a qualified absentee elector shall not be required to provide proof of identification if the elector is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (Public Law 99-410, 100 Stat. 924) or by an alternative ballot under the Voting Accessibility for the Elderly and Handicapped Act (Public Law 98-435, 98 Stat. 1678). (1937, P.L.1333, No.320, § 1308)

### **§ 1302. Residence of electors.**

(a) General rule.--

(1) For the purpose of registration and voting, no individual shall be deemed to have gained a residence by reason of presence or lost a residence by reason of absence in any of the following circumstances:

\* \* \*

(iii) Being in an institution at public expense. This subparagraph does not apply to a veteran who resides in a home for disabled and indigent soldiers and sailors maintained by the Commonwealth. Such a veteran may elect to utilize that residence for registration and voting or elect to vote as an absentee elector by the use of an absentee ballot.

(2) Nothing in paragraph (1) shall preclude any elector eligible under section 1301 (relating to qualifications to register) from establishing the district of residence as the election district of residence pursuant to subsection (b).

\* \* \*

(25 Pa.C.S. § 1302)

### **§ 3501. Short title of chapter [25 Pa.C.S. Ch.35 (relating to uniform military and overseas voters)].**

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This chapter shall be known and may be cited as the Uniform Military and Overseas Voters Act.  
(25 Pa.C.S. § 3501)

### **§ 3502. Definitions [(relating to uniform military and overseas voters)].**

The following words and phrases when used in this chapter [25 Pa.C.S. Ch.35 (relating to uniform military and overseas voters)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Active uniformed-service voter." A uniformed-service voter who meets all of the following paragraphs:

- (1) Is:
  - (i) a member of the active or reserve components of the Army, Navy, Air Force, Marine Corps or Coast Guard of the United States; or
  - (ii) a member of the National Guard or the Pennsylvania National Guard.
- (2) Is on active duty.
- (3) Maintains a voting residence in this Commonwealth.
- (4) Otherwise satisfies the voter eligibility requirements of the Commonwealth.

\* \* \*

"Covered voter." All of the following:

- (1) A uniformed-service voter who is registered to vote in this Commonwealth.
- (2) An overseas voter who is registered to vote in this Commonwealth.
- (3) A uniformed-service voter who is not registered to vote in this Commonwealth but who otherwise satisfies the voter eligibility requirements of this Commonwealth.
- (4) An overseas voter who is not registered to vote in this Commonwealth but who otherwise satisfies the voter eligibility requirements of this Commonwealth, including residency requirements.

\* \* \*

"Federal postcard application." The application prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act (Public Law 99-410, 42 U.S.C. § 1973ff(b)(2)). The term includes the application's electronic equivalent.

"Federal write-in absentee ballot." The ballot described in section 103 of the Uniformed and Overseas Citizens Absentee Voting Act (Public Law 99-410, 42 U.S.C. § 1973ff-2).

\* \* \*

"Military-overseas ballot." All of the following:

- (1) A Federal write-in absentee ballot.
- (2) A ballot specifically prepared or distributed for use by a covered voter in accordance with this chapter.
- (3) A ballot cast by a covered voter in accordance with this chapter.

\* \* \*

"Overseas voter." A qualified elector who is outside the United States.

\* \* \*

"Uniformed service." All of the following:

- (1) Active and reserve components of the Army, Navy, Air Force, Marine Corps or Coast Guard of the United States.
- (2) The United States merchant marine, the Commissioned Corps of the Public Health Service of the Department of Health and Human Services or the Commissioned Corps of the National Oceanic and Atmospheric Administration of the United States.
- (3) The National Guard and the Pennsylvania National Guard.

"Uniformed-service voter." A qualified elector who is one of the following:

- (1) A member of the active or reserve components of the Army, Navy, Air Force, Marine Corps or Coast Guard of the United States who is on active duty.
- (2) A member of the United States merchant marine, the Commissioned Corps of the Public Health Service of the Department of Health and Human Services or the Commissioned Corps of the National Oceanic and Atmospheric Administration of the United States.

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(3) A member on activated status of the National Guard or Pennsylvania National Guard.

(4) A spouse or dependent of an individual referred to in paragraph (1), (2) or (3).

(5) A veteran of a uniformed service who is bedridden or hospitalized due to illness or physical disability.

\* \* \*

(25 Pa.C.S. § 3502)

### **§ 3503. Duties and responsibilities of secretary.**

\* \* \*

(b) Information to covered voters.--The secretary shall make available to covered voters information regarding voter registration procedures for covered voters and procedures for casting military-overseas ballots.

\* \* \*

(25 Pa.C.S. § 3503)

### **§ 3505. Registering to vote.**

(a) General rule.--A covered voter who desires to vote in an election but who is not registered must register to vote within the time periods required by the Election Code [the act of June 3, 1937, P.L.1333, No.320]. Notwithstanding the provisions of subsection (b)(2) or any other law, neither an active uniformed-service voter nor a veteran of a uniformed service who is bedridden or hospitalized due to illness or physical disability shall be required to register to vote prior to or simultaneous with the submission of a military-overseas ballot.

(b) Simultaneous registration.--

(1) A covered voter may use the Federal postcard application to register to vote and to apply for a military-overseas ballot at the same time.

(2) A uniformed-service voter may use the Federal write-in absentee ballot to register to vote and to vote at the same time.

(3) The use of the Federal postcard application under paragraph (1) and the Federal write-in absentee ballot under paragraph (2) to register to vote is in addition to any other registration method allowed by law.

(c) Electronic transmission system.--The secretary shall ensure that the electronic transmission system described in section 3503(c) (relating to duties and responsibilities of secretary) is capable of accepting a Federal postcard application and any other approved electronic registration application sent to the appropriate county election board. The voter may use the electronic transmission system or any other approved method to register to vote.

(d) Construction.--Nothing in this section shall require a covered voter to register to vote, prior to or concurrently with voting, if the covered voter is otherwise entitled under applicable provisions of the Election Code or any other statute to vote without registering.

(25 Pa.C.S. § 3505)

### **§ 3506. Methods of applying for military-overseas ballot.**

(a) Registered voters.--A covered voter who is registered to vote in this Commonwealth may apply for a military-overseas ballot using either the absentee ballot application provided under the Election Code or the Federal postcard application.

(b) Nonregistered voters.--A covered voter who is not registered to vote in this Commonwealth may use a Federal postcard application to simultaneously register to vote under section 3505 (relating to registering to vote) and to apply for a military-overseas ballot.

(c) Electronic transmission system.--

(1) The secretary shall ensure that the electronic transmission system described in section 3503(c) (relating to duties and responsibilities of secretary) is capable of accepting the submission of both a Federal postcard application and any other approved electronic military-overseas ballot application sent to the appropriate county election board.

(2) The covered voter may use the electronic transmission system or any other approved method to apply for a military-overseas ballot.

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(d) Use of Federal write-in absentee ballot.--A uniformed-service voter may use the Federal write-in absentee ballot to apply for a military-overseas ballot and to vote at the same time.

(e) Status of a covered voter.--To receive the benefits of this chapter [25 Pa.C.S. Ch.35 (relating to uniform military and overseas voters)], a covered voter must inform the appropriate county election board that the voter is a covered voter. Methods of informing the appropriate county election board that a voter is a covered voter include all of the following:

- (1) The use of a Federal postcard application or Federal write-in absentee ballot.
- (2) The use of an overseas address on an approved voter registration application or ballot application.
- (3) The inclusion on an approved voter registration application or ballot application of other information sufficient to identify the voter as a covered voter.

(f) Construction.--Nothing in this chapter shall preclude a covered voter from voting absentee under applicable provisions of the Election Code.

(25 Pa.C.S. § 3506)

### **§ 3507. Timeliness and scope of ballot application.**

(a) General rule.--A covered voter may apply at any time before an election for a military-overseas ballot.

(b) Standing request.--

(1) An application for a military-overseas ballot for a primary election shall be considered a standing request for a military-overseas ballot for a special election, a general election or a municipal election, occurring subsequently to the primary election in the same calendar year.

(2) A county election board shall provide a military-overseas ballot to a voter who makes a standing request for each election to which the request is applicable.

(c) E-mail address information.--

(1) A county election board shall provide an opportunity for each covered voter who registers to vote after the effective date of this section to furnish the county election board with an e-mail address unless the information has already been provided by the covered voter. A separate mailing shall not be required for the county election board to comply with this paragraph. Any contact the county election board has with a covered voter who registers to vote after the effective date of this section in which the voter's e-mail address is requested is sufficient.

(2) An e-mail address provided by a covered voter may not be made available to the public or any individual or organization other than an authorized agent of the county election board and shall be exempt from disclosure under the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

(3) The e-mail address may be used only for official communication with the voter about the voting process, including transmitting military-overseas ballots and ballot materials, if the voter has requested electronic transmission, and verifying the voter's mailing address and physical location.

(4) A special request for an e-mail address shall describe the purposes for which the e-mail address may be used and include a statement that any other use or disclosure of the e-mail address is prohibited.

(25 Pa.C.S. § 3507)

### **§ 3508. Transmission of unvoted ballots.**

(a) General rule.--Subject to subsection (b), for an election for which the Commonwealth has not received a waiver under section 102(g)(2) of the Uniformed and Overseas Citizens Absentee Voting Act (Public Law 99-410, 42 U.S.C. § 1973ff-1(g)(2)), the following apply:

(1) Except as set forth in paragraph (2), not later than 45 days before the election, the county election board in each jurisdiction participating in the election shall transmit a ballot and balloting materials to all covered voters who by that date submit a valid military-overseas ballot application. Notwithstanding 1 Pa.C.S. § 1908 (relating to computation of



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time), if the 45th day before the election is a Saturday, Sunday or holiday, the ballot and materials shall be transmitted not later than the business day preceding the 45th day.

(2) If the calling of a special election would make it impossible to comply with paragraph (1), the county election board shall transmit the ballot and balloting materials within five days following receipt of the county election board's receipt of the information necessary to prepare the ballots and materials.

(b) Covered voters in extremely remote or isolated areas.--

(1) Except as set forth in paragraph (2), not later than 50 days before a primary election and not later than 70 days before a general election or a municipal election, the county election board in each jurisdiction participating in the election shall transmit a ballot and balloting materials to all covered voters in extremely remote or isolated areas, as those terms are defined or used by the Department of Defense, who by that date submit a valid military-overseas ballot application. Notwithstanding 1 Pa.C.S. § 1908, if the 50th day or the 70th day preceding the applicable election is a weekend or holiday, ballots and materials shall be transmitted not later than the business day preceding the 50th or 70th day, respectively.

(2) If the calling of a special election would make it impossible to comply with paragraph (1), the county election board shall transmit the ballot and balloting materials within five days following receipt of the county election board's receipt of the information necessary to prepare the ballots and materials.

(c) Method of transmission.--A covered voter may request that a ballot and balloting materials be sent to the voter by mail or by Internet delivery. The county election board shall transmit the ballot and balloting materials to the voter using the means of transmission chosen by the voter.

(d) Receipt of additional applications.--If a ballot application from a covered voter arrives after the county election board begins transmitting ballots and balloting materials to voters, the county election board shall transmit a ballot and ballot materials to the voter not later than 48 hours after the application is received.

(25 Pa.C.S. § 3508)

### **§ 3510. Federal write-in absentee ballot.**

A covered voter may use a Federal write-in absentee ballot to vote for all offices and ballot measures in an election.

(25 Pa.C.S. § 3510)

### **§ 3511. Receipt of voted ballot.**

(a) Delivery governs.--A valid military-overseas ballot cast under section 3509 (relating to timely casting of ballot) shall be counted if it is delivered by 5 p.m. on the seventh day following the election to the address that the appropriate county election board has specified.

(b) Rule regarding postmarks.--If, at the time of completing a military-overseas ballot and balloting materials, the voter has declared under penalty of perjury that the ballot was timely submitted, the ballot may not be rejected on the basis that it has a late postmark, an unreadable postmark or no postmark.

(25 Pa.C.S. § 3511)

### **§ 3512. Confirmation of receipt of application and voted ballot.**

The secretary, in coordination with county election boards, shall implement an electronic free-access system by which a covered voter may determine by telephone, e-mail or Internet website whether:

(1) the voter's Federal postcard application or other registration or military-overseas ballot application has been received and accepted; and

(2) the voter's military-overseas ballot has been received and the current status of the ballot.

(25 Pa.C.S. § 3512)

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### § 3514. Election notices.

(a) Preparation of notice.--At least 90 days before an election other than a special election and as soon as practicable before a special election, the county election board in each jurisdiction participating in the election shall prepare an election notice for that jurisdiction to be used in conjunction with a Federal write-in absentee ballot. The election notice shall contain all of the following:

(1) A list of all of the ballot measures and Federal, Commonwealth and local offices which, as of the date of the notice, the county election board expects to be on the ballot on the date of the election.

(2) Specific instructions for how a covered voter is to indicate on the Federal write-in absentee ballot the voter's choice for each office to be filled and for each ballot measure to be contested.

(b) Request for notice.--A covered voter may request a copy of an election notice prepared under subsection (a). The county election board shall send the notice to the covered voter by facsimile, e-mail, over the Internet or by regular mail as the voter requests.

(c) Updated notices.--The county election board shall update the notice prepared under subsection (a) with the names of the candidates for each office and the specific information about ballot questions promptly upon becoming aware of the existence of the candidates and ballot questions and shall make the updated notice publicly available.

(d) Availability of notice.--A county election board that maintains a publicly accessible Internet website shall make the election notice prepared under subsection (a) and updated versions of the election notice available on the Internet website.

(25 Pa.C.S. § 3514)

### § 3515. Prohibition of nonsubstantive requirements.

(a) Mistake, omission or failure to satisfy.--None of the following shall invalidate a document submitted under this chapter [25 Pa.C.S. Ch.35 (relating to uniform military and overseas voters)]:

(1) A voter's mistake or omission in the completion of a document under this chapter as long as the mistake or omission does not prevent determining whether a covered voter is eligible to vote.

(2) Failure to satisfy a nonsubstantive requirement, such as using paper or envelopes of a specified size or weight.

(b) Write-in ballots.--In a write-in ballot authorized by this chapter or in a vote for a write-in candidate on a regular ballot used by a covered voter, if the intention of the voter is discernable under the standards that define what constitutes a valid vote developed pursuant to section 204(h) of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, an abbreviation, misspelling or other minor variation in the form of the name of a candidate or a political party shall be accepted as a valid vote.

(c) Notarization.--Notarization is not required for the execution of a document to be submitted under this chapter. An authentication, other than the state declaration or the FWAB declaration, is not required for execution of a document under this chapter. The state declaration and FWAB declaration, and any information in either declaration, may be compared with information on file to ascertain the validity of the document.

(25 Pa.C.S. § 3515)

### § 3516. Equitable relief.

A court may issue an injunction or grant equitable relief appropriate to ensure substantial compliance with or enforce this chapter [25 Pa.C.S. Ch.35 (relating to uniform military and overseas voters)] on application by any of the following:

(1) A covered voter alleging a grievance under this chapter.

(2) An authorized officer or agent of a county election board.

(25 Pa.C.S. § 3516)

## Chapter 5. Documents, Oaths and Affirmations

## PENNSYLVANIA LAWS RELATING TO VETERANS

**Section 1. [Fees for documents in second class counties]** Be it enacted, &c., That the fees to be charged and collected by the recorder of deeds, in counties of the second class, shall be as follows:

\* \* \*

For recording military or naval discharge, no fee.

For exemplification of military or naval discharge for purpose of securing benefits under the "Korean Conflict Veteran's Compensation Act," no fee.

For recording military or naval certificate of service, no fee.

For exemplification of military or naval certificate of service for purpose of securing benefits under the "Korean Conflict Veteran's Compensation Act," no fee.

For a certified copy of any honorable military or naval discharge, a certificate of service, separation form known as DD Form 214, or other similar forms, delivered to members of the armed services upon their retirement or separation from active duty for use in connection with any claim for compensation no fee.

\* \* \*

(1919, P.L.476, No.240, § 1)

**Section 1. [Certified copies in cities of first class]** Whenever application shall be made in cities of the first class of this Commonwealth to the proper city, or county officers, by or on behalf of any disabled war veteran of any war 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, for a certified copy of any death, birth, or marriage certificate for use in connection with any claim for death benefits and compensation allowance, it shall be the duty of such officer to furnish such certified copy free of any charge therefor.

(1945, P.L.165, No.74, § 1)

### **Section 807. Records: Fees for Copies.--**\* \* \*

(d) Subject to subsection (e), no fee shall be charged for certified copies of records or parts thereof for any of the following:

\* \* \*

(3) A veteran.

(4) A spouse of an individual specified under paragraph (1), (2) or (3).

(5) A dependent of an individual specified under paragraph (1), (2) or (3).

(e) The fee waiver under subsection (d) shall only apply to the following applicants for certified copies of records or parts thereof:

(1) An applicant who is an individual specified under subsection (d)(1) or (3).

(2) An applicant who is a spouse of an individual specified under subsection (d)(1), (2) or (3).

(3) An applicant who is a representative of a dependent child of a deceased veteran or an individual specified under subsection (d)(2). This paragraph shall only apply to a request made for a certified copy of a certificate of death.

(4) An applicant who is a representative of the estate of an individual specified under subsection (d)(1), (2), (3) or (4). This paragraph shall only apply to a request made for a certified copy of a certificate of death.

\* \* \*

(f) The fee waiver under subsection (d) shall apply regardless of whether an individual specified under subsection (d)(2) or (3) predeceased or survived any other individual who qualifies for the fee waiver.

\* \* \*

(h) As used in this section, the term "veteran" means an individual who served in the United States Armed Forces, including a reserve component or the National Guard, and who was discharged or released from service under conditions other than dishonorable.

(1953, P.L.304, No.66, § 807)

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**Section 1. [Fees of recorders of deeds]** The fees of the recorders of deeds in counties of the second A, third, fourth, fifth, sixth, seventh and eighth classes shall be as follows:

Instrument	Fee up to 4 names and 4 pages exclusive of notations
* * *	
Discharge (veteran).....	Free
* * *	

Where no fee is specified the fee shall be set by the recorder of deeds.  
(1982, P.L.310, No.87, § 1)

### § 1301. Definitions.

The following words and phrases when used in this chapter[16 Pa.C.S. Ch. 13 (relating to recorder of deeds)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Discharge." As follows:

- (1) Each final discharge of each:
  - (i) Noncommissioned officer discharged from service under conditions other than dishonorable as provided for in 51 Pa.C.S. § 104 (relating to character of discharge).
  - (ii) Individual who was duly enlisted and mustered into any of the following:
    - (A) The armed forces of the United States.
    - (B) A reserve component.
    - (C) A women's organization officially connected with an entity under clause (A) or (B).
- (2) Each certificate of service issued to a commissioned officer upon termination of active service as provided under paragraph (1).
- (3) Upon application being made to the armed forces of the United States or a reserve component by the holders of the discharge and the holder's agents, attorneys or legal representatives:
  - (i) each report of separation from the armed forces of the United States or a reserve component, commonly known as DD Form 214, NGB Form 22; and
  - (ii) similar forms delivered to members of the armed services upon the member's retirement or separation from active duty.

"Recorder of deeds." The recorder of deeds or the equivalent officer in a home rule or optional plan county for recording.

"Reserve component." The term shall have the same meaning as the term "reserve component of the armed forces" has in 51 Pa.C.S. § 7301 (relating to definitions).  
(16 Pa.C.S. § 1301)

### § 1302. Recording.

The recorder of deeds shall record each final discharge.  
(16 Pa.C.S. § 1302)

### § 1303. Confidentiality.

A record of a discharge received by the recorder of deeds for recording shall be confidential and may not be disclosed except as follows:

- (1) To the individual who is the subject of the discharge, to a member of the individual's immediate family or, as authorized in writing, to the individual's agent or representative.
- (2) To a person making a request for a record, report or form if the event that resulted in the record, report or form occurred more than 85 years prior to the request.
- (3) If required by process of a court to be produced in a suit or proceeding pending.

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(4) If required by the county director of veterans affairs or a department or other agency of the Commonwealth or Federal Government.  
(16 Pa.C.S. § 1303)

### **§ 9101. Acknowledgments and administering oaths without charge.**

It shall be the duty of any person authorized to take acknowledgments and administer oaths, to perform such service free of charge for any soldier, surviving spouse or orphan of a soldier, or parents of a soldier, 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.

(51 Pa.C.S. § 9101)

### **§ 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.

\* \* \*

(51 Pa.C.S. § 9102)

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### **§ 9201. Certified copies of documents furnished without charge.**

(a) General rule.--Whenever application shall be made to the proper public officer by or on behalf of any disabled war veteran, or member of the armed forces or their reserve components or the National Guard, 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 or their reserve components or the National Guard, 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 public 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. As used in this section, the term "public officer" means an authorized official in the Department of Health as to any of the foregoing records in the possession of the Department of Health and the proper county officer as to any other records within this subsection.

\* \* \*

(d) Certificates relating to release or discharge.--The department, upon request, shall provide one certified, true copy of each soldier's Certificate of Release or Discharge From Active Duty to the Director of Veterans' Affairs of the county where the soldier resided at the time of enlistment or to the soldier or the soldier's representative free of any charge.

(51 Pa.C.S. § 9201)

## **Chapter 6. Decedents, Estates and Fiduciaries**

### **Section 2111. Transfers Not Subject to [Inheritance and Estate] Tax.--\* \* \***

(f) The pay and allowances determined by the United States to be due a member of its armed forces for service in the Vietnam conflict after August 5, 1964, for the period between the date declared by it as the beginning of his missing-in-action status to the date determined by it to be the date of his death, are exempt from inheritance tax.

\* \* \*

(p) The lump-sum death payment from the Social Security Administration or Veterans' Administration or any county veterans' death benefit or other similar death benefit, whether or not paid to the decedent's estate, is exempt from inheritance tax.

\* \* \*

(u) The transfer of personal property, whether tangible or intangible, that is the result of a decedent military member.

(1) For purposes of this subsection, the term "decedent military member" shall mean an individual who, while serving in the armed forces, a reserve component or the National Guard of the United States, died as a result of injury or illness received while on active duty, including active duty for training.

(2) The term shall include both Federal and State active duty as evidenced by official activation order.

(1971, P.L.6, No.2, § 2111)

### **§ 5603. Implementation of power of attorney.**

\* \* \*

(t) Power to receive government benefits.--A power to "receive government benefits" shall mean that the agent may prepare, sign and file any claim or application for Social Security, unemployment, military service or other government benefits; collect and receipt for all government benefits or assistance; and, in general, exercise all powers with respect to government benefits that the principal could if present.

\* \* \*

(20 Pa.C.S. § 5603)

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### **§ 8411. Notice of action to United States Veterans' Bureau.**

In any action brought under any law of this Commonwealth for the appointment of a committee or guardian for a veteran of any war, or a minor child, or incapacitated dependent of a veteran of any war, on whose account benefits of compensation or insurance or other gratuity is payable by the United States Veterans' Bureau, or its successor, or upon the filing of any petition or account by any such committee or guardian of any such person, notice of such action, or of the filing of such petition or account, and of the hearing thereon, shall be mailed the attorney of the United States Veterans' Bureau office having jurisdiction over such person. In all such cases, the United States Veterans' Bureau, or its successor, shall be a party in interest, and a certified copy of each account filed in the court shall be supplied the said bureau by the committee or guardian.  
(20 Pa.C.S. § 8411)

### **§ 8412. Veterans' Bureau's objection to account; costs.**

In any action or proceeding wherein the attorney of the bureau objects to the account of the committee or guardian, and such committee or guardian is removed for cause, costs shall not be allowed out of the ward's estate, but may be taxed against the defaulting committee or guardian.  
(20 Pa.C.S. § 8412)

## **Chapter 7. Insurance**

### **§ 3105. Association group life insurance for Pennsylvania National Guard.**

(a) Voluntary participation for group life insurance.--The Adjutant General may approve issuance of group life insurance to nonprofit membership associations for members of the Pennsylvania National Guard, subject to the following requirements:

(1) The members eligible for insurance under the policy shall all be members of the Pennsylvania National Guard or their spouses or dependents. A member of the Pennsylvania National Guard who becomes insured under this program while a member may continue the insurance, including group term life insurance, after discharge or retirement from the Pennsylvania National Guard.

(2) The premium for the policy shall be paid by the individual members of the Pennsylvania National Guard or their spouses or dependents who elect to participate in the insurance plan either by direct payment or by allotment from military pay. An individual family member may insure his spouse or dependent without their signature or approval.

(3) The policy must cover at least 25 members of the Pennsylvania National Guard at the time of issue.

(4) The amounts of insurance under the policy must not exceed \$400,000 per individual insured member and \$100,000 per insured spouse or dependent.

(5) Participation in the insurance plan must be voluntary.

(6) Except as otherwise provided by this section, the policy or policies must comply with the provisions of the act of May 11, 1949 (P.L.1210, No.367), referred to as the Group Life Insurance Policy Law, and be approved by the Insurance Commissioner and the Adjutant General.

(7) The same policy can be made available to any Pennsylvania resident who is a member of a reserve component of the armed forces.

(b) Group life insurance for eligible members.--The Adjutant General shall approve issuance of group life insurance to nonprofit membership associations for eligible members of the Pennsylvania National Guard, subject to the following:

(1) For eligible members of the Pennsylvania National Guard, the Commonwealth shall pay premiums not otherwise paid by the Federal Government so that eligible members have life insurance coverage equal to the maximum available Servicemembers' Group Life Insurance coverage. Premium payments may take one of the following forms:

(i) Purchase of coverage under subsection (a) in an amount equal to the difference between:

## PENNSYLVANIA LAWS RELATING TO VETERANS

(A) the maximum coverage under the Federal Servicemembers' Group Life Insurance program; and

(B) the amount of Servicemembers' Group Life Insurance coverage paid by the Federal Government.

(ii) Payment or reimbursement of the difference in premiums to the eligible members of the Pennsylvania National Guard.

(2) In the case of an eligible member of the Pennsylvania National Guard who was killed in the line of duty after September 11, 2001, and before the effective date of this subsection, the Commonwealth shall pay the designated beneficiary of the member or, if none, the member's next of kin an amount equal to the greater of the premiums paid for Servicemembers' Group Life Insurance coverage for the period the eligible member was deployed or, if the member did not elect the maximum coverage, the difference between the maximum coverage in effect at the time the eligible member was killed and the amount of coverage elected by the member.

(3) The department [of Military and Veterans Affairs] shall promulgate regulations for the administration of this subsection.

(c) Definition.--As used in this section, the term "eligible member of the Pennsylvania National Guard" shall mean:

(1) members of the Pennsylvania National Guard ordered to active Federal service for a period of 30 or more consecutive days while preparing to deploy, deployed and demobilizing from deployment, to areas or operations designated by the Secretary of Defense as "zones of combat" or "combat operations"; and

(2) members of the Pennsylvania National Guard ordered to active State duty for emergencies under section 508 (relating to active duty for emergency) or 35 Pa.C.S. § 7601 (relating to compact enacted) for a period of 30 or more consecutive days.

(51 Pa.C.S. § 3105)

### Chapter 8. Finance Charges

#### § 6243. Finance charges [for loans insured by Department of Veterans Affairs].

\*\*\*

(f) Federally insured loans.--Subject to subsection (c), if a sale on credit or loan is insured or guaranteed in whole or in part by the Department of Veterans Affairs or another Federal department or agency, the laws or regulations that govern the Department of Veterans Affairs or other Federal department or agency regarding the maximum finance charge and rate of interest for the sale shall govern.

(12 Pa.C.S. § 6243)

#### § 6244. Refinance charges [for loans insured by Department of Veterans Affairs].

\*\*\*

(b) Rates and computation.--

\*\*\*

(4) Subject to paragraph (3), if the refinancing of a motor vehicle is insured or guaranteed in whole or in part by the Department of Veterans Affairs or another Federal department or agency, the laws or regulations that govern the Federal department or agency regarding the maximum refinance charge and rate of interest for the refinancing shall govern.

\*\*\*

(12 Pa.C.S. § 6244)

### Chapter 9. Counties

#### § 12340. State associations.

County officers of each county may organize for themselves a State association as follows:

\*\*\*



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(10) Directors of veterans' affairs.

\* \* \*

(16 Pa.C.S. § 12340)

### **§ 12344. Other meeting expenses.**

\* \* \*

(b) Limit.--For county commissioners, county solicitors and county clerks, county controllers, county auditors, sheriffs, registers of wills, clerks of orphans' courts, county treasurers, recorders of deeds, prothonotaries, clerks of courts, public defenders, district attorneys, jury commissioners, coroners and, for counties of the second class A, directors of veterans' affairs, the portion of annual expenses charged to each county may not exceed the following:

\* \* \*

(c) Directors of veterans' affairs and probation officers.--Notwithstanding subsections (a) and (b), the following shall apply:

(1) For directors of veterans' affairs for counties other than a county of the second class A, the portion of annual expenses charged to each county may not exceed \$400.

\* \* \*

(16 Pa.C.S. § 12344)

### **§ 15502. Appropriation for maintenance of National Guard.**

\* \* \*

(d) Inspection.--Accounts of expenditures shall be subject to the inspection of the Department of Military and Veterans Affairs and shall be audited by the auditors or the controller in the manner provided by law for the audit of accounts of county money.

(16 Pa.C.S. § 15502)

### **§ 15509. Funeral expenses of deceased servicepersons.**

\* \* \*

(c) Payments.--Payments under this section shall be made under the following circumstances:

\* \* \*

(2) If the deceased serviceperson died and was interred in the county to which an application for a contribution under subsection (a) has been made, but, at the time of death, did not have legal residence within this Commonwealth, if the county commissioners in the county in which the individual died are notified in writing by an organization of veterans, and upon investigation finds, that the body is unclaimed by relatives or friends.

(16 Pa.C.S. § 15509)

### **§ 15511. Payment.**

\* \* \*

(d) Applications.--Application for contributions under this subchapter [Subch B (relating to interment of deceased servicepersons and surviving spouses)] shall be made by a personal representative or spouse of the deceased serviceperson. If no qualified personal representative is available, the application may be made by the next of kin of the deceased serviceperson, an individual or a veterans' organization, that shall assume responsibility for the cost of burial. The facts contained in the application shall be sustained by affidavit. An individual who knowingly files an application under this section that is false in any material manner commits a misdemeanor in accordance with 18 Pa.C.S. § 4903 (relating to false swearing).

(e) Application.--The application shall be:

(1) on a form prescribed by the Department of Military and Veterans Affairs and shall verify whether the funeral expenses have been paid; and

\* \* \*

(16 Pa.C.S. § 15511)

## PENNSYLVANIA LAWS RELATING TO VETERANS

### § 15512. Flagholders for graves.

\* \* \*

(d) Design of flagholders.--

(1) If a deceased serviceperson was a veteran of a war or campaign for which the Federal Government issued discharge buttons, the flagholder designated for the grave shall include a facsimile of the discharge button.

(2) If a deceased serviceperson was a veteran of the Korean Conflict, the flagholder designated for the grave shall include a circular emblem with the words "Korea, U.S., 1950-1953" in the border and shall incorporate the insignia of the Army, Navy, Marine Corps, Air Force or Coast Guard, as appropriate, in the form approved by the State Veterans' Commission.

(e) Memorial certificate.--For a county of the second class A, in lieu of placing a flagholder on the grave, if the next of kin of a veteran so requests, a memorial certificate may be issued to the next of kin of a deceased serviceperson who, at the time of death, had legal residence in the county, regardless of if the individual died or is interred in the county. The memorial certificate shall indicate the deceased serviceperson's name and designate the war or campaign in which the deceased serviceperson served.

(16 Pa.C.S. § 15512)

### § 15515. Care of graves and headstones.

(a) General rule.--The county commissioners may:

(1) ensure that the graves and headstones of all deceased servicepersons and all other veterans who are buried in the county receive proper and fitting care; and

\* \* \*

(16 Pa.C.S. § 15515)

### § 15516. Determining eligibility for interment benefits.

(a) Proof required.--If application is made for a contribution toward the funeral expenses of a deceased serviceperson or the surviving spouse of a deceased serviceperson or for a memorial benefit under section 15513 (relating to memorial benefit), the county commissioners shall, before expending money, require proof of the following:

(1) The service of the deceased serviceperson that entitles the individual or the surviving spouse to the benefits under this subchapter. Proof shall be made by the production of:

\* \* \*

(ii) records of the United States Department of Defense, or copies filed in the Department of Military and Veterans Affairs, showing the existence of a campaign or state or condition of war in which the United States participated and the service of the deceased serviceperson in a zone in which a campaign or state or condition of war existed.

(16 Pa.C.S. § 15516)

### § 15521. Appropriations to veterans' organizations for expenses of Memorial Day, Veterans' Day, Flag Day and Independence Day.

(a) Appropriations.--The board of commissioners of a county may make appropriations to aid in defraying the expenses of Memorial Day, Veterans' Day, Flag Day and Independence Day to each camp, post, detachment or organization in the county of the following:

- (1) The United Spanish War Veterans.
- (2) The American Legion.
- (3) The Veterans of Foreign Wars.
- (4) The Veterans of World War I of the USA, Inc.
- (5) AMVETS.
- (6) The Society of the Twenty-eighth Division, AEF, Incorporated.
- (7) Italian American War Veterans of the United States, Incorporated.

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- (8) The Marine Corps League.
  - (9) Each naval association.
  - (10) The Grand Army of the Republic.
  - (11) The Disabled American Veterans.
  - (12) The American Gold Star Mothers.
  - (13) The Sons of Union Veterans of the Civil War, the Daughters of Union Veterans of the Civil War or, in the absence of orders, a duly constituted organization that decorates graves of Union Veterans of the Civil War.
  - (14) Any other nationally chartered veterans' organization or other veterans' organization recognized by the county.
- (b) Payments.--Payments under this section shall be made to defray actual expenses only. Before any payment is made, the organization receiving the payment shall submit verified accounts of their expenditures.
- (16 Pa.C.S. § 15521)

### § 15522. Flags to decorate graves.

\* \* \*

(b) Veterans' organizations.--A county may coordinate with local veterans' organizations to ensure that cemeteries are decorated in compliance with the provisions of this section. Flags required under this section shall be furnished to the various veterans' organizations in numbers required for their respective communities.

\* \* \*

(d) Maintenance.--

(1) Annually, the authorities in charge of each cemetery are authorized to remove flags as follows:

\* \* \*

(ii) Notwithstanding subparagraph (i), a cemetery may remove flags as a part of the cemetery's normal course of maintenance not before the first working day after Independence Day, but prior to Veterans' Day provided that the cemetery makes the flags available to family members, veterans' organizations or other community organizations for the purpose of decorating graves in recognition of Veterans' Day.

\* \* \*

(e) Removal of flags by family members.--A family member of an individual whose grave is decorated with a flag by the county for the purpose of Memorial Day may take and keep the flag after the first working day after Veterans' Day.

\* \* \*

(16 Pa.C.S. § 15522)

### § 15523. Compilation of war records.

\* \* \*

(b) Title of record.--The record shall be known as the Veterans' Grave Registration Record of ..... County, and shall be a public record, open to inspection during business hours.

(c) Record blanks.--The county commissioners shall ensure that record blanks are prepared, according to forms prescribed by the Department of Military and Veterans Affairs, whereby the information required for the record may be transmitted to the county commissioners upon request.

(d) Certificate required.--Every individual, firm, association or corporation, including a municipal corporation, owning or controlling a cemetery or interment site in this Commonwealth which inters bodies of deceased servicepersons shall file with the director of veterans' affairs of the county in which the cemetery is located a certificate, on the record blanks provided by the county commissioners, of the facts required for the record if the facts are within the knowledge of the individual, firm, association or corporation or a designated agent.

\* \* \*

(f) Location of interment sites.--For the purpose of locating the interment sites of

## PENNSYLVANIA LAWS RELATING TO VETERANS

individuals who have served in the armed forces of the United States during a war or armed conflict in which the United States was engaged, any veterans' organization listed in section 15521(a) (relating to appropriations to veterans' organizations for expenses of Memorial Day, Veterans' Day, Flag Day and Independence Day) or recognized by the county may, without expense to the county, collect the required data and prepare and file certificates with the county commissioners, including the information required under this section.

(g) Written notice.--Notwithstanding any provision to the contrary, any organization that accepts remains under section 506.2 of the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, which allows certain veterans' service organizations to claim the remains of certain deceased veterans, shall give written notice of the location and manner of the final disposition of the remains to the director of veterans' affairs of the county in which the final disposition of the remains is made.

(16 Pa.C.S. § 15523)

### **§ 15524. Director of veterans' affairs.**

(a) Appointment.--The county commissioners shall appoint an eligible individual under 51 Pa.C.S. § 1731(a) (relating to accreditation) to serve as the county's director of veterans' affairs, who shall receive compensation as fixed by the salary board.

(b) Responsibility of director.--A county's director of veterans' affairs shall:

(1) Assist all veterans and their families in securing rights relating to their person, property and care of family under any Federal or State laws.

(2) Assist the county commissioners in administering the provisions of this subchapter which relate to the interment of deceased servicepersons and their surviving spouses and furnishing flagholders and placing headstones on graves.

(3) Compile and maintain war records and records of interment sites of deceased servicepersons in accordance with the provisions of this subchapter.

(4) Perform other duties provided by statute, including the duties required under 51 Pa.C.S. § 1731(c).

(c) Compensation.--For services performed under subsection (b), the director of veterans' affairs of a county shall be entitled to expenses incurred and additional compensation. Both expenses and compensation shall be subject to the approval of the salary board.

(16 Pa.C.S. § 15524)

### **§ 15766. Provision for burial.**

Except as otherwise provided by law, the county commissioners of a county of the fourth, fifth, sixth, seventh and eighth class shall provide for the burial of an individual who dies in the county unless the individual's body is claimed by a relative by blood or marriage, a friend, a fraternal or veterans' organization, a charitable organization or the Department of Health, and is buried at the expense of the relative, friend or organization. Burial may not cost more than \$300.

(16 Pa.C.S. § 15766)

### **§ 16139. Furnishing rooms for meetings of veterans and other organizations.**

The county commissioners may, upon application, furnish meeting accommodations to any veterans, veterans auxiliary or other civic organization.

(16 Pa.C.S. § 16139)

### **§ 16155. Monuments, memorials and memorial halls to war veterans.**

The county commissioners may appropriate money for and provide for the erection of monuments, memorials or memorial halls commemorating or honoring the services of any individual who has served in the armed forces of the United States or in any auxiliary organization officially connected with a division of the armed forces of the United States.

(16 Pa.C.S. § 16155)

### **§ 16156. Assistance to private or municipal agencies.**

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The county commissioners may appropriate money to assist any individual, private corporation or municipal corporation in the erection of a monument, memorial or memorial hall authorized under section 16155 (relating to monuments, memorials and memorial halls to war veterans).

(16 Pa.C.S. § 16156)

### **§ 16163. Board of control.**

(a) Establishment.--In a county in which the county commissioners have established a memorial hall, the county commissioners shall establish a board of control of the memorial hall and shall establish the powers and duties of the board of control to provide for the operation and maintenance of the memorial hall. The county commissioners shall provide for the members of the board of control to be selected by the veterans organizations which operate in, and have been recognized by, the county.

(b) Existing boards of control.--A board of control established prior to December 24, 2018, shall continue according to the provisions of law that applied at the time that the board was established until the county commissioners take an action under subsection (a).

(16 Pa.C.S. § 16163)

## **PART V. VETERANS ORGANIZATIONS**

### **Chapter 1. Meeting Rooms**

**Section 1. [Municipality to provide rooms for veterans organizations in public buildings]** Be it enacted, &c., That each county, city, and borough may, in their discretion, upon application therefor, furnish to each organization composed of veterans of the Civil War, veterans of the Spanish-American War, veterans of the War with Germany and Austria, veterans of any foreign war, sons of veterans, to ladies' auxiliaries of each such organization and the American Gold Star Mothers, Inc; a room or rooms in any public building of such county, city, or borough, sufficient for the meeting of each of such organizations at least once each month.

(1919, P.L.784, No.321, § 1)

**Section 1. [Appropriation of moneys by municipalities to veterans organizations]** Be it enacted, &c., That each city and borough may, by a two-thirds vote of the council, appropriate money to any incorporated camp or post of veterans of any war in which the United States was engaged, to be used in the payment of the rent of any building or room or rooms in which such camp or post has its regular meetings.

(1923, P.L.844, No.324, § 1)

### **Section 1311-B. Appropriations to veterans' home associations.**

The board of commissioners may make an annual appropriation not to exceed \$300 for the support of any Veterans' Home Association that provides a home or meeting facility within the township for the use of United States war veterans, and which is not maintained in whole or in part by the United States or any governmental agency other than the township.

(1931, P.L.1206, No.331, § 1311-B)

**Section 2543. Furnishing Rooms for Meetings of Certain Veterans and of Sons of Veterans [in Second Class Counties].--**(a) The commissioners may in their discretion, upon application therefor, furnish to each organization composed of veterans of the Spanish-American War, veterans of World War I and of World War II, or of any other war in which the United States engaged, and Sons of Union Veterans, a room or rooms in any public building of such county, sufficient for the meeting of each of such organizations at least once each month.

(b) This section shall apply to counties of the second class and second class A.

(1953, P.L.723, No.230, § 2543)

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### **§ 29A12. Payment of rent for meetings [in boroughs].**

The [borough] council may appropriate annually a sum to an incorporated organization of American veterans of a war in which the United States was engaged, to be used in the payment of the rent for a facility in which the organization has its regular meetings.  
(8 Pa.C.S. § 29A12)

### **§ 29A13. Rooms for veterans' organizations and children [in third class cities].**

The [borough] council may furnish without charge to an organization composed of American veterans of a war in which the United States was engaged and children of the veterans a room in a public building of the borough.  
(8 Pa.C.S. § 29A13)

### **§ 144A02. Rooms for meetings of veterans [in third class cities].**

[City] Council may provide to a veterans' organization, upon application of the organization, a facility in any public building of the city that is sufficient for periodic meetings of the organization.  
(11 Pa.C.S. § 144A02)

## **Chapter 2. Permitted Activities**

**Section 2. [Exclusion from regulation of veterans organization dances]** The term "public dance," or "public ball," as used in this act [the act of May 11, 1927, P.L.968, No.461], shall be taken to include any dance or ball conducted in connection with instruction in dancing for hire, and any dance or ball to which admission may be had by the payment of a fee, or by the purchase, possession or presentation of a ticket or token, or in connection with which a charge is made for caring for clothing or other property, and any dance or ball to which the public generally may gain admission with or without the payment of a fee, except public dances or public balls conducted by posts or camps of honorably discharged soldiers, sailors, and marines, or by fraternal organizations, labor unions or organizations of firemen.

The term "dance hall," or "ballroom," as used in this act, shall be taken to include any room, place or space in which a public dance or public ball, as herein defined, shall be held, and any room, hall or academy in which classes in dancing are held and instruction in dancing is given for hire.

(1927, P.L.968, No.461, § 2)

**Section 102. Definitions [relating to veterans in the Liquor Code].--**The following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

\* \* \*

"Club" shall mean any reputable group of individuals associated together not for profit for legitimate purposes of mutual benefit, entertainment, fellowship or lawful convenience, having some primary interest and activity to which the sale of liquor or malt and brewed beverages shall be only secondary, which, if incorporated, has been in continuous existence and operation for at least one year, and if first licensed after June sixteenth, one thousand nine hundred thirty-seven, shall have been incorporated in this Commonwealth, and, if unincorporated, for at least ten years, immediately preceding the date of its application for a license under this act [the Liquor Code], and which regularly occupies, as owner or lessee, a clubhouse or quarters for the use of its members. Continuous existence must be proven by satisfactory evidence. The [Pennsylvania Liquor Control] board shall refuse to issue a license if it appears that the charter is not in possession of the original incorporators or their direct or legitimate successors. The club shall hold regular meetings, conduct its business through officers regularly elected, admit members by written application, investigation and ballot, and charge and collect dues from elected members, and maintain such records as the board shall from time to time prescribe, but any such club may waive or reduce in amount, or pay from its club funds, the dues of any

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person who was a member at the time he was inducted into the military service of the United States or was enrolled in the armed forces of the United States pursuant to any selective service act during the time of the member's actual service or enrollment. The term includes a privately-owned private golf course.

\* \* \*

"Eligible entity" shall mean a city of the third class, a hospital, a church, a synagogue, a volunteer fire company, a volunteer ambulance company, a volunteer rescue squad, a unit of a nationally chartered club which has been issued a club liquor license, a club which has been issued a club liquor license and which, as of December 31, 2002, has been in existence for at least 100 years, a library, a nationally accredited Pennsylvania nonprofit zoological institution licensed by the United States Department of Agriculture, a nonprofit agricultural association in existence for at least ten years, a bona fide sportsmen's club in existence for at least ten years, a nationally chartered veterans' organization and any affiliated lodge or subdivision of such organization, a fraternal benefit society that is licensed to do business in this Commonwealth and any affiliated lodge or subdivision of such fraternal benefit society, any nationally recognized community-based voluntary health organization committed to fighting cancer, which has been in existence for at least 100 years, a museum operated by a nonprofit corporation, a nonprofit corporation engaged in the performing arts, an arts council, a nonprofit corporation that operates an arts facility or museum, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) whose purpose is to protect the architectural heritage of a municipality and which has been recognized as such by a resolution of the municipality, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) conducting a regatta in a city of the second class with the permit to be used on State park grounds or conducting a family-oriented celebration as part of Welcome America in a city of the first class on property leased from that city for more than fifty years, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. § 501(c)(3)) whose purpose is to raise funds for the research and treatment of cystic fibrosis, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. § 501(c)(3)) whose purpose is to educate the public on issues dealing with watershed conservation, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) whose purpose is to provide equine or canine assisted activities for children and adults with special needs, a nonprofit economic development agency in a city of the second class with the primary function to serve as an economic generator for the greater southwestern Pennsylvania region by attracting and supporting film, television and related media industry projects and coordinating government and business offices in support of a production, a county tourist promotion agency as defined in section 2 of the act of July 4, 2008 (P.L.621, No.50), known as the "Tourism Promotion Act," a junior league that is a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. § 501(c)(3)) that is comprised of women whose purpose is exclusively educational and charitable in promoting the volunteerism of women and developing and participating in community projects and that has been in existence for over seventy years, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 and whose purpose is the education and promotion of American history, a nonprofit organization as defined under section 501(c)(6) of the Internal Revenue Code of 1986 whose purpose is to support business and industry, a brewery which has been issued a license to manufacture malt or brewed beverages and has been in existence for at least 100 years or a club recognized by Rotary International and whose purpose is to provide service to others, to promote high ethical standards and to advance world understanding, goodwill and peace through its fellowship of business, professional and community leaders or a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) whose purpose is to promote mushrooms while supporting local and regional charities, a museum operated by a not-for-profit corporation in a city of the second class A, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 which is located in a city of the

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second class A and has as its purpose economic and community development, a nonprofit organization as defined under section 501(c)(3) or (6) of the Internal Revenue Code of 1986 that is located in a city of the third class in a county of the fifth class, a nonprofit social service organization defined under section 501(c)(3) of the Internal Revenue Code of 1986 located in a county of the third class whose purpose is to serve individuals and families in that county of the third class, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 whose main purpose is to temporarily foster stray and unwanted animals and match them to suitable permanent homes or a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 who operates either a Main Street Program or Elm Street Program recognized by the Commonwealth, the National Trust for Historic Preservation or both, a nonprofit radio station that is a member of the National Public Radio network, a nonprofit public television station that is a member of the Pennsylvania Public Television Network or a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 whose purpose is to promote awareness, education and research and to provide a support system for patients with neutropenia and their families through a national resource network, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 whose main purpose is to stimulate community development by facilitating residential and retail growth in a city of the second class located in a county of the second class or a nonprofit community development corporation organized under section 501(c)(3) of the Internal Revenue Code of 1986 that serves an adjoining borough and township in a county of the second class and whose main purpose is to facilitate commercial development and foster neighborhood stabilization, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 whose purpose is to provide young people with a program to build character, to teach the responsibilities of citizenship and to develop personal fitness with a goal of creating future leaders, a nonprofit as defined in section 501(c)(3) of the Internal Revenue Code of 1986 whose main purpose is to assist children and their families who are facing financial hardship due to the death of a parent, a nonprofit as defined under section 501(c)(3) of the Internal Revenue Code of 1986 whose purpose is to allocate funds for research to expedite a cure achromatopsia, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 that is located in a city of the first class, was organized as a community development organization to promote health, safety and welfare of the residents, businesses and institutions of a neighborhood of a city of the first class, and whose works include public promotions, neighborhood improvement projects and commercial corridor improvements, including a business improvement district, or a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 that is responsible for providing services to members of the armed forces of the United States and relief to disaster victims in the United States and abroad, or any neighborhood improvement district management association as defined in section 3 of the act of December 20, 2000 (P.L.949, No.130), known as the "Neighborhood Improvement District Act," that has been established as a 501(c)(3) nonprofit organization under section 501(c)(3) of the Internal Revenue Code of 1986, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 located in a city of the first class whose purpose is to support initiatives to enrich the lives of children, teens and families especially those in need, to reach their full potential as productive and responsible citizens and has been in existence for at least seventy-five years, or a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 located in a city of the second class and incorporated as a nonprofit in 1982 that offers adult education and family literacy, or a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 located in a city of the third class and county of the sixth class, whose purpose is primary and secondary education and educational ministry of the Diocese of Erie, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code located in a county of the fourth class that had a population between 142,000 and 144,000 based on the 2010 Decennial Census of the Bureau of the Census and provides rewards for information that leads to the arrest of individuals that may have committed a crime or a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 which is located in a city of the third class in a county of the



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fifth class whose mission is to improve the quality of life for individuals with developmental disabilities and the families of the individuals through advocacy, education, support and socialization and that has been in existence for over sixty years.

\* \* \*

(1951, P.L.90, No.21, § 102)

### **Section 305. Sales by Pennsylvania Liquor Stores.--\* \* \***

(b) Every Pennsylvania Liquor Store shall sell liquors, including wine and ready-to-drink cocktails, at wholesale to hotels, restaurants, clubs, and railroad, pullman and steamship companies licensed under this act [The Liquor Code]; and ready-to-drink cocktails to distributors and importing distributors that hold a ready-to-drink cocktail permit; and, under the regulations of the [Liquor Control] board, to pharmacists duly licensed and registered under the laws of the Commonwealth, and to manufacturing pharmacists, and to reputable hospitals approved by the board, or chemists. Sales to licensees shall be made at a price that includes a discount of ten per centum from the retail price; except that special order sales to licensees authorized in subsection (a) shall not be subject to the ten per centum discount. The board may sell to registered pharmacists only such liquors as conform to the Pharmacopoeia of the United States, the National Formulary, or the American Homeopathic Pharmacopoeia. The board may sell at special prices under the regulations of the board, to United States Armed Forces facilities which are located on United States Armed Forces installations and are conducted pursuant to the authority and regulations of the United States Armed Forces. All other sales by such stores shall be at retail, except that incentives, such as coupons or discounts on certain products, may be offered to unlicensed customers of the board as provided under sections 207(m) and 493(24)(ii)(B). A person entitled to purchase liquor at wholesale prices may purchase the liquor at any Pennsylvania Liquor Store upon tendering cash, check or credit card for the full amount of the purchase. For this purpose, the board shall issue a discount card to each licensee identifying such licensee as a person authorized to purchase liquor at wholesale prices. Such discount card shall be retained by the licensee. The board may contract through the Commonwealth bidding process for delivery to wholesale licensees at the expense of the licensee receiving the delivery. In addition, the board shall establish a program under which wholesale licensees are provided a discount if the licensee picks up its purchases at board-specified locations, including its warehouse. The board may set whatever parameters that it deems appropriate, including the amount of the discount or discounts and minimum purchase requirements.

\* \* \*

(1951, P.L.90, No.21, § 305)

### **Section 401. Authority to Issue Liquor Licenses to Hotels, Restaurants and Clubs.--**

(a) Subject to the provisions of this act [the Liquor Code] and regulations promulgated under this act, the [Pennsylvania Liquor Control] board shall have authority to issue a retail liquor license for any premises kept or operated by a hotel, restaurant or club and specified in the license entitling the hotel, restaurant or club to purchase liquor from a Pennsylvania Liquor Store and to keep on the premises such liquor and, subject to the provisions of this act and the regulations made thereunder, to sell the same and also malt or brewed beverages to guests, patrons or members for consumption on the hotel, restaurant or club premises. Such licensees, other than clubs, shall be permitted to sell malt or brewed beverages for consumption off the premises where sold in quantities of not more than one hundred ninety-two fluid ounces in a single sale to one person as provided for in section 407. Such licenses shall be known as hotel liquor licenses, restaurant liquor licenses and club liquor licenses, respectively. No person who holds any public office that involves the duty to enforce any of the penal laws of the United States, this Commonwealth or of any political subdivision of this Commonwealth may have any interest in a hotel or restaurant liquor license. This prohibition applies to anyone with arrest authority, including, but not limited to, United States attorneys, State attorneys general, district attorneys, sheriffs and police officers. This prohibition shall also apply to magisterial district judges, judges or any other individuals who can impose a criminal sentence. This prohibition

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does not apply to members of the General Assembly, township supervisors, city councilpersons, mayors without arrest authority and any other public official who does not have the ability to arrest or the ability to impose a criminal sentence. This section does not apply if the proposed premises are located outside the jurisdiction of the individual in question.

(b) The board may issue to any club which caters to groups of non-members, either privately or for functions, a catering license, and the board shall, by its rules and regulations, define what constitutes catering under this subsection except that any club which is issued a catering license shall not be prohibited from catering on Sundays during the hours which the club may lawfully serve liquor, malt or brewed beverages.

(1951, P.L.90, No.21, § 401)

**Section 406. Sales by Liquor Licensees; Restrictions.**--(a) (1) Every hotel, restaurant or club liquor licensee may sell liquor and malt or brewed beverages by the glass, open bottle or other container, and in any mixture, for consumption only in that part of the hotel or restaurant habitually used for the serving of food to guests or patrons, or in a bowling alley that is immediately adjacent to and under the same roof as a restaurant, and in the case of hotels, to guests, and in the case of clubs, to members, in their private rooms in the hotel or club. No club licensee nor its officers, servants, agents or employees, other than one holding a catering license, shall sell any liquor or malt or brewed beverages to any person except a member of the club. The holder of a restaurant license located in a hotel may sell liquor or malt or brewed beverages for consumption in that part of the restaurant habitually used for the serving of meals to patrons and also to guests in private guest rooms in the hotel. For the purpose of this paragraph, any person who is an active member of another club which is chartered by the same state or national organization shall have the same rights and privileges as members of the particular club. For the purpose of this paragraph, any person who is an active member of any volunteer firefighting company, association or group of this Commonwealth, whether incorporated or unincorporated, shall upon the approval of any club composed of volunteer firemen licensed under this act [the Liquor Code], have the same social rights and privileges as members of such licensed club. For the purposes of this paragraph, the term "active member" shall not include a social member. Any club licensee which is either an incorporated unit of a national veterans' organization or an affiliated organization as defined in section 461.1 shall be permitted to sell liquor or malt or brewed beverages to any active member of another unit which is chartered by the same national veterans' organization or to any member of a nationally chartered auxiliary associated with the same national veterans' organization.

\* \* \*

(1951, P.L.90, No.21, § 406)

**Section 407. Sale of Malt or Brewed Beverages by Liquor Licensees.**--(a) (1) Every liquor license issued to a hotel, restaurant, club, or a railroad, pullman or steamship company under this subdivision (A) for the sale of liquor shall authorize the licensee to sell malt or brewed beverages at the same places but subject to the same restrictions and penalties as apply to sales of liquor, except that licensees other than clubs may sell malt or brewed beverages for consumption off the premises where sold in quantities of not more than one hundred ninety-two fluid ounces in a single sale to one person. The sales may be made in either open or closed containers, Provided, however, That a municipality may adopt an ordinance restricting open containers in public places. No licensee under this subdivision (A) shall at the same time be the holder of any other class of license, except a retail dispenser's license authorizing the sale of malt or brewed beverages only. Sales of malt or brewed beverages must occur on the licensed premises.

(2) If a restaurant liquor license holder has an interior connection to another business that it operates, the restaurant liquor license holder may use one or more of the registers in the other business to sell malt or brewed beverages for off-premises consumption under the following conditions:

- (i) the building is eleven thousand square feet or less;
- (ii) the registers are located in the same building as the licensed premises;

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(iii) the registers comply with the signage, staffing, training, carding, scanning and prohibition on the sharing of data provisions of section 415(a)(8) and (9); and

(iv) the board has been provided notice of compliance with this paragraph by the restaurant liquor license holder, including square footage of the building and the location of the specific registers to be used prior to their use.

(3) The registers used under paragraph (2) shall be deemed to be licensed areas but no formal application beyond notice to the board shall be required. The registers may be used by the other business.

\* \* \*

(1951, P.L.90, No.21, § 407)

**Section 461.1. [Liquor Licenses for] Incorporated Units of National Veterans' Organizations.**---(a) The [Pennsylvania Liquor Control] board shall have the authority to issue new licenses to incorporated units of national veterans' organizations, as defined herein, in counties where the number of licenses exceeds the limitation prescribed by section 461.

(b) The term "national veterans' organization" shall mean any veterans' organization having a national charter.

The term "incorporated unit of a national veterans' organization" shall mean any incorporated post, branch, camp, detachment, lodge or other subordinate unit of a national veterans' organization having fifty or more paid up members and organized for a period of at least one year prior to filing the application for a license. The term does not include auxiliaries, "sons of" or other similar organization.

The term "affiliated organization" shall mean home associations, home corporations, auxiliaries, "sons of" or similar organizations which are directly affiliated with an incorporated unit or a national veterans' organization. An affiliated organization must meet the definition of a club set forth in section 102, except that:

(1) if incorporated, the affiliated organization need not have been in continuous existence for at least one year prior to its application; or

(2) if unincorporated, the affiliated organization need not have been in continuous existence for at least ten years prior to its application.

(c) When the charter of an incorporated unit of a national veterans' organization is suspended or revoked, the club license of the organization shall also be suspended or rescinded. The club license of an incorporated unit of a national veterans' organization is not transferable to any other organization or person, except as provided in this section.

(d) An incorporated unit of a national veterans' organization may transfer its club license to its affiliated organization as long as, in addition to fulfilling all the requirements pertaining to the transfer of club licenses, the state department of the national veterans' organization provides the board with written approval for such a transfer. The license shall be suspended or rescinded upon the suspension or revocation of the charter of the affiliated incorporated unit of the national veterans' organization. The license shall also be rescinded upon request of the state department of the national veterans' organization or if the affiliated organization's affiliation with the incorporated unit of the national veterans' organization is severed.

(e) Only one club license may be issued to the incorporated unit of the national veterans' organization, and the board may not issue a license to an incorporated unit of a national veterans' organization if any of the unit's affiliated organizations holds a club license.

(f) For purposes of this section, a municipality which permits the issuance of club liquor licenses to incorporated units of national veterans' organizations also permits the transfer of such licenses to an affiliated organization of the incorporated unit of the national veterans' organization.

(g) An incorporated unit of a national veterans' association or an affiliated organization which has its license suspended or rescinded or its request for transfer denied under this section may request a hearing before a hearing examiner under section 464. The board may not consider the propriety of the state department of the national veterans' organization's decision to suspend the charter, revoke the charter or refuse to approve the transfer. The written request from the state department of the national veterans' organization, standing alone,

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is admissible evidence at the board hearing. An appeal of the board's decision may be taken under section 464, except that the appeal shall not act as a supersedeas of the board's decision.

(1951, P.L.90, No.21, § 461.1)

**Section 472. Local Option [for Granting Liquor Licenses].**---(a) In any municipality or any part of a municipality where such municipality is split so that each part thereof is separated by another municipality, an election may be held, subject to subsection (c), not oftener than once in four years, to determine the will of the electors with respect to the granting of liquor licenses to hotels, restaurants, resort facilities and clubs, not oftener than once in four years, to determine the will of the electors with respect to the granting of liquor licenses to public venues, to performing arts facilities, to continuing care retirement communities, to hotels located on property owned by an accredited college or university, to privately-owned private golf courses or to privately-owned public golf courses, not oftener than once in four years, to determine the will of the electors with respect to the granting of licenses to retail dispensers of malt and brewed beverages, not oftener than once in four years, to determine the will of the electors with respect to granting of licenses to wholesale distributors and importing distributors, not more than once in two years, to determine the will of the electors with respect to the granting of club liquor licenses or club retail dispenser licenses to incorporated units of national veterans' organizations, not oftener than once in two years to determine the will of the electors with respect to the granting of special occasion permits to qualified organizations, not more than once in four years, to determine the will of the electors with respect to the establishment, operation and maintenance by the board of Pennsylvania liquor stores, within the limits of such municipality or part of a split municipality, or not more than once in two years, to determine the will of the electors with respect to the granting of liquor licenses to ski resort facilities, under the provisions of this act: Provided, That an election on the question of establishing and operating a State liquor store shall be initiated only in those municipalities, or that part of a split municipality that shall have voted against the granting of liquor licenses; and that an election on the question of granting wholesale distributor and importing distributor licenses shall be initiated only in those municipalities or parts of split municipalities that shall have at a previous election voted against the granting of dispenser's licenses. Except for a municipality or part of a split municipality located in a county of the second class A, whenever electors equal to at least twenty-five per centum of the highest vote cast for any office in the municipality or part of a split municipality at the last preceding general election shall file a petition with the county board of elections of the county for a referendum on the question of granting any of said classes of licenses or the establishment of Pennsylvania liquor stores, the said county board of elections shall cause a question to be placed on the ballots or on the voting machine board and submitted at any election. In a county of the second class A, whenever electors equal to at least twenty-five per centum of the highest vote cast for any office in a municipality or part of a split municipality at the last preceding general election, or whenever five hundred electors of a municipality or part of a split municipality, whichever is less, sign a petition for a referendum on the question of granting any of the said classes of licenses or the establishment of Pennsylvania liquor stores and file the petition with the county board of elections, the said county board of elections shall cause a question to be placed on the ballots or on the voting machine board and submitted at any election. Separate petitions must be filed for each question to be voted on. Said proceedings shall be in the manner and subject to the provisions of the election laws which relate to the signing, filing and adjudication of nomination petitions, insofar as such provisions are applicable.

\* \* \*

When the question is in respect to the granting of club liquor licenses to incorporated units of national veterans' organizations, it shall be in the following form:

Do you favor the granting of club liquor licenses to incorporated units of national veterans' organizations in the.....

of.....?

Yes  
No

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When the question is in respect to the granting of club retail dispenser licenses to incorporated units of national veterans' organizations, it shall be in the following form:

Do you favor the granting of club retail dispenser licenses to incorporated units of national veterans' organizations in the.....  
of.....?  
\* \* \*

Yes  
No

In case of a tie vote, the status quo shall obtain. If a majority of the voting electors on any such question vote "yes," then liquor licenses shall be granted by the [Pennsylvania Liquor Control] board to hotels, restaurants, ski resorts, resort facilities and clubs, or liquor licenses shall be granted by the board to public venues, to performing arts facilities, to continuing care retirement communities, to hotels located on property owned by an accredited college or university, to privately-owned private golf courses or to privately-owned public golf courses, or malt and brewed beverage retail dispenser licenses or wholesale distributor's and importing distributor's license for the sale of malt or brewed beverages shall be granted by the board, or club liquor licenses or club retail dispenser licenses shall be granted by the board to incorporated units of national veterans' organizations, or special occasion permits may be issued to qualified organizations, or the board may establish, operate and maintain Pennsylvania liquor stores, as the case may be, in such municipality or part of a split municipality, as provided by this act [the Liquor Code]; but if a majority of the electors voting on any such question vote "no," then the board shall have no power to grant or to renew upon their expiration any licenses of the class so voted upon in such municipality or part of a split municipality; or if the negative vote is on the question in respect to the establishment, operation and maintenance of Pennsylvania liquor stores, the board shall not open and operate a Pennsylvania liquor store in such municipality or part of a split municipality, nor continue to operate a then existing Pennsylvania liquor store in the municipality or part of a split municipality for more than two years thereafter or after the expiration of the term of the lease on the premises occupied by such store, whichever period is less, unless and until at a later election a majority of the voting electors vote "yes" on such question.

(b) To be eligible for the local option under this section, the incorporated unit of a national veterans' organization must have been incorporated on or before a date ten years prior to the filing of its application after authorization under local option. In each municipality, licenses approved under the local option for incorporated units of national veterans' organizations may not exceed four.

(c) For the first year that the local option is authorized for the incorporated units of national veterans' organizations, the local option election for the incorporated units of national veterans' organizations may be held at the primary election preceding any election.

(d) Nothing in this section shall prohibit the board from approving:  
\* \* \*

(3) The renewal or transfer of a restaurant liquor license, an eating place retail dispenser license, a hotel license, a club license or a distributor license in a location in which two or more municipalities have merged and the resulting municipality prohibits the issuance of such licenses.  
\* \* \*

(1951, P.L.90, No.21, § 472)

### **Section 491. Unlawful Acts Relative to Liquor, Alcohol and Liquor Licensees.--**

It shall be unlawful--  
\* \* \*

(2) Possession or Transportation of Liquor or Alcohol.\* \* \*

None of the provisions herein contained shall prohibit nor shall it be unlawful for any person to import into Pennsylvania, transport or have in his possession, an amount of liquor not exceeding one gallon in volume upon which a State tax has not been paid, if it can be shown to the satisfaction of the board that such person purchased the liquor in a foreign country or United States territory and was allowed to bring it into the United States. Neither shall the provisions contained herein prohibit nor make it unlawful for (i) any member of the armed

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forces on active duty, or (ii) any retired member of the armed forces, or (iii) any totally disabled veteran, or (iv) the spouse of any person included in the foregoing classes of persons to import into Pennsylvania, transport or have in his possession an amount of liquor not exceeding one gallon per month in volume upon which the State tax has not been paid, so long as such liquor has been lawfully purchased from a package store established and maintained under the authority of the United States and is in containers identified in accordance with regulations issued by the Department of Defense. Such liquor shall not be possessed, offered for sale or sold on any licensed premises. The term "package store" as used in this clause shall mean those retail operations located on any of the United States military installations, including an installation of the Army, Navy, Air Force, Marine Corps or Coast Guard.

\* \* \*

(1951, P.L.90, No.21, § 491)

**Section 204. Exclusions from Tax.**--The [sales] tax imposed by section 202 shall not be imposed upon any of the following:

\* \* \*

(49) The sale at retail or use of food and beverages by nonprofit associations which support sports programs or youth centers. For purposes of this clause, the phrases:

(i) "nonprofit association" means an entity which is organized as a nonprofit corporation or nonprofit unincorporated association under the laws of this Commonwealth or the United States or any entity which is authorized to do business in this Commonwealth as a nonprofit corporation or unincorporated association under the laws of this Commonwealth, including, but not limited to, youth or athletic associations, volunteer fire, ambulance, religious, charitable, fraternal, veterans, civic, or any separately chartered auxiliary of the foregoing, if organized and operated on a nonprofit basis;

\* \* \*

(1971, P.L.6, No.2, § 204)

**Section 315.14. Contribution for Veterans' Trust Fund.**--(a) For taxable years beginning after December 31, 2019, the department shall provide a space on the Pennsylvania individual income tax return form whereby an individual may voluntarily designate a contribution, in any amount, to the Veterans' Trust Fund. The amount so designated shall be deducted from the tax refund to which the individual is entitled and shall not constitute a charge against the income tax revenues due to the Commonwealth.

(b) The department shall determine annually the total amount designated under this section, less reasonable administrative costs, and shall report the amount to the State Treasurer who shall transfer the amount to the Veterans' Trust Fund.

(c) The department shall provide adequate information concerning the checkoff for the Veterans' Trust Fund in its instructions which accompany the Pennsylvania income tax return forms. The information concerning the checkoff shall include the listing of an address furnished by the Department of Military and Veterans Affairs to which contributions may be sent by taxpayers wishing to contribute to this effort but who do not receive refunds.

(d) The Department of Military and Veterans Affairs shall report annually to the respective committees of the Senate and the House of Representatives which have jurisdiction over military and veterans affairs on the amount received via the checkoff plan and how the funds were utilized.

(1971, P.L.6, No.2, § 315.14)

**Section 1209. Exemptions from [Cigarette] Tax.**--(a) No tax imposed by this article [Article XII of the Tax Reform Code of 1971] shall be levied upon the possession or sale of cigarettes which this Commonwealth is prohibited from taxing under the Constitution or statutes of the United States. In addition, when the seller and purchaser have registered with the department [of Revenue] and have obtained exemption certificates in accordance with such regulations as the department shall prescribe, the following sales are exempt:

(1) Sales to veterans' organizations approved by the department, if the cigarettes are

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being purchased by the organization for gratuitous issue to veteran patients in Federal, State or State-aided hospitals.

\* \* \*

(3) Sales to retail dealers located in Veterans' Administration hospitals for sales to patients in such hospitals.

\* \* \*

(1971, P.L.6, No.2, § 1209)

### **Section 2111. Transfers Not Subject to [Inheritance and Estate] Tax.--\* \* \***

(c) Transfers of property to or for the use of any of the following are exempt from inheritance tax:

\* \* \*

(3) Any veterans' organization incorporated by act of Congress or its departments or local chapters or posts, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

\* \* \*

(u) The transfer of personal property, whether tangible or intangible, that is the result of a decedent military member.

(1) For purposes of this subsection, the term "decedent military member" shall mean an individual who, while serving in the armed forces, a reserve component or the National Guard of the United States, died as a result of injury or illness received while on active duty, including active duty for training.

(2) The term shall include both Federal and State active duty as evidenced by official activation order.

(1971, P.L.6, No.2, § 2111)

### **Section 3. Definitions [relating to Bingo Law].**

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

"Association." A volunteer fire company or an ambulance, religious, charitable, fraternal, veterans, civic, county fair or agricultural association, or any separately chartered auxiliary of any of the above associations, organized as a nonprofit organization which shall have existed, and conducted business in furtherance of their written constitution, charter, articles of incorporation or bylaw express purpose, for two years prior to application for a license: Provided, however, That an association whose membership consists exclusively of elderly residents of a senior citizen housing project may apply for a license immediately upon its being organized as such and need not meet the two-year waiting requirement: and Provided, further, That the two-year waiting requirement shall not apply to a bona fide consolidated volunteer fire company if at least one of the fire companies included in the merger or consolidation establishing the consolidated entity holds a valid and current bingo license. A consolidated entity may apply for a bingo license immediately upon it being determined and verified to be a bona fide consolidated volunteer fire company. This term shall not be interpreted to include political organizations as associations eligible for a bingo license. An association shall not be denied a bingo license because its name denotes affiliation with a political organization if in fact the association is not a political organization as evidenced by its written constitution, charter, articles of incorporation or bylaw express purpose.

\* \* \*

(1981, P.L.214, No.67, § 3)

### **Section 4. Associations permitted to conduct bingo.**

Any association, for a charitable or civic purpose, when licensed pursuant to this act [the Bingo Law], may conduct the game of bingo as herein defined.

(1981, P.L.214, No.67, § 4)

### **Section 103. Definitions [relating to local option small games of chance].**

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The following words and phrases when used in this act [the Local Option Small Games of Chance Act] shall, except as provided under section 902, have the meanings given to them in this section unless the context clearly indicates otherwise:

\* \* \*

"Eligible organization." A charitable, religious, fraternal or veterans' organization, club, club licensee or civic and service association. In order to qualify as an eligible organization for purposes of this act, an organization shall have been in existence and fulfilling its purposes for one year prior to the date of application for a license. The term shall include an affiliated nonprofit organization licensed under section 307.

\* \* \*

"Public interest purpose." One or more of the following:

\* \* \*

(7) Activities conducted by a veterans organization, whether or not the veterans organization holds a club license. Activities under this paragraph may include:

- (i) Scholarships.
- (ii) Services to economically or socially support veterans.
- (iii) Activities to honor veterans.
- (iv) Other activities that qualify under paragraphs (1), (2), (3), (4), (5) and (6).

The term does not include the erection or acquisition of any real property, unless the property will be used exclusively for one or more of the purposes specified in this definition.

\* \* \*

"Veterans organization." Any congressionally chartered organization within this Commonwealth, or any branch or lodge or chapter of a nonprofit national or State organization within this Commonwealth, the membership of which consists of individuals who were members of the armed services or armed forces of the United States. The term shall also include a home association, affiliate or other nonprofit organization established by or in cooperation with the veterans organization to provide services to veterans or to the community. Such organizations shall have been in existence in this Commonwealth fulfilling their purposes for one year prior to the date of application for a license.

\* \* \*

(1988, P.L.1262, No.156, § 103)

### **Section 301. Games of chance permitted.**

Every eligible organization to which a license has been issued under the provisions of this chapter [Chapter 3 of the Local Option Small Games of Chance Act] may conduct games of chance for the purpose of raising funds for public interest purposes. Except as provided in Chapter 5, all proceeds of a licensed eligible organization shall be used exclusively for public interest purposes, for the purchase of games of chance or for the payment of the license fee, as required by this act. An eligible organization whose primary purpose is the promotion of a public interest may utilize the proceeds from small games of chance to fulfill that purpose.

(1988, P.L.1262, No.156, § 301)

### **Section 302. Prize limits.**

(a) Individual prize limit.--Except as provided under subsections (d) and (d.1), the maximum prize which may be awarded for any single chance shall be \$2,000.

(b) Aggregate prize limit.--No more than \$35,000 in prizes shall be awarded from games of chance by a licensed eligible organization in any seven-day period.

(c) Raffle prize limit.--Up to \$15,000 in prizes may be awarded in raffles in any calendar month.

(c.1) Total limit.--All prizes awarded under this section shall be subject to the aggregate prize limits under subsection (b).

(d) Exception for raffles.--Notwithstanding subsection (b) or (c), a licensed eligible organization may conduct a raffle under section 308 and award a prize or prizes valued in excess of \$3,000 each only under the following conditions:

- (1) The licensing authority has issued a special permit for the raffle under section



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308.

(2) A licensed eligible organization shall be eligible to receive no more than ten special permits in any licensed term except that a volunteer fire, ambulance, rescue or conservation organization that is not a club licensee shall be eligible to receive 12 special permits in any licensed term.

(3) Only one raffle may be conducted under each special permit issued under section 308.

(4) Except as provided under subsection (d.1), the total of all prizes awarded under this subsection shall be no more than \$150,000 per calendar year, which shall not be subject to the aggregate limit under subsection (b) or (c).

\* \* \*

(f) Daily drawing carryover.--The prize limitation contained in subsections (a) and (b) may be exceeded by a daily drawing under the following circumstances: a daily drawing may award a prize in excess of \$2,000 if such prize is the result of a carryover of a drawing which resulted from the winning number in such drawing not being among the eligible entrants in such drawings. Nothing contained herein shall authorize the prize limitation as contained in subsections (a) and (b) to be exceeded as a result of a failure to conduct a drawing on an operating day during which chances were sold for a daily drawing or for a daily drawing for which chances were sold in excess of \$1 or for which more than one chance was sold to an eligible participant.

(g) Additional exception.--When a daily drawing or weekly drawing is set up or conducted in such a manner as to pay out or award 100% of the gross revenues generated from such drawing, the limitation contained in subsection (b) shall not apply.

(h) Weekly drawing carryover exception.--Weekly drawings shall be governed by the prize limitation contained in subsection (b). The prize limitation contained in subsection (b) may be exceeded by a weekly drawing under the following circumstances: a weekly drawing may award a prize where the cash value is in excess of \$35,000 if such prize is the result of a carryover of a drawing or drawings which resulted from the winning number or numbers in such drawing or drawings not being among the eligible entrants in such drawings. Nothing contained in this chapter shall authorize the prize limitation under subsection (b) to be exceeded as a result of a failure to conduct a drawing for a week during which chances were sold for a weekly drawing or for a weekly drawing for which chances were sold in excess of \$1.

(i) Concurrent operation.--Nothing under this act shall prohibit the concurrent operation of daily or weekly drawings.

(1988, P.L.1262, No.156, § 302)

### Section 303. Sales limited.

\* \* \*

(b) Limitation.--No game of chance, other than a raffle under section 302(d), sold, offered for sale or furnished to a licensed eligible organization for use within this Commonwealth shall contain, permit, depict or designate a prize having a prize limit in excess of \$2,000.

(1988, P.L.1262, No.156, § 303)

### Section 307. Licensing of eligible organizations.

(a) License required.--The following shall apply:

(1) An eligible organization shall not conduct or operate games of chance unless the eligible organization has obtained a valid license as follows:

(i) A regular license which must be renewed annually.

(ii) A monthly license which permits the eligible organization to conduct games of chance for a 30-consecutive-day period.

(2) An auxiliary group of a licensed eligible organization may conduct games of chance using the license issued to the eligible organization if the auxiliary group is listed on the application and license of the eligible organization. An auxiliary group shall not be eligible to obtain a license. No additional licensing fee shall be charged for an auxiliary group. If the eligible organization is a club licensee, the games of chance conducted by the

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auxiliary group must be held on the club's licensed premises.

(b) Issuance.--The licensing authority shall issue a license within 30 days of the submission of an application by an eligible organization that meets the requirements under this chapter [Chapter 3 of the Local Option Small Games of Chance Act].

(b.1) Fee.--The license fee to be charged to each eligible organization for a regular license shall be \$125. The license fee to be charged for a monthly license shall be \$25. A regular license must be renewed annually. The fee shall be used by the licensing authority to administer this act.

(b.2) Location.--An eligible organization that holds a license under subsection (a) and that is not a club licensee may conduct small games of chance in the county where the license is issued at a premises which is the operating site of the eligible organization or at a premises or other location not prohibited by local ordinance, and for which the treasurer has been notified. The following shall apply:

(1) No more than three licensees, including the licensee that owns or leases the premises, may conduct small games of chance simultaneously at a premises or location.

(2) A licensee shall ensure that the conduct of small games of chance by different organizations are separate and clearly identified within a premises or location.

(3) A licensee that is not a club licensee may conduct games of chance simultaneously with the conduct of games of chance by a club licensee on not more than three occasions covering a total of seven days during the year.

(4) The following shall apply:

(i) Notwithstanding paragraph (1), if a club licensee is unable to conduct games of chance at the location listed on its application and license due to natural disaster, fire or other circumstance that renders the location unusable, the club licensee may submit a written request to the district attorney to conduct games of chance in a different location, including the licensed premises of another eligible organization.

(ii) A request under subparagraph (i) must include the change in the location and the dates and times the games of chance will be operated at the alternative location.

(iii) The district attorney shall approve or deny the request and shall establish a limit on the duration of the authorization to conduct games of chance at the alternative location. Following the expiration of the authorization period, the club licensee must return to the location specified in its application and license or apply to the licensing authority for a new permanent location. The district attorney may stipulate additional requirements as a condition of approval.

(iv) If a club licensee permits another club licensee to use its licensed premises under this paragraph to conduct games of chance, the host club licensee must cease its operation of games of chance during the time the club licensee utilizing its premises is conducting its games of chance.

\* \* \*

(b.4) Gambling facility prohibited.--It shall be unlawful for a person, corporation, association, partnership or other business entity to offer for rent or offer for use a building or facility to be used exclusively for the conduct of games of chance. It shall also be unlawful for any eligible organization to lease under any terms a building or facility which is used exclusively for the conduct of games of chance.

(c) Display.--Licenses issued pursuant to this section shall be publicly displayed at the site where games of chance are conducted.

(d) Operation.--Each licensed eligible organization shall be prohibited from the following:

(1) Permitting any person under 18 years of age to operate or play games of chance.

(2) Permitting any person who has been convicted of a felony in a Federal or State court within the past five years or has been convicted in a Federal or State court within the past ten years of a violation of the act of July 10, 1981 (P.L.214, No.67), known as the Bingo Law, or of this act to manage, set up, supervise or participate in the operation of

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games of chance.

(3) Paying any compensation to any person for conducting any games of chance. Games of chance may only be conducted by managers, officers, directors, bar personnel and bona fide members of the eligible organization. This paragraph shall not apply to the sale of a raffle or raffle auction ticket.

(4) Conducting games of chance on any premises other than on the licensed premises or as otherwise provided by this chapter.

(5) Leasing the licensed premises under either an oral or a written agreement for a rental which is determined by either the amount of receipts realized from the playing of games of chance or the number of people attending, except that an eligible organization may lease a facility for a banquet where a per head charge is applied in connection with the serving of a meal. An eligible organization shall not lease such premises from any person who has been convicted of a violation of this act or the Bingo Law within the past ten years.

(6) Purchasing games of chance, other than raffles, 50/50 drawings, daily drawings and weekly drawings, from any person other than a registered manufacturer or licensed distributor approved by the department.

(d.1) Bank account and records.--An eligible organization with proceeds of games of chance that exceed \$40,000 per year shall maintain a bank account, which shall be separate from all other funds belonging to the licensed eligible organization. Account records shall show all expenditures and income and shall be retained by the licensed eligible organization for at least two years.

(e) Application for license.--Each eligible organization shall apply to the licensing authority for a license on a form to be prescribed by the Secretary of Revenue. For a club license, the application and each renewal application shall include the most recent annual report filed by the club licensee under Chapter 5. The form shall contain an affidavit to be affirmed by the executive officer or secretary of the eligible organization stating that:

(1) No person under 18 years of age will be permitted by the eligible organization to operate or play games of chance.

(2) The facility in which the games of chance are to be played has adequate means of ingress and egress and adequate sanitary facilities available in the area.

(3) The eligible organization is not leasing such premises from the owner thereof under an oral agreement, nor is it leasing such premises from the owner thereof under a written agreement at a rental which is determined by the amount of receipts realized from the playing of games of chance or by the number of people attending, except that an eligible organization may lease a facility for a banquet where a per head charge is applied in connection with the serving of a meal.

(e.1) Proceedings.--Proceedings before the licensing authority are subject to 2 Pa.C.S. Chs. 5 Subch. B (relating to practice and procedure of local agencies) and 7 Subch. B (relating to judicial review of local agency action).

(f) List of licensees.--The licensing authority, on a semiannual basis, shall send a copy of all licensees to the department.

(g) List of municipalities.--The licensing authority shall include with any license or renewal license issued to an eligible organization, an up-to-date listing of those municipalities within the licensing county which have approved the referendum question on small games of chance.

\* \* \*

(1988, P.L.1262, No.156, § 307)

### **Section 308. Special permits.**

(a) Issuance and fee.--The licensing authority shall issue a special permit for each raffle in which the licensed eligible organization proposes to award individual prizes in excess of \$3,000. The licensing authority may establish and collect a fee not to exceed \$25 for the issuance of special permits under this section.

(b) Permit application.--Each special permit application shall specify the location where the actual drawing will be held, the number of chances to be sold, the price per chance and the

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prize to be awarded.  
(1988, P.L.1262, No.156, § 308)

### **Section 502. Distribution of proceeds.**

(a) Distribution.--The proceeds from games of chance received by a club licensee shall be distributed as follows:

- (1) No less than 60% of the proceeds shall be paid for public interest purposes within one year of the end of the calendar year in which the proceeds were obtained.

\* \* \*

(1988, P.L.1262, No.156, § 502)

### **Section 505.1. Affiliated clubs.**

(a) Applicability.--This section shall apply to a club licensee that meets any of the following:

- (1) Is affiliated with a veterans organization or volunteer fire company.
- (2) Uses the name of a veterans organization or volunteer fire company or holds itself out as being affiliated or directly associated with a veterans organization or volunteer fire company.
- (3) Has a licensed premises that is connected to the premises of a veterans organization or volunteer fire company.

(b) Proceeds.--A club licensee under subsection (a) may provide funds from proceeds under section 502(a)(1) to a veterans organization or volunteer fire company or an organization affiliated with a veterans organization or volunteer fire company that conducts activities that include public interest activities.

(1988, P.L.1262, No.156, § 505.1)

### **Section 701. Revocation of licenses.**

(a) Grounds.--The following shall be grounds for suspension, revocation or nonrenewal of a license:

- (1) Any of the proceeds derived from the operation of games of chance by an eligible organization are used for any purpose other than for:

- (i) public interest purposes;
- (ii) the purchase of games of chance; or
- (iii) a purpose permitted by Chapter 5.

(1.1) Any of the funds derived from the operation of games of chance by a club licensee are used in a manner that does not comply with section 502.

- (2) Any person under 18 years of age is operating or playing games of chance.
- (3) The eligible organization has permitted any person who has been convicted of a felony in a Federal or State court within the past five years or has been convicted in a Federal or State court within the past ten years of a violation of the act of July 10, 1981 (P.L.214, No.67), known as the Bingo Law, or of this act, to manage, set up, supervise or participate in the operation of games of chance.

(4) The facility in which the games of chance are played does not have adequate means of ingress and egress and does not have adequate sanitary facilities available in the area.

(5) Any person or persons other than a manager, officer, director, bar personnel or a bona fide member of an eligible organization have been involved in managing, setting up, operating or running games of chance. This paragraph shall not apply to the sale of a raffle or raffle auction ticket.

- (6) Any person has received compensation for conducting games of chance.
- (7) Any prize has been awarded in excess of the limits permitted under this act [the Local Option Small Games of Chance Act].

(8) The eligible organization has violated any condition of a special permit issued pursuant to section 308.

- (9) The eligible organization conducts the games of chance under a lease which

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calls for:

- (i) leasing such premises from the owner thereof under an oral agreement; or
- (ii) leasing such premises from the owner thereof under a written agreement at a rental which is determined by the amount of receipts realized from the playing of games of chance.
- (10) False or erroneous information was provided in the original application or in any information provided to the licensing authority or the department [of Revenue] in any report.
- (11) An eligible organization has been convicted of a violation of this act as evidenced by a certified record of the conviction.
- (12) The eligible organization has permitted another eligible organization to conduct games of chance on its licensed premises without suspending its own operation of games of chance during the period that the other licensed eligible organization is conducting its games on the premises.
- (13) A club licensee has failed to file an accurate report under section 501(a).
- (14) A club licensee has failed to comply with section 502.
- (15) Failure to file reports under section 501.
- (b) Production of records.--The district attorney may require licensees to produce their books, accounts and records relating to the conduct of games of chance in order to determine if a violation of this act has occurred. Licensees shall also be required, upon request, to provide their license, books, accounts and records relating to the conduct of games of chance to the licensing authority, the Bureau of Liquor Control Enforcement or to a law enforcement agency or official. A club licensee shall retain records for a period of five years.  
(1988, P.L.1262, No.156, § 701)

### Section 702. Enforcement.

(a) Licensing authority.--The licensing authority may enforce the provisions of this act [the Local Option Small Games of Chance Act] and may impose the penalties under subsection (d).  
\* \* \*

(d) Powers and duties.--The licensing authority, or, in the case of a club licensee, the Bureau of Liquor Control Enforcement, may impose the following penalties:

- (1) A civil penalty.
  - (2) Suspension or revocation of the license.
  - (e) District attorney.--The district attorney of the county that issued the license shall investigate alleged violations of this act. If the district attorney finds probable cause to believe that a criminal violation has occurred, the district attorney may file criminal charges and prosecute the complaint against the alleged violator in the court of common pleas of the county except in counties of the first class where the complaint may be filed in the municipal court.
  - (f) Law enforcement officials.--Nothing in this act may restrict or limit the power of a State, county or local law enforcement official to conduct investigations and file criminal charges under this act.
  - (g) General rule.--
    - (1) Except as provided in paragraph (2), a violation of this act by a club licensee shall not constitute a violation of the Liquor Code.
    - (2) If a club licensee has committed three or more violations of this act, the Bureau of Liquor Control Enforcement may enforce a violation of this act as a violation of the Liquor Code.
    - (3) A violation of this act shall not constitute a violation of the Liquor Code for the purposes of section 471(c) of the Liquor Code.
- (1988, P.L.1262, No.156, § 702)

### Section 703. Local option.

\* \* \*  
(d) Applicability.--This act [the Local Option Small Games of Chance Act] applies only to those eligible organizations located in municipalities which have adopted the provisions of this

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act by an affirmative vote in a municipal referendum in accordance with the provisions of this section.

\* \* \*

(1988, P.L.1262, No.156, § 703)

### **Section 704. Advertising.**

It shall be unlawful for any eligible organization or person to advertise the prizes or their dollar value to be awarded in games of chance, provided that prizes may be identified on raffle tickets. Notwithstanding the prohibition of advertising contained within this section, an eligible organization may advertise prizes and values thereof in periodic publications which are limited in their circulation to members of the eligible organization.

(1988, P.L.1262, No.156, § 704)

### **Section 706. Civil penalties.**

(a) Penalty.--An eligible organization, other than a club licensee, that violates the provisions of this act [the Local Option Small Games of Chance Act] shall be subject to the following civil penalties:

- (1) For an initial violation, up to \$500.
- (2) For a second violation, up to \$1,000.
- (3) For a third or subsequent violation, up to \$1,500.

\* \* \*

(1988, P.L.1262, No.156, § 706)

### **Section 707. Criminal penalties.**

(a) Eligible organizations and club licensees.--Any eligible organization violating the provisions of this act [the Local Option Small Games of Chance Act] shall be guilty of a summary offense and, upon conviction thereof, shall be sentenced to pay a fine not exceeding \$1,000 for a first offense and \$1,500 for a subsequent offense. In addition:

- (1) For a first offense, the eligible organization shall forfeit the license to conduct games of chance issued to the eligible organization for a period of not more than 30 days.
- (2) For a second offense, the eligible organization shall forfeit its license for a period of not less than 30 days nor more than 180 days.
- (3) For a third or subsequent offense within three years of the first offense, the eligible organization shall forfeit its license and be ineligible for a license renewal for 30 months thereafter.

\* \* \*

(1988, P.L.1262, No.156, § 707)

### **Section 2. Definitions [relating to telemarketer registration].**

The following words and phrases when used in this act [the Telemarketer Registration Act] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

\* \* \*

"Telephone solicitation call." A call made to a residential, business or wireless telephone subscriber for the purpose of soliciting the sale of any consumer goods or services or for the purpose of obtaining information that will or may be used for the direct solicitation of a sale of consumer goods or services or an extension of credit for that purpose. The term does not include a call made to a residential, business or wireless telephone consumer:

- (1) In response to an express request of the residential, business or wireless telephone consumer.
- (2) In reference to an existing debt, contract, payment or performance.
- (3) With whom the telemarketer has an established business relationship within the past 12 months preceding the call.
- (4) On behalf of an organization granted tax-exempt status under section 501(c)(3),
- (5) or (8) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.)

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or a veterans organization chartered by the Congress of the United States and or its duly appointed foundation.

(5) On behalf of a political candidate or a political party.  
(1996, P.L.911, No.147, § 2)

### Section 3. Definitions.

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

\* \* \*

"Public interest purpose." One or more of the following:

\* \* \*

(7) Activities conducted by a veterans organization, including:

(i) Scholarships.

(ii) Services to economically or socially support veterans.

(iii) Activities to honor veterans.

(iv) Other activities that qualify under paragraphs (1), (2), (3), (4), (5) and (6).

The term does not include the erection or acquisition of real property, unless the property will be used exclusively for one or more of the purposes specified in this definition.

(2019, P.L.366, No.56, § 3)

### Section 4. Athletic event drawing.

\* \* \*

(e) Distribution.--The prize amount of an athletic event drawing shall be 50% of the total amount collected from the sale of athletic event drawing tickets. Except as provided under subsection (f), the other 50% of the total amount collected from the sale of athletic event drawing tickets shall be donated within seven days from the date of the drawing by the affiliated nonprofit organization conducting the athletic event drawing to one or more designated charitable organizations for which the drawing was conducted and shall be used exclusively for public interest purposes.

\* \* \*

(h) Eligibility.--

\* \* \*

(3) An institution of higher education that is qualified for an exemption under section 501(c)(3) of the Internal Revenue Code of 1986 and meets the eligibility requirements under paragraph (1)(i) may conduct an athletic event drawing as the affiliated nonprofit organization and may receive the proceeds therefrom as the designated charitable organization at any home game or charitable event of any of its own collegiate athletic teams provided that the proceeds are used exclusively for public interest purposes or for purposes permitted under subsection (f).

(4) Notwithstanding paragraph (1)(ii), an institution of higher education that is qualified for an exemption under section 115 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 115) and meets the eligibility requirements under paragraph (1)(i) may conduct an athletic event drawing as the affiliated nonprofit organization and may receive the proceeds therefrom as the designated charitable organization at any home game or charitable event of any of its own collegiate athletic teams, provided that the proceeds are used exclusively for public interest purposes or for purposes permitted under subsection (f).

\* \* \*

(2019, P.L.366, No.56, § 4)

### § 6510. Exemptions [relating to food employee certification].

(a) Prepackaged food.--

(1) Retail food facilities where only commercially prepackaged food is handled and sold are exempt from this chapter [3 Pa.C.S. Ch.65 (relating to food employee certification)].

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(2) Retail food facilities that handle and sell food other than commercially prepackaged food are exempt from this chapter during time periods or work shifts when only commercially prepackaged food is sold.

(b) Nonpotentially hazardous food.--

(1) Retail food facilities that handle only nonpotentially hazardous food are exempt from this chapter.

(2) Retail food facilities that handle and sell potentially hazardous food are exempt from this chapter during time periods or work shifts when only nonpotentially hazardous food is handled and sold.

(c) Food establishments.--Food establishments are exempt from this chapter.

(d) Exempt retail food facilities.--Except as set forth in section 6504(c)(2) (relating to certification of employees), the following retail food facilities are exempt from this chapter:

\* \* \*

(2) A retail food facility managed on a not-for-profit basis by an organization which is a volunteer fire company or an ambulance, religious, charitable, fraternal, veterans, civic, agricultural fair or agricultural association or any separately chartered auxiliary of any of the above associations.

\* \* \*

(3 Pa.C.S. § 6510)

### § 6305. Sale of tobacco products.

\* \* \*

(a.1) Purchase.--A minor is guilty of a summary offense if the minor:

\* \* \*

(2) knowingly falsely represents himself to be at least 21 years of age or if the minor is a member of the active or reserve components of any branch or unit of the armed forces of the United States or a veteran who received an honorable discharge from any branch or unit of the active or reserve components of the armed forces of the United States, at least 18 years of age to a person for the purpose of purchasing or receiving a tobacco product.

\* \* \*

(f) Exceptions.--

(1) The following affirmative defense is available:

(i) It is an affirmative defense for a retailer to an offense under subsection (a) (1) and (2) that, prior to the date of the alleged violation, the retailer has complied with all of the following:

\* \* \*

(D) trained all employees selling tobacco products to verify that the purchaser is at least 21 years of age or if the minor is a member of the active or reserve components of any branch or unit of the armed forces of the United States or a veteran who received an honorable discharge from any branch or unit of the active or reserve components of the armed forces of the United States, at least 18 years of age before selling tobacco products;

\* \* \*

(k) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

\* \* \*

"Minor." As follows:

(1) Except as provided under paragraph (2), an individual under 21 years of age.

(2) A member of the active or reserve components of any branch or unit of the armed forces of the United States under 18 years of age or a veteran who received an honorable discharge from any branch or unit of the active or reserve components of the armed forces of the United States under 18 years of age.

\* \* \*

(18 Pa.C.S. § 6305)

### Chapter 3. Miscellaneous Provisions



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### **Section 1727-L. [Appropriations for] Department of Labor and Industry.**

The following apply to appropriations to the Department of Labor and Industry:

(1) From money appropriated to the Department of Labor and Industry for Industry Partnerships:

(i) No less than the amount allocated in the 2014-2015 fiscal year shall be used for a work force development program that links veterans with employment in a home rule county that was formerly a county of the second class A.

\* \* \*

(1929, P.L.343, No.176, § 1727-L)

### **Section 1729-L. [Appropriations for] Department of Human Services.**

The following apply to appropriations for the Department of Human Services:

(1) From money appropriated for mental health services or from Federal money, \$580,000 shall be used for the following:

\* \* \*

(ii) The expansion of the existing web portals, including services and resources for military veterans and their families, including comprehensive referral services for transitional, temporary and permanent housing, job placement and career counseling and other services for military veterans returning to civilian life.

\* \* \*

(1929, P.L.343, No.176, § 1729-L)

### **Section 6. Exemptions from registration [relating to solicitation of funds for charitable purposes].**

(a) General rule.--The following charitable organizations shall be exempt from the registration requirements of this act [the Solicitation of Funds for Charitable Purposes Act]:

\* \* \*

(3) A local post, camp, chapter or similarly designated element or a county unit of such elements of:

(i) any veterans' organization chartered under Federal law and any service foundation recognized in the bylaws of such organization;

\* \* \*

(1990, P.L.1200, No.202, § 6)

### **§ 29A11. Appropriations to organizations and American Gold Star Mothers, Inc.**

(a) Appropriation.--

(1) The [borough] council may appropriate annually money to aid in defraying the expenses of Memorial Day, Veterans' Day or a similar day provided for by Federal or State law.

(2) The appropriation shall be divided in amounts as council deems proper to:

(i) an organization composed of veterans of a war in which the United States was engaged; and

(ii) American Gold Star Mothers, Inc.

(3) The money shall be appropriated to defray actual expenses only.

(b) Payment.--Before payment is made, the organization receiving the appropriation must submit verified accounts of its expenditures.

(8 Pa.C.S. § 29A11)

### **§ 144A00. Definitions [relating to veterans in Third Class City Code].**

The following words and phrases when used in this subchapter [11 Pa.C.S. Ch.144A Subch. A (relating to support of veterans' organizations)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Veterans' organization." An incorporated organization of veterans of the armed forces of the United States or an organization comprising veterans' parents or children.

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(11 Pa.C.S. § 144A00)

### **§ 144A01. Appropriations to veterans' organizations.**

(a) Annual appropriation.--Council may make annual appropriations to veterans' organizations to aid in defraying the following expenses:

- (1) Expenses relating to Memorial Day and Veterans Day.
- (2) Other expenses, such as payment of rent of any building or rooms where the organization has its regular meetings.

(b) Requirements.--Payments shall be made to defray actual expenses only. Before any payment is made, the veterans' organization receiving the payment shall submit verified accounts of its expenditures.

(11 Pa.C.S. § 144A01)

### **§ 402. Establishment and membership [of Pennsylvania Military Community Enhancement Commission].**

(a) Establishment.--The commission is hereby established within the department.

(b) Membership.--The commission shall be comprised of not more than 17 members as follows:

\* \* \*

(6) Up to 12 members appointed by the Governor as follows:

(i) One member shall have experience at the senior level of the military, such as an active duty retired one-star, two-star, three-star or four-star military officer, shall be familiar with the operations represented by the installations and organizations stationed in this Commonwealth and shall be a resident of this Commonwealth. The member shall serve as chairperson in the absence of the chairperson elected by a majority of the members.

(ii) At least ten members shall be representatives of the military installations or organizations stationed in this Commonwealth and shall have knowledge of the mission and operations of the installation or organization that they represent.

(iii) One member shall be an expert in the field of economic development and shall be knowledgeable in the missions and operations of the military in their respective regions of this Commonwealth.

\* \* \*

(e) Membership terms.--

(1) Members shall be appointed by the Governor under subsection (b)(6) for a term of three years and serve until their respective successors are appointed. Members shall be appointed under subsection (b)(2), (3), (4) and (5) for a term of two years and serve until their respective successors are appointed. The Lieutenant Governor shall serve for a term of four years. A member may be reappointed for additional terms. Members appointed by the Governor shall serve at the pleasure of the Governor.

(2) If a vacancy occurs on the commission, a successor shall be appointed in the same manner as the predecessor.

(3) A member who is absent from two consecutive meetings of the commission without a reasonable excuse, as determined by the chairperson, shall forfeit membership on the commission.

(4) Members shall not receive compensation for their services, but shall receive reimbursement for their necessary and proper expenses related to their duties on the commission.

(12 Pa.C.S. § 402)

### **§ 8332.1. Manager, coach, umpire or referee and nonprofit association negligence standard.**

(a) General rule.--Except as provided otherwise in this section, no person who, without compensation and as a volunteer, renders services as a manager, coach, instructor, umpire or referee or who, without compensation and as a volunteer, assists a manager, coach, instructor,

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umpire or referee in a sports program of a nonprofit association, and no nonprofit association, or any officer or employee thereof, conducting or sponsoring a sports program, shall be liable to any person for any civil damages as a result of any acts or omissions in rendering such services or in conducting or sponsoring such sports program, unless the conduct of such person or nonprofit association falls substantially below the standards generally practiced and accepted in like circumstances by similar persons or similar nonprofit associations rendering such services or conducting or sponsoring such sports programs, and unless it is shown that such person or nonprofit association did an act or omitted the doing of an act which such person or nonprofit association was under a recognized duty to another to do, knowing or having reason to know that such act or omission created a substantial risk of actual harm to the person or property of another. It shall be insufficient to impose liability to establish only that the conduct of such person or nonprofit association fell below ordinary standards of care.

(b) Exceptions.--

(1) Nothing in this section shall be construed as affecting or modifying the liability of such person or nonprofit association for any of the following:

(i) Acts or omissions relating to the transportation of participants in a sports program or others to or from a game, event or practice.

(ii) Acts or omissions relating to the care and maintenance of real estate unrelated to the practice or playing areas which such persons or nonprofit associations own, possess or control.

(2) Nothing in this section shall be construed as affecting or modifying any existing legal basis for determining the liability, or any defense thereto, of any person not covered by the standard of negligence established by this section.

(c) Assumption of risk or contributory fault.--Nothing in this section shall be construed as affecting or modifying the doctrine of assumption of risk or contributory fault on the part of the participant.

(d) Definitions.--As used in this section the following words and phrases shall have the meanings given to them in this subsection:

"Compensation." The term shall not include reimbursement for reasonable expenses actually incurred or to be incurred or, solely in the case of umpires or referees, a modest honorarium.

"Nonprofit association." An entity which is organized as a nonprofit corporation or nonprofit unincorporated association under the laws of this Commonwealth or the United States or any entity which is authorized to do business in this Commonwealth as a nonprofit corporation or unincorporated association under the laws of this Commonwealth, including, but not limited to, youth or athletic associations, volunteer fire, ambulance, religious, charitable, fraternal, veterans, civic, county fair or agricultural associations, or any separately chartered auxiliary of the foregoing, if organized and operated on a nonprofit basis.

"Sports program." Baseball (including softball), football, basketball, soccer and any other competitive sport formally recognized as a sport by the United States Olympic Committee as specified by and under the jurisdiction of the Amateur Sports Act of 1978 (Public Law 95-606, 36 U.S.C. § 371 et seq.), the Amateur Athletic Union or the National Collegiate Athletic Association. The term shall be limited to a program or that portion of a program that is organized for recreational purposes and whose activities are substantially for such purposes and which is primarily for participants who are 18 years of age or younger or whose 19th birthday occurs during the year of participation or the competitive season, whichever is longer. There shall, however, be no age limitation for programs operated for the physically handicapped or mentally retarded.

(42 Pa.C.S. § 8332.1)

### § 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

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(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.

(51 Pa.C.S. § 9301)

### **§ 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.

(51 Pa.C.S. § 9302)

### **§ 9303. Charitable status of certain veterans' organizations.**

(a) General rule.--Notwithstanding any other law to the contrary, any branch, post or camp of honorably discharged servicemen or servicewomen or an affiliated organization thereof shall be:

(1) Exempt from sales and use taxes imposed under Article II of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, for all purchases used for benevolent, charitable or patriotic purposes.

(2) Exempt from any real property taxes for that portion of the real property that is actually and regularly used for benevolent, charitable or patriotic purposes.

(b) Definition.--As used in this section, the term "affiliated organization" means an affiliated organization as defined in section 461.1(b) of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code.

(51 Pa.C.S. § 9303)

### **§ 9304. Grants to veterans' service officer programs.**

(a) Award allocations.--From funds specifically appropriated for this purpose, the department [of Military and Veterans Affairs] shall award grants to designated veterans' service organizations to support veterans' service officer programs. Grants awarded under this section shall be used solely to support accredited veterans' service officers and the associated costs, including:

(1) Wages, benefits, other compensation and related personnel costs.

(2) Training provided by accredited veterans' service advocacy staff.

(3) Equipment to be used by accredited veterans' service officer staff.

(b) Program goals.--The goals of the program shall include:

(1) improvement of the coordination and distribution of veterans' benefits;

(2) maximization of the effective and efficient use of taxpayer dollars; and

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- (3) increasing veterans' participation in available benefits programs.
- (c) Use of grants.--A designated veterans' service organization shall use grants received under this section to improve the administration and delivery of services to Pennsylvania's veterans and meet the goals set forth in subsection (b) by:
- (1) Increasing interaction between the veterans' service organizations and the United States Department of Veterans Affairs in order to enhance the delivery of services to Pennsylvania veterans.
  - (2) Increasing the number of initial claims filed with the United States Department of Veterans Affairs on behalf of Pennsylvania veterans for service-related disabilities or pension benefits.
  - (3) Developing methods to increase rates of recovery paid by the United States Department of Veterans Affairs to Pennsylvania veterans.
  - (4) Expanding training opportunities for designated veterans' service organizations and veterans' service officers.
  - (5) Increasing either the number or percentage of Pennsylvania veterans enrolled in the Department of Veterans Affairs health care system.
  - (6) Improving coordination among the veterans' service organizations and with the department to assure an integrated approach to claims processing.
  - (7) Improving outreach services to veterans throughout Pennsylvania and each of its counties.
- (d) Eligibility.--The following veterans' service organizations are designated to receive grants under this program:
- (1) The American Legion.
  - (2) AMVETS.
  - (3) Veterans of Foreign Wars of the United States.
  - (4) Disabled American Veterans.
  - (5) The department may designate additional Pennsylvania veterans' service organizations to receive grants under the program when:
    - (i) The veterans' service organization is a member of the State Veterans' Commission as listed in section 1702(b) (relating to State Veterans' Commission).
    - (ii) The veterans' service organization serves as an active participant in the State Veterans' Commission abiding by the statutory rules and guidelines.
- (e) Application for allocations.--Veterans' service organizations eligible for funding under subsection (c) shall submit an annual spending plan to the department in order to be eligible to receive a grant under this section consistent with the provisions of subsections (b) and (c).
- (f) Amount of grants.--The department shall determine the annual allocation to each of the designated veterans' service organizations based on the spending plan submitted under subsection (e) for the upcoming fiscal year and on actual recoveries from the previous fiscal year. If the total appropriation totals less than the collective spending plans, the department shall prorate the allocations among eligible organizations based on the spending plan and past performance.
- (g) Procedures, policies and guidelines.--The department shall establish procedures, policies, guidelines, forms and reporting requirements necessary to carry out the purposes of this program within 45 days of the effective date of this section. Procedures, policies, guidelines, forms and reporting requirements established under this section shall be submitted to the Veterans Affairs and Emergency Preparedness Committee of the Senate and the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives for their review and comment.
- (h) Reporting requirements.--On or before October 1 of each year, designated veterans' service organizations participating in the program established by this section shall file a written report with the Adjutant General and the Deputy Adjutant General for Veterans' Affairs and send copies to the chairman and minority chairman of the Veterans Affairs and Emergency Preparedness Committee of the Senate and the chairman and minority chairman of the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives and State Veterans' Commission. The report shall contain the following information:

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(1) A description of all veterans' service officer activities, an accounting of recoveries and a listing of volunteer hours for the preceding Commonwealth fiscal year.

(2) A proposed budget and spending plan for the Commonwealth fiscal year beginning on July 1 of the year following the filing of the report.

(3) An accounting of its expenditures from grants awarded under this program, audited by a certified public accountant for the preceding Commonwealth fiscal year.

(i) Review of reports.--The Veterans Affairs and Emergency Preparedness Committee of the Senate and the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives shall review the reports filed by the participating veterans' service organizations.

(j) Audits.--The department or the Auditor General may conduct such audits and reviews of the grant program hereby established as the department or the Auditor General determines to be necessary or appropriate. Copies of all audit reports or reviews conducted by the department or the Auditor General shall be made available to the chairman and minority chairman of the Veterans Affairs and Emergency Preparedness Committee of the Senate and the chairman and minority chairman of the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives.

(51 Pa.C.S. § 9304)

### **§ 9810. Report [on National Guard Youth Challenge Program].**

The department [of Military and Veterans Affairs] shall submit annually to the chairperson and minority chairperson of the Education Committee of the Senate, the chairperson and minority chairperson of the Veterans Affairs and Emergency Preparedness Committee of the Senate, the chairperson and minority chairperson of the Education Committee of the House of Representatives and the chairperson and minority chairperson of the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives a written report concerning the program. The report shall include, but not be limited to, all of the following:

(1) The number of individuals who applied to the program in the previous fiscal year.

(2) The number of individuals who participated in the program in the previous fiscal year.

(3) The number and percentage of program participants in the previous fiscal year who achieved each of the following:

(i) Earned a high school diploma or its equivalent.

(ii) Enrolled in a course of study at an institution of higher education.

(iii) Accepted a position of full-time, paid employment.

(iv) Accepted a position of part-time, paid employment.

(v) Entered the armed forces of the United States, including a reserve component or the National Guard.

(4) The demographic makeup of the applicants to, and participants in, the program, including, but not limited to, the following:

(i) Race.

(ii) Age.

(iii) Gender.

(5) Any information the department provides to the Secretary of Defense under 32 U.S.C. § 509(k) (relating to National Guard Youth Challenge Program of opportunities for civilian youth).

(51 Pa.C.S. § 9810)

### **§ 9811. Audit [of National Guard Youth Challenge Program] required.**

The department [of Military and Veterans Affairs] shall undergo an annual audit of the program. The audit shall be conducted by a qualified independent certified public accountant under generally accepted audit standards of the Governmental Accounting Standards Board. The audit shall be submitted to the following:

(1) The chairperson and minority chairperson of the Education Committee of the Senate.

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(2) The chairperson and minority chairperson of the Veterans Affairs and Emergency Preparedness Committee of the Senate.

(3) The chairperson and minority chairperson of the Education Committee of the House of Representatives.

(4) The chairperson and minority chairperson of the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives.

(51 Pa.C.S. § 9811)

### **§ 1301. Definitions [relating to insignia].**

The following words and phrases when used in this chapter [54 Pa.C.S. Ch.13 (relating to insignia)] shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Insignia." The name, badge, motto, button, decoration, charm, emblem, rosette, label or other insignia of an organization.

\* \* \*

"Organization." The Pennsylvania State Police or any association, lodge, order, fraternal society, beneficial association, or fraternal and beneficial society or association, historical, military or veterans' organization, labor union, foundation, federation, or any other society, organization or association, or any degree, branch, subordinate lodge or auxiliary thereof, whether incorporated or unincorporated, the principles and activities of which are not repugnant to the Constitution and laws of the United States or of this Commonwealth.

(54 Pa.C.S. § 1301)

## **PART VI. COMMEMORATION**

### **Chapter 1. Memorial Halls**

**Section 1. [Erection of veterans memorial hall in Allegheny County]** Be it enacted, &c., That upon presentation of a petition, signed by fifty citizens of Allegheny county, to the court of quarter sessions of said county, praying for the erection and maintenance of a memorial hall at the county seat of said county, at the cost of the county of Allegheny, in honor of the soldiers, sailors and marines from Allegheny county who served in the Army and Navy of the United States in the war for the suppression of the rebellion, said court shall refer said petition to the grand jury; and if said petition shall be approved by two successive grand juries of said county and said court, it shall be the duty of the county commissioners of said county to certify the same to the sheriff, who shall give public notice by proclamation, once a day for ten successive days, by advertisement in three newspapers published in said county, that at the next general election the erection of a memorial hall, in honor of the soldiers, sailors, and marines from said county, who served in the Army and Navy of the United States in the war for the suppression of the rebellion, will be submitted to the qualified voters of Allegheny county for their approval or disapproval, under the provisions of the laws of this State relating to general elections.

(1905, P.L.140, No.106, § 1)

**Section 6. [Veterans memorial hall in Allegheny County]** Said memorial hall shall be in honor of the soldiers, sailors and marines from Allegheny County, who served in the army and navy of the United States in the war for the suppression of the rebellion. It shall contain one large assembly hall, or auditorium, for public meetings of the soldiers, sailors, and marines of Allegheny County, but which may be used for other public meetings. It shall also contain rooms for meetings of the posts of the Grand Army of the Republic, encampments of the Union Veteran Legion, commanderies of the Loyal Legion, and kindred patriotic organizations. It shall also contain rooms and places for the proper display and preservation of relics and trophies of the war for the suppression of the rebellion; flags, histories, rosters, and records of the Grand Army posts, encampments of the Union Veteran Legion, commanderies of the Loyal Legion; regimental and company histories, photographs, paintings and portraits, busts and statues, of

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soldiers, sailors, and marines of Allegheny County; and mural tablets, upon which shall be inscribed the names of the soldiers, sailors, and marines of Allegheny County who served in the war for the suppression of the rebellion. A committee of ten, with power to fill vacancies, shall be selected by the survivors of the war for the suppression of the rebellion, residing in Allegheny County. The president judge of the court of common pleas, the judge next oldest in commission in said court, and the three county commissioners of said county, shall, ex officio, be members of the committee who, together, shall constitute a board of managers. The board of managers thus constituted shall annually select from their number a president, a secretary, and such other officers as may be necessary--but no member shall receive any compensation, except the secretary--but shall be allowed the necessary expenses incurred in the performance of their duty. The board shall select the superintendent, and the necessary employes, the number and salaries to be fixed by the salary board of the county. The board of managers shall have full power to maintain, operate, and rent Memorial Hall and the grounds, for purposes not inconsistent with the memorial character of the building, and shall determine what supplies, materials, decorations, or improvements are required in the building and grounds, and the design and character thereof; and, when so determined by the board, the president and secretary shall certify the same to the county commissioners, together with designs, plans, and estimates of the cost of any proposed improvement or decoration. The county commissioners shall, thereupon, make all contracts for supplies, materials, decorations, or improvements, in the manner now provided by law. The board shall make a detailed report at the close of each fiscal year, to the commissioners and controller, in the form prescribed by them; and, at least thirty days prior to the beginning of each fiscal year, submit to the county commissioners a detailed estimate of the amount of money which will be required by them for the coming year; and, should the board of managers and the county commissioners differ in their judgment as to the amount of money required, the estimates shall be submitted by the board of managers to the court of common pleas of the county, which court, after investigation, shall certify the amount to be allowed; and its decision shall be final, and no expense shall be incurred in excess of these amounts without the consent of the county commissioners: Provided, however, That any improvement or decoration requiring an expenditure of over five thousand dollars (\$5,000) must receive the approval of the grand jury and the court of quarter sessions of the county before such improvement shall be made. The president and secretary, upon direction of the board, shall issue certificates for all moneys to be paid, which certificates shall be changeable at the office of the county commissioners for such forms of warrant as may be in use for the distribution of county funds for general county purposes; and all moneys so expended shall be paid and accounted for in the same manner as moneys expended for general county purposes, and any moneys realized by the board shall be paid into the county treasury and become a part of the general county fund.

(1905, P.L.140, No.106, § 6)

**Section 1. [Referendum for erection of county veterans memorial halls]** Be it enacted, &c., That in any county of the Commonwealth, where the petition of at least fifty citizens thereof to the county commissioners of any county for the erection or completion and maintenance of a memorial or monument in honor of the soldiers, sailors, or marines for such county, who served in the Army and Navy of the United States in the War of the Rebellion, the Spanish-American War, the Philippine Insurrection, the War with Germany and Austria, and all other wars in which the United States has been or may hereafter be engaged, has been or may be laid before two successive grand juries and approved by them, it shall be the duty of the county commissioners to submit the question of the erection of a memorial hall to the electors of the county at the next general or municipal election; and, if a majority of the votes cast on the question of the erection of a memorial hall shall be in favor of the same, it shall be the duty of the county commissioners to erect, at the county seat, a memorial hall as such memorial or monument, and for such purpose to acquire by purchase, donation, or by condemnation under the right of eminent domain, the necessary site, and to erect and maintain thereon a suitable and proper memorial hall or buildings in memory of the soldiers, sailors, and marines of such wars. In case said election shall result adversely and a second petition shall be presented, the same shall be



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laid before two successive grand juries, and, if approved, then it shall be the duty of the county commissioners to again, in like manner, submit the question to vote at the next general or municipal election; and, if the result shall be favorable, then it shall be the duty of the county commissioners to erect such hall at such place in the county as shall have been designated, upon the ballot, in the question submitted to the electors. All proceedings for the condemnation of any property under the provisions of this act [the act of March 17, 1921, P.L.32, No.15] shall be in the same manner as now provided by law for the condemnation of property for other county purposes.

If the site so secured has a hall or building already erected thereon which can be altered and improved so as to be made suitable for such memorial hall, it shall be lawful for such county commissioners to acquire such site in manner aforesaid for the purpose of a memorial hall.

(1921, P.L.32, No.15, § 1)

**Section 2. [Contributions for county memorial halls]** For the purpose of aiding in paying the purchase money and price for the site and erection and construction of such memorial hall, voluntary donations and contributions may be accepted by the county commissioners from individuals, associations and organizations.

(1921, P.L.32, No.15, § 2)

**Section 3. [Tax for county memorial halls]** The county commissioners of said county may, and are authorized hereby to, levy a special tax, to an amount sufficient to pay for the ground purchased or condemned and the erection thereon of said memorial hall, within the period of ten years from the erection thereof. Such tax shall be levied and collected from all taxable persons and property of the county, and the rate of such tax shall not exceed two mills on the property taxable for county purposes in any one year. Such memorial hall shall be and remain the property of, and shall be maintained at the expense of, the county. The county commissioners may borrow moneys or issue bonds for the purchase and construction above mentioned; the said loans or bonds to be paid within or at the expiration of the tax period above prescribed.

(1921, P.L.32, No.15, § 3)

**Section 4. [County memorial halls]** Such memorial hall shall be in honor of the soldiers, sailors, and marines from said county, who served in the Army or Navy of the United States in the War of the Rebellion, the Spanish-American War, the Philippine Insurrection, the War with Germany and Austria, and all other wars in which the United States has been or may hereafter be engaged. Such memorial halls shall each contain one large assembly room or auditorium for public meetings of the soldiers, sailors, and marines of such county, which may be used also for other public meetings and patriotic gatherings by the consent of the board of control herein provided for. Such memorial hall shall also contain rooms for meetings of posts of the Grand Army of the Republic, encampments of the Union Veteran Legion, commanderies of the Loyal Legion, camps of Sons of Veterans, Women's Relief Corps, Ladies of the Grand Army of the Republic, chapters of the Daughters of the Revolution, organizations of the Spanish-American War and Philippine Insurrection, the Veterans of Foreign Wars, the American Legion, the Italian American War Veterans of the United States, Incorporated, and organizations of veterans of all other wars in which the United States has been or may be engaged, and also rooms for the county historical society and for such committees of public defense and welfare as may be created by the State or as may be approved by the board of control hereinafter provided for. Such memorial halls shall also provide room for the display and preservation of relics and trophies of all wars in which the United States has been or may be engaged, photographs, paintings, and portraits, busts, and statues of the soldiers, sailors, and marines of the said counties, and mural tablets, upon which shall be inscribed the names of such soldiers, sailors, and marines. Such memorial halls shall also contain waiting and rest rooms with lavatories attached.

(1921, P.L.32, No.15, § 4)

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**Section 5. [Rooms for county historical societies in memorial halls]** The room for the county historical society shall be made as nearly fireproof as possible, and be provided with the proper files and furnishing for preservation and storing of all historical data of the said county with reference to any and all subjects.

(1921, P.L.32, No.15, § 5)

**Section 6. [Board of county memorial halls]** A board of control is hereby created, which shall have charge of all matters relating to such memorial hall, and shall have the care thereof. The board shall be composed of three members chosen by members of the Grand Army of the Republic, three members chosen by members of Spanish-American War Veterans, three members to be chosen by members of the Veterans of Foreign Wars, three members to be chosen by Italian American War Veterans of the United States, Incorporated, and three members to be chosen by members of the American Legion. The judges of the court of common pleas and the county commissioners shall be ex officio members of the board of control. The selected members of the board shall serve one year, when their successors shall be selected. Vacancies occurring shall be filled by the board for the unexpired term.

(1921, P.L.32, No.15, § 6)

**Section 7. [Flagstaffs at county memorial halls]** A suitable flagstaff shall be erected upon said memorial hall, from which shall be displayed the flag of the United States from sunrise to sunset on each and every day of the year.

(1921, P.L.32, No.15, § 7)

**Section 8. [Memorial halls in first class counties]** That in counties of the first class of this Commonwealth, the expenditures of which are defrayed from the funds of any city within such counties by appropriation of the council of such city, all the powers, duties, and obligations with respect to this act [the act of March 17, 1921, P.L.32, No.15] and hereinbefore required or authorized to be performed or exercised by the county commissioners and board of control shall devolve upon and be exercised and performed by such city by and through its council and its appropriate executive officials in accordance with their respective duties and functions: Provided, That this section shall not invalidate any action or proceeding heretofore had or taken in such counties for the carrying out of the provisions of this act.

(1921, P.L.32, No.15, § 8)

**Section 2562. Plan of Hall [in Second Class Counties]; Special Rooms to be Provided.**--(a) The memorial hall shall be in honor of the soldiers, sailors and marines from the county who served in the Army and Navy of the United States in any war in which the United States has been or may hereafter be engaged. Such memorial halls shall each contain one large assembly room or auditorium for public meetings of the soldiers, sailors and marines of such county, which may be used also for other public meetings and patriotic gatherings by the consent of the board of control herein provided for.

(b) Such memorial hall shall also contain rooms for meetings of posts of the Grand Army of the Republic, encampments of the Union Veterans Legion, commanderies of the Loyal Legion, camps of the Sons of Veterans, Women's Relief Corps, Ladies of the Grand Army of the Republic, chapters of the Daughters of the Revolution, organizations of the Spanish-American War and Philippine insurrection, the American Legion, Veterans of Foreign Wars, and organizations of veterans of all other wars in which the United States has or may be engaged, and also rooms for such committees of public defense and welfare as may be created by the State, or as may be approved by the board of control hereinafter provided for.

(c) Such memorial halls shall also provide room for the display and preservation of relics and trophies of all wars in which the United States has been or may be engaged, photographs, paintings and portraits, busts and statues of the soldiers, sailors and marines of the county, and mural tablets upon which shall be inscribed the names of such soldiers, sailors and marines. Such memorial halls shall also contain waiting and rest rooms with lavatories attached.

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(1953, P.L.723, No.230, § 2562)

**Section 2563. Historical Society Room to be Made Fireproof.**--The room for the county historical society shall be made as nearly fireproof as possible, and be provided with the proper files and furnishings for preservation and storing of all historical data of the said county with reference to any and all subjects.

(1953, P.L.723, No.230, § 2563)

**Section 2564. Board of Managers.**--When heretofore there has been erected in the county a hall as a memorial to the soldiers of any war or wars in which the United States of America was engaged and such hall has been and is maintained by said county under authority of existing laws, such hall shall hereafter be under the control and management of a board of managers. The personnel of such board, the method of selection of the members thereof, and the extent of its authority shall be as hereinafter provided.

(1953, P.L.723, No.230, § 2564)

**Section 2565. Personnel.**--The board of managers shall consist of:

(a) Ex-officio members (five): the president judge of the court of common pleas of such county; the judge of said court next oldest in commission; the county commissioners of the county.

(b) Elective members (twenty-three): the elective members shall be filled by the following veterans' organizations out of their membership: (four) by the county organization of the American Legion; (four) by the county organization of the Veterans of Foreign Wars; (three) by the county organizations of the Italian American War Veterans of the United States, Incorporated; (two) by the county organization of the Disabled American Veterans; (ten: one each) by the county organizations of Vietnam Veterans, Incorporated, the American Veterans of World War II, the Jewish War Veterans, the Catholic War Veterans, the Military Order of the Purple Heart, the Paralyzed Veterans of America, the Korean War Veterans Association, the Black Vietnam Veterans Association, the WAVES National Organization and the Military Order of World Wars; within thirty days from the date when this act [the Second Class County Code] becomes effective; and they shall certify such election to the secretary of the existing board, whereupon the persons so elected shall be members of the board.

(c) Additional members: the board may extend its membership by adding one member for each group approved under section 2566.

(1953, P.L.723, No.230, § 2565)

**Section 2566. Vacancies.**--Vacancies occurring among the elective members of the board [of managers] shall be filled by the organization which chose the members whose place it is desired to fill: Provided, however, That whenever it may appear that it is impossible to fill any vacancy in the board caused by the death or resignation of a member thereof because no organization survives to choose such members or no person survives who can qualify for such membership, vacancies so created and existing shall, upon notice from the secretary, be filled by the county organizations of the American Legion and the Veterans of Foreign Wars and the Italian American War Veterans of the United States, Incorporated. That is to say, the first vacancy so caused shall be filled by the county organization of the American Legion, and the second by the county organization of the Veterans of Foreign Wars, and the third by the Italian American War Veterans of the United States, Incorporated, and so on in rotation. If there is a loss of membership on the board or if an additional veterans' group seeks membership on the board, the General Assembly shall consider any veterans' group which applies in writing for membership. The General Assembly may admit a group to membership if all of the following apply:

(1) The group is a chartered non-profit veterans' organization whose goals are relevant to the representation of veterans' organizations and whose membership consists solely of honorably discharged veterans of the armed forces of the United States and all components of the armed forces, including reserve and Pennsylvania National Guard forces.

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(2) The group supports and promotes the Constitution of the United States and policies and laws of the United States and this Commonwealth.  
(1953, P.L.723, No.230, § 2566)

**Section 2567. Organization; Powers and Duties of Board [of Managers].**--The organization of the board and its powers and duties and the powers and the duties of the county commissioners and the various courts of the county with respect to such memorial hall and the provisions for the maintenance and repair of such hall shall be and continue as provided under existing law.  
(1953, P.L.723, No.230, § 2567)

**Section 2568. Purpose of Hall.**--Said memorial hall shall be in memory of the soldiers, sailors and marines from such county who served in the Civil War. It shall also contain one large assembly hall or auditorium for public meetings of the soldiers, sailors and marines of such county, but which may be used for civic purposes or other public meetings. It shall also contain rooms for meetings of the posts of the Grand Army of the Republic, encampments of the Union Veterans Legion, commanderies of the Loyal Legion, posts of United Spanish War Veterans, posts of the American Legion, posts of the Veterans of Foreign Wars, posts of the Italian American War Veterans of the United States, Incorporated, and kindred patriotic organizations. It shall also contain rooms and places for the proper display and preservation of relics and trophies of all such wars, insurrections and expeditions, flags, histories, rosters and records of all such patriotic organizations, regimental and company histories, photographs, paintings and portraits, busts and statues of soldiers, sailors and marines of such county, and mural tablets upon which may be inscribed the names of the soldiers, sailors and marines of such county who served in any such wars, insurrections and expeditions.  
(1953, P.L.723, No.230, § 2568)

**Section 2570. Purchase or Condemnation of Additional Land; Equipment, Furnishing and Decorating.**--In any county in which there has been or may hereafter be erected a memorial hall in honor of the soldiers, sailors or marines from such county who served in any war in which the United States has been or may be hereafter engaged, upon petition of at least fifty (50) citizens to the court of quarter sessions setting forth that it is necessary or desirable to acquire additional land adjoining that upon which said memorial hall is erected to enhance and preserve the beauty and character of said memorial hall and the object had in its erection, or that it is necessary or desirable to equip, furnish and decorate said memorial hall, or both, the court shall lay said petition before the grand jury then or next sitting for their approval. If said petition shall be approved by said grand jury, it shall be certified back to the court. If no exceptions thereto are filed within ten (10) days from the date upon which said petition was certified back to the court, or if exceptions are filed and are dismissed, the court shall confirm said petition absolutely, and thereupon the court may make an order authorizing the board of commissioners to acquire, by purchase or condemnation, such additional land, or to equip, furnish and decorate said memorial hall, or both. The cost to said county of acquiring such additional land shall not exceed a sum equal to one-fourth (1/4) of the total cost of said memorial hall and the land upon which said memorial hall has been erected, and the cost to said county of equipping, furnishing and decorating said memorial hall shall not exceed a sum equal to one-twelfth (1/12) of the total cost of said memorial hall and the land upon which said memorial hall has been erected.  
(1953, P.L.723, No.230, § 2570)

### Chapter 2. Holidays

**Section 1. [Legal holidays]** Be it enacted, &c., That the following days and half days, namely: the first day of January, commonly called New Year's Day, the third Monday of January, known as Dr. Martin Luther King, Jr. Day, the third Monday of February, known as Presidents' Day, Good Friday, the last Monday in May, known as Memorial Day, the fourteenth

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day of June, known as Flag Day, the fourth of July, called Independence Day, the first Monday of September, known as Labor Day, the second Monday in October, known as Columbus Day, the first Tuesday after the first Monday of November, Election Day, the eleventh day of November, known as Veterans' Day, the fourth Thursday in November, known as Thanksgiving Day, the twenty-fifth day of December, known as Christmas Day; and every Saturday, after twelve o'clock noon until twelve o'clock midnight, each of which Saturdays is hereby designated a half holiday; and any day appointed or recommended by the Governor of this State or the President of the United States as a day of thanksgiving or fastings and prayer, or other religious observance; and in the event of a financial crisis in the State or Nation, any day or days appointed by the Governor of this State or the President of the United States as a bank holiday; and in the event of public calamity in any part of the State through fire, flood, famine, violence, riot, insurrection, or enemy action, any day or days appointed by the Governor of this State as a bank holiday for banking institutions affected by such public calamity shall, for all purposes whatever as regards the presenting for payment or acceptance, and as regards the protesting and giving notice of the dishonor of bills of exchange, checks, drafts, and promissory notes, made after the passage of this act [the act of May 31, 1983, P.L.188, No.138], be treated and considered as the first day of the week, commonly called Sunday, and as public holidays and half holidays; and all such bills, checks, drafts, and notes otherwise presentable for acceptance or payment on any of the said days, shall be deemed to be payable and be presentable for acceptance or payment on the secular or business day next succeeding such holiday or half holiday; except checks, drafts, bills of exchange, and promissory notes, payable at sight or on demand, which would otherwise be payable on any half holiday Saturday, shall be deemed to be payable at or before twelve o'clock noon of such half holiday: Provided, however, That for the purpose of protesting or otherwise holding liable any party to any bill of exchange, check, draft, or promissory note, and which shall not have been paid before twelve o'clock noon of any Saturday designated a half holiday as aforesaid, a demand for acceptance or payment thereof shall not be made, and notice of protest or dishonor thereof shall not be given, until the next succeeding secular or business day: And provided further, That when any person, firm, corporation or company shall, on any Saturday designated a half holiday, receive for collection any check, bill of exchange, draft, or promissory note, such person, firm, corporation, or company shall not be deemed guilty of any neglect or omission of duty, nor incur any liability, in not presenting for payment or acceptance or collection such check, bill of exchange, draft or promissory note, on that day: And provided further, That, in construing this section, every Saturday designated a half holiday shall, until twelve o'clock noon, be deemed a secular or business day; and the days and half days aforesaid, so designated as holidays and half holidays, shall be considered as public holidays and half holidays for all purposes whatsoever as regards the transaction of business, except that any day or days appointed as a bank holiday shall be regarded as secular or business days for all other purposes than those mentioned in this act: And provided further, That nothing herein contained shall be construed to prevent or invalidate the entry, issuance, service, or execution of any writ, summons, confession of judgment, or other legal process whatever, on any of the holidays or half holidays herein designated as holidays; nor to prevent any banking institution from keeping its doors open or transacting its business, on any Saturday afternoon, if by a vote of its directors it shall elect to do so, unless such Saturday is appointed as a bank holiday under the provisions of this act: And provided further, That any banking institution may, by a vote of its directors, or in the case of a private bank by action of the private banker or bankers, notice of which shall have been posted in its banking house for not less than fifteen days before the taking effect thereof, observe any Saturday throughout the year as a full holiday with like effect hereunder as though such day had been designated as a full holiday by the provisions of this act, and may in the same manner, observe as a full holiday any Monday next following the first day of January, the fourth day of July or the twenty-fifth day of December whenever any of such holidays shall occur on a Saturday with like effect hereunder as though such day had been designated as a full holiday by the provisions of this act.

(1893, P.L.188, No.138, § 1)

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**Section 1. [Appropriations to county and borough Memorial Day organizations]** Be it enacted, &c., That the county commissioners of the several counties of this Commonwealth are hereby required to appropriate annually to each post in their respective counties, or to a regular organized Memorial Day or similar organization where there was heretofore an established post,--in which latter case a certified list of expenditures shall be furnished the said commissioners,--a sum not to exceed fifty dollars, to aid in defraying expenses of Memorial Day: Provided, That if, upon the certificate of such organization, it appears to the county commissioners that the said organization decorated or will decorate over five hundred (500) graves, the said county commissioners may pay to the said organization the sum of one hundred (\$100) dollars.  
(1907, P.L.22, No.18, § 1)

**Section 1. [Decoration of veterans graves in counties]** Be it enacted, &c., That it shall be the duty of the county commissioners of each county to provide flags, on each Memorial Day, with which to decorate the graves of all honorably discharged soldiers, sailors, and marines buried within the county. The flags to be used for said purposes shall be of one standard size and shall be purchased at the expense of the county from moneys in the county treasury.  
(1923, P.L.88, No.62, § 1)

**Section 2. [Furnishing of flags to veterans organizations in counties]** The said flags shall be furnished to various veterans' organizations in such numbers as they shall require for their respective communities.  
(1923, P.L.88, No.62, § 2)

**Section 3. [Additional moneys for Memorial Day purposes in counties]** The moneys expended by any county, under the provisions of this act [the act of April 23, 1923, P.L.88, No.62], shall be in addition to moneys now required or permitted by law to be appropriated by counties for Memorial Day purposes.  
(1923, P.L.88, No.62, § 3)

### **Section 1312-B. Memorial Day or Veterans' Day appropriations.**

The board of commissioners may appropriate money for the expenses of services for Memorial Day, Veterans' Day or a similar day provided for by Federal or State law.  
(1931, P.L.1206, No.331, § 1312-B)

**Section 7. Flags to Decorate Graves [in First Class Counties].**--It shall be the duty of the county commissioners to provide flags on each Memorial Day with which to decorate the graves of all deceased service persons and the graves of all other deceased persons who served in the Army, Navy, Air Force, Marine Corps, Coast Guard, Merchant Marine during World War II or any organization officially connected therewith and whose separation from such service was honorable, whether by discharge or otherwise, buried within the county. The flags to be used for said purposes shall be of one standard size and shall be purchased at the expense of the county from moneys in the county treasury.

Such flags shall be furnished to the various veterans' organizations in such numbers as they shall require for their respective communities.

The moneys expended by any such county, under the provisions of this section, shall be in addition to moneys appropriated by counties for Memorial Day purposes.

The authorities in charge of any cemetery are authorized to remove such flags, when the same become unsightly or weather-worn, at any time not less than ninety days after the flags have been placed on graves.

(1935, P.L.326, No.149, § 7)

**Section 1. [Municipal appropriations to defray expenses for Memorial Day, Flag Day and Armistice Day observances]** Be it enacted, &c., That the respective authorities of the

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several cities of the first and second class and second class A and incorporated towns of this Commonwealth are hereby authorized to appropriate, annually, to each camp of the United Spanish War Veterans, and to each post of the American Legion, and to each post of the Veterans of Foreign Wars, and to each post of the Veterans of World War I of the U. S. A., Inc., and to each post of the American Veterans of World War II (AMVETS), and to each detachment of the Marine Corps League, and to each Naval Association, and to each post of the Grand Army of the Republic, and to each post of the Disabled American Veterans of the World War, and to each chapter of the Military Order of the Purple Heart, to each post of the Catholic War Veterans, Inc., and to each post of the Jewish War Veterans, and to each organization of American Gold Star Mothers, and to each post of the Italian American War Veterans of the United States, Incorporated, and to each organization of ex-service men, incorporated under the laws of this Commonwealth, in the respective cities or towns, a sum not to exceed three hundred dollars to aid in defraying the expenses of Memorial Day, Flag Day and Armistice Day. Where the Grand Army of the Republic has ceased to exist or to function, such appropriation may be made to the Sons of Union Veterans of the Civil War, or in the absence of such order, to a duly constituted organization which conducts the decorating of the graves of Union veterans of the Civil War. Such payments shall be made to defray actual expenses only. Before any payment is made, the organization receiving the same shall submit verified accounts of their expenditures.  
(1937, P.L.1184, No.299, § 1)

**Section 1. [National Anthem Day]** The Governor shall annually issue his Proclamation designating and setting apart September fourteenth as National Anthem Day and calling upon the people of the Commonwealth, the public schools and other educational institutions, and patriotic and veterans' organizations to observe the anniversary of the composition of the Star Spangled Banner during the Battle of Fort McHenry in the War of 1812 with appropriate exercises, and otherwise, to the end that the memory of the services rendered by the patriots in the armed forces of the United States in that conflict may be perpetuated, as exemplified in the national anthem "The Star Spangled Banner."  
(1947, P.L.121, No.46, § 1)

**Section 1. [Charter Day observances]** The Governor shall issue annually his Proclamation designating and setting apart March fourteenth as Charter Day and calling upon the people of the Commonwealth, the public schools and other educational institutions and patriotic, religious, historical and veterans' organizations to observe the anniversary of the execution of the Royal Charter by King Charles II on the fourteenth day of March, one thousand six hundred eighty-one, thereby creating the corporate legal existence of Pennsylvania, with appropriate exercises and programs, to the end that the establishment or birthday of Pennsylvania shall be commemorated each year.  
(1953, P.L.676, No.210, § 1)

**Section 2121. Appropriations to Veterans' Organizations for Expenses of Memorial Day and Veterans' Day [in Second Class Counties].--**(a) The board of commissioners may appropriate, annually, to each camp of the United Spanish War Veterans, and to each post of the American Legion, and to each post of the Veterans of Foreign Wars, and to each post of the American War Veterans of World War II (AMVETS), and to each detachment of the Marine Corps League, and to each Naval Association, and to each post of the Grand Army of the Republic, and to each post of the Italian American War Veterans of the United States, Incorporated, and to each post of the Disabled American Veterans of the World War, and to each organization of American Gold Star Mothers, and to each organization of ex-service men incorporated under the act of April twenty-ninth, one thousand eight hundred and seventy-four (Pamphlet Laws 73), and the supplements thereto, in the county, a sum not to exceed three hundred dollars (\$300), to aid in defraying the expenses of Memorial Day and Veterans' Day.

(b) Where the Grand Army of the Republic has ceased to exist or to function, such appropriation may be made to the Sons of Union Veterans of the Civil War, Daughters of Union Veterans of the Civil War, or, in the absence of such orders, to a duly constituted organization

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which conducts the decorating of graves of Union Veterans of the Civil War.

(c) Such payments shall be made to defray actual expenses only. Before any payment is made the organization receiving the same shall submit verified accounts of their expenditures. (1953, P.L.723, No.230, § 2121)

**Section 2122. Flags to Decorate Graves [in Second Class Counties].**--(a) It shall be the duty of the governing body of the county to provide flags on each Memorial Day with which to decorate each grave of a deceased service person and each grave of other deceased persons who served in the Army, Navy, Air Force, Marine Corps, Coast Guard or Merchant Marine during World War II or any organization officially connected to those forces, whose separation from service was honorable, whether by discharge or otherwise, and who are interred within the county. The flags to be used shall be standard size, colorfast and American made and shall be purchased at the expense of the county from money in the county treasury.

(b) A family member of a person whose grave is decorated with a flag by the county for the purpose of Memorial Day may take and keep the flag after the first working day after Veterans Day.

(c) The county may coordinate with local veterans' organizations to ensure that cemeteries are decorated in compliance with this section. Flags shall be furnished to the various veterans' organizations in an amount needed for the respective communities. Notwithstanding subsection (a), a cemetery may remove flags as part of the cemetery's normal course of maintenance not before the first working day after Independence Day, but prior to Veterans Day, provided that the cemetery makes the flags available to family members, veterans' organizations or other community organizations for the purpose of decorating graves in recognition of Veterans Day.

(d) Money expended by the county under this section shall be in addition to money appropriated by the county for Memorial Day purposes.

(e) Annually, the authority in charge of each cemetery is authorized to remove a flag when the flag has become unsightly or weatherworn any time on or after the first working day after Veterans Day. Prior to Veterans Day, a cemetery may request replacement flags from the county which may be used by the cemetery to replace weatherworn flags, if replacement flags are available.

(f) A cemetery may remove flag holders for annual storage upon the authorized removal of flags under subsections (c) and (e).

(g) Except as provided under this section, a person, other than a family member removing the flag from a deceased relative's grave, who removes or causes the removal of flags prior to the first working day after Independence Day shall be guilty of a summary offense and, upon conviction, shall be sentenced to pay a fine of three hundred dollars (\$300). A person who fails to pay a fine assessed under this section shall be sentenced to prison for a term not to exceed ninety days.

(h) A cemetery or an owner, employee, agent or contractor of a cemetery who removes or causes the removal of a flag, grave marker, headstone, flag holder or other memorial in good faith in the course of maintenance, repair or mitigation of damage shall not be subject to subsection (g) or section 2113(l). (1953, P.L.723, No.230, § 2122)

### **Section 113. Legal Holidays [for Banks.]**

(a) Fixed holidays--An institution shall observe as a legal holiday:

\* \* \*

(ii) Memorial Day (the last Monday in May);

\* \* \*

(b) Optional holidays--An institution may at its option observe as a legal holiday:

\* \* \*

(vii) Veterans' Day (November 11);

\* \* \*

(1965, P.L.847, No.356, § 113)



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## **Section 1. Designation of "Pearl Harbor Remembrance Day."**

In honor of the brave veterans who fought and died in the Japanese attack on Pearl Harbor, December 7th of each year is designated as "Pearl Harbor Remembrance Day."  
(1987, P.L.183, No.22, § 1)

## **Section 2. Governor requested to issue proclamation.**

The Governor is authorized and requested to issue a proclamation each year calling upon the people of this Commonwealth to commemorate the members of the armed services who fought and died at Pearl Harbor and to observe the day with appropriate honors, ceremonies and prayers.  
(1987, P.L.183, No.22, § 2)

## **§ 1304. Women Veterans Day.**

(a) Legislative findings and declarations.--The General Assembly finds and declares as follows:

(1) While women have served in the American military since before we became a nation, they were not officially recognized as military members or veterans until 1948.

(2) Women were originally relegated to serving in the civilian fields of nursing, laundering, mending clothing and cooking.

(3) Despite this segregation, many women served in war zones alongside their male compatriots, including some women who dressed as men during the Civil War to fight on the front lines.

(4) The first woman to enlist in the United States Armed Forces was Loretta Walsh, who enlisted in the Navy in 1917.

(5) During World War I, approximately 35,000 women in the United States officially served as nurses and support staff.

(6) During World War II, approximately 400,000 women in the United States served in support positions, including 140,000 women who served in the Women's Army Corps performing critical jobs, such as military intelligence, cryptography and parachute rigging.

(7) Nearly 500 women were killed by enemy fire during World War II.

(8) The first Women Veterans Day was held on June 12, 2018, marking the 70th anniversary of the groundbreaking Women's Armed Services Integration Act (Public Law 80-625, 62 Stat. 356), signed into law by President Harry S. Truman on June 12, 1948.

(9) That Federal law enabled women to serve as permanent, regular members of the United States Army, Marine Corps, Navy and the recently formed Air Force.

(10) Throughout the years, the role of women continues to grow in all branches and phases of operations of the United States Armed Forces.

(11) Currently, women serve freely alongside men in any branch or role they desire and comprise a substantial portion of new recruits, active duty members and reserve components of the United States Armed Forces.

(12) Women Veterans Day is not considered a separate day for only women veterans, but a tribute to a groundbreaking day when women were acknowledged as essential to the war effort and could serve as permanent, regular members of the United States Armed Forces.

(b) Designation.--June 12 of each year is designated as Women Veterans Day in this Commonwealth.

(c) Proclamation.--The Governor shall issue annually a proclamation encouraging residents of this Commonwealth to observe Women Veterans Day and recognize the contributions of all women veterans and the sacrifices they made.  
(38 Pa.C.S. § 1304)

## **§ 1305. Tuskegee Airmen Commemoration Day.**

(a) Legislative findings and declarations.--The General Assembly finds and declares as follows:

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(1) During World War I, African Americans were prohibited from serving as military pilots in the United States Armed Forces due to their race.

(2) In response to advocacy by civil rights leaders and the National Association for the Advancement of Colored People, the Congress of the United States approved funding designated for the training of African-American military pilots in 1939.

(3) On March 22, 1941, the United States Army Air Corps 99th Pursuit Squadron was activated to become the first African-American fighter squadron.

(4) The members of the 99th Pursuit Squadron were the first to be known as Tuskegee Airmen because they had received their initial flight training at Moton Field, a segregated air base in Tuskegee, Alabama.

(5) Other Tuskegee Airmen would later form the famous 332nd Fighter Group, also known as the "Red Tails" due to the distinctive red marking on the tail of their aircraft.

(6) Between 1941 and 1946, nearly 1,000 African-American military pilots were trained in Tuskegee, Alabama.

(7) During World War II, the Tuskegee Airmen flew more than 15,000 sorties and lost only 66 men in the line of duty, one of the lowest loss records of any escort fighter group.

(8) The courage, dedication and service of the men and women of the Tuskegee Airmen continues to inspire both military personnel and civilians of all backgrounds throughout this country.

(b) Designation.--March 29 of each year is designated as Tuskegee Airmen Commemoration Day.

(c) Proclamation.--The Governor shall issue annually a proclamation encouraging all public schools and educational institutions to observe Tuskegee Airmen Commemoration Day and to conduct exercises recognizing the contributions of the Tuskegee Airmen and remembering the sacrifices they made for their country. The proclamation may not mandate a public school or educational institution to participate in the observance.

(38 Pa.C.S. § 1305)

### **§ 1306. Vietnam War Veterans Day.**

(a) Legislative findings and declarations.--The General Assembly finds and declares as follows:

(1) The Vietnam Conflict was fought in Vietnam from 1961 to 1975 and involved North Vietnam and the Viet Cong in conflict with the United States and South Vietnam.

(2) The United States became involved in the Vietnam Conflict because policymakers in the United States believed that if South Vietnam fell to a communist government then communism would spread throughout the rest of Southeast Asia.

(3) Members of the United States Armed Forces began serving in an advisory role to South Vietnam in 1961.

(4) As a result of the Gulf of Tonkin incidents on August 2 and 4, 1964, the Congress of the United States overwhelmingly passed the Gulf of Tonkin Resolution (Public Law 88-408) on August 7, 1964, effectively handing over warmaking powers to President Lyndon B. Johnson until the time of the return of peace and security to Vietnam.

(5) In 1965, United States Armed Forces ground combat units arrived in Vietnam.

(6) By the end of 1965 there were 80,000 United States troops in Vietnam.

(7) By 1969, a peak of approximately 543,000 troops was reached.

(8) On January 27, 1973, the Paris Peace Accords were signed, requiring the release of all United States prisoners of war held in North Vietnam and the withdrawal of all United States Armed Forces from South Vietnam.

(9) On March 29, 1973, the United States Armed Forces completed the withdrawal of combat troops from Vietnam.

(10) On March 30, 1973, the last of the United States Armed Forces landed at home.

(11) More than 58,000 members of the United States Armed Forces lost their lives in Vietnam and more than 300,000 members were wounded.

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(12) The Vietnam War was an extremely divisive issue among the people of the United States and a conflict that caused a generation of veterans to wait too long for the public of the United States to acknowledge and honor the efforts and services of those veterans.

(13) The members of the United States Armed Forces who served bravely and faithfully for the United States during the Vietnam War were often wrongly criticized for the decisions of policymakers that were beyond the control of those members.

(14) In 1982, the Vietnam Veterans Memorial was dedicated by President Ronald Reagan in the District of Columbia to commemorate those members of the United States Armed Forces who died or were declared missing in action in Vietnam.

(15) In 2012, President Barack Obama signed a presidential proclamation designating March 29 as the annual observance of Vietnam War Veterans Day.

(16) In 2017, President Donald J. Trump signed into law the Vietnam War Veterans Recognition Act of 2017 which designates March 29 each year as National Vietnam War Veterans Day and amended the United States Flag Code to include National Vietnam War Veterans Day as a day on which the flag should be flown.

(b) Designation.--March 29 of each year is designated as Vietnam War Veterans Day in this Commonwealth.

(c) Proclamation.--The Governor shall issue annually a proclamation encouraging all public schools and educational institutions to observe Vietnam War Veterans Day and conduct exercises recognizing the contributions of all those involved in the Vietnam War and remembering the sacrifices they made for their country. The proclamation may not mandate a public school or educational institution to participate in the observance.

(38 Pa.C.S. § 1306)

### Chapter 3. Monuments and Memorials

**Section 1. [County appropriations for war monuments]** Be it enacted, &c., That in all counties of the Commonwealth of the State of Pennsylvania, where appropriations have been made by the county commissioners for the erection of monuments to the memory of the soldiers and sailors of the civil war, under the provisions of an act approved April third, one thousand nine hundred and three, and there remains in the treasury of any county an unexpended balance, this sum shall, upon demand being made by the County Soldiers' Memorial Association, through its treasurer, upon the county commissioners of any county in this Commonwealth, be paid over to the treasurer of the Soldiers' Memorial Association. The county commissioners shall forthwith issue a warrant upon the county treasurer of said county for the unexpended balance, this money to be used solely and exclusively for the erection or completion of any monument or memorial in memory of the soldiers and sailors of American wars.

(1909, P.L.242, No.152, § 1)

**Section 2. [Duties of treasurer of county soldiers' or sailors' memorial associations]** The treasurer of the Soldiers' or Sailors' Memorial Association of any county of this Commonwealth, on receiving any such balance referred to in section one of this act [the act of April 27, 1909, P.L.242, No.152], shall file a bond in the court of common pleas or other competent court of said county, in double the amount of the sum, which bond shall be approved by said court, for the faithful performance of the duties incumbent upon him by the requirements of this act.

(1909, P.L.242, No.152, § 2)

**Section 1. [Maintenance of municipal memorials]** Be it enacted, &c., That where there has been erected a soldiers' monument, gun, or carriage or other similar memorials in any city, borough, township, or incorporated town within this Commonwealth, and there is not in existence any person, body, or organization to care for and to take charge of and maintain the same, it shall be the duty of the corporate authorities at the expense of the respective city,

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borough, township, or incorporated town wherein any of the said memorials are situate, to take charge of, care for, and maintain and keep in good order and repair the said memorials, or any of them, for all time to come.

(1925, P.L.371, No.223, § 1)

**Section 2402.3. Transfer authority over Lieutenant Governor's Mansion.**--(a) Within 12 months of the effective date of this section, the Department of General Services is hereby authorized and directed to transfer the authority of the official residence of the Lieutenant Governor, the Lieutenant Governor's Mansion located at Fort Indiantown Gap, through a memorandum of understanding with the Department of Military and Veterans Affairs.

(b) Upon transfer of the property under this section, the Department of Military and Veterans Affairs shall determine the use of the former Lieutenant Governor's Mansion, submit notice to the General Assembly of the determined use and provide equivalent facilities space for supporting Pennsylvania's veterans programs and supporting the National Guard to include current and survivor families as part of the facilities master plan.

(c) The Department of General Services shall maintain the Lieutenant Governor's Mansion prior to the transfer of authority over the property under this section, including making or supervising the making of all necessary repairs, alterations and improvements in and about the grounds of the Lieutenant Governor's Mansion.

(1929, P.L.177, No.175, § 2402.3)

### **Section 2507. Contribution to Korea/Vietnam Memorial National Education Center.--\***

\* \*

(b) (1) KVM shall use all contributions collected under this section to carry out the following purposes and responsibilities:

(i) Determine and prioritize the funding objectives deemed most necessary to facilitate the development of the center.

(ii) Obtain assistance and advice from the Department of Military Affairs, veterans' organizations and the public regarding the development of the center.

(iii) Establish projects or programs appropriate to the furtherance of the purposes of this act [the Administrative Code of 1929], and allocate moneys to such public or private organizations selected to implement those programs or projects.

(iv) Establish programs to promote the voluntary contribution system set forth in this act and other lawful programs to solicit additional contributions to KVM and allocate moneys to implement the same.

(v) Submit a report to the Military and Veterans Affairs Committee of the Senate and the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives by December 31, 2000, to include a financial analysis and a synopsis of the use of the funds collected under the voluntary contribution system.

(2) KVM may use funds collected under this section to develop a program for the sale of public stamps, decals or other items of personal property to the public intended to signify the interest of the purchaser in contributing to the center.

(c) KVM may establish an advisory committee, the members of which shall be chosen from State and local officials, veterans organizations and the general public. Membership shall include the Adjutant General or his designee and at least one member of the State Armory Board or his designee. The advisory committee shall make recommendations regarding general management objectives, obtain input from the public on the development of the center and advise KVM on specific projects and programs in furtherance of this section.

(d) The checkoff system created by this section shall not be the only such checkoff allowed on Pennsylvania individual income tax return forms seeking voluntary contributions from tax refunds. In the event KVM shows a net loss after the deduction of administrative costs by the department for two (2) consecutive years and the Secretary of the Budget and the State Treasurer certify to the General Assembly that such loss has in fact occurred, then the Advisory Committee and all of its powers and duties shall terminate and go out of existence within sixty (60) days of the certification.

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(e) Except to complete any transfer required by this section, no moneys from the General Fund shall be used for the purposes of this section.

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

"Center." The National Education Center.

"Department." The Department of Revenue of the Commonwealth.

"KVM." Korea/Vietnam Memorial, Inc., a Pennsylvania nonprofit corporation.

(1929, P.L.177, No.175, § 2507)

**Section 1538. Care of Memorials [in Second Class Townships].**--The board of supervisors may maintain and repair any soldiers' monument or memorial existing or erected within the township and may receive funds from persons or organizations for those purposes. (1933, P.L.103, No.69, § 1538)

**Section 1. [Memorial for the Honorable Theodore Rosen]** The Department of Military Affairs of the Commonwealth of Pennsylvania is hereby empowered and authorized to arrange for the design and permanent display in the City and County of Philadelphia on public grounds of a suitable plaque or memorial to the memory of the late Honorable Theodore Rosen. The Department of Military Affairs shall have the power to enter into any and all contracts deemed necessary to carry into effect the provisions of this act [the act of July 31, 1941, P.L.653, No.269].

(1941, P.L.653, No.269, § 1)

**Section 2555. Monuments and Memorials to War Veterans [in Second Class Counties].**--The commissioners may appropriate money for and provide for the erection of monuments or memorials commemorating the services of any person who has served in the armed forces of the United States or in any women's organization officially connected therewith during any part of any war or armed conflict in which the United States has been or may hereafter be engaged.

(1953, P.L.723, No.230, § 2555)

**Section 2556. Assistance to Private or Municipal Agencies [in Second Class Counties].**--The commissioners may, in order to prevent duplication, appropriate money to assist any individual, private corporation, city, borough or township in the erection of any monument or memorial for said soldiers, sailors and marines.

(1953, P.L.723, No.230, § 2556)

### **Section 1. [authority of Governor to regulate flying of U.S. flag] \* \* \***

(c) In addition to any other powers or duties imposed by this section, the Governor shall require the Department of General Services to display continuously from a flag pole the official POW/MIA flag until all POW's and MIA's return or are accounted for in "Soldiers' Grove," as defined in the act of October 30, 1987 (P.L.375, No.75), entitled "An act providing for the designation of certain trees and land on the grounds of the State Capitol in Harrisburg as 'Soldiers' Grove' in honor of war veterans; imposing duties upon the Department of General Services; and making an appropriation," and, as provided under subsection (c.1), at all roadside rests and welcome centers operated by the Department of Transportation within the meaning of the act of June 7, 1961 (P.L.257, No.151), entitled "An act providing for the construction, erection and maintenance of roadside rests adjacent to State highway routes; providing for the acquisition of interests in land by gift, purchase or condemnation; granting powers to and imposing duties upon the Department of Transportation, the Secretary of Transportation, the Governor and the Department of General Services; authorizing rules and regulations and providing penalties for violations thereof, and making an appropriation," and the regulations promulgated under that act and at all Pennsylvania Turnpike service plazas. If a roadside rest or welcome center operated by the Department of Transportation or Pennsylvania Turnpike service plaza has an existing flag pole, the POW/MIA flag may be flown from such

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flag pole. When the POW/MIA flag is to be displayed with a flag flown at half mast, the POW/MIA flag may be removed.

(c.1) The following shall apply:

(1) The official POW/MIA flag shall be displayed at all roadside rests and welcome centers operated by the Department of Transportation and Pennsylvania Turnpike service plazas as provided under subsection (c) within 30 days of the effective date of this subsection if the official POW/MIA flag can be accommodated on an existing flag pole. If the official POW/MIA flag cannot be accommodated on an existing flag pole, the Department of Transportation and the Pennsylvania Turnpike shall submit, within 30 days of the effective date of this subsection, a plan to display the official POW/MIA flag as required under subsection (c) by December 31, 2021, to the following:

(i) The chairperson and minority chairperson of the State Government Committee of the Senate.

(ii) The chairperson and minority chairperson of the State Government Committee of the House of Representatives.

(iii) The chairperson and minority chairperson of the Transportation Committee of the Senate.

(iv) The chairperson and minority chairperson of the Transportation Committee of the House of Representatives.

(2) The Department of Transportation and the Pennsylvania Turnpike shall report compliance with the requirements under subsection (c) on or before December 31, 2021, to the following:

(i) The chairperson and minority chairperson of the State Government Committee of the Senate.

(ii) The chairperson and minority chairperson of the State Government Committee of the House of Representatives.

(iii) The chairperson and minority chairperson of the Transportation Committee of the Senate.

(iv) The chairperson and minority chairperson of the Transportation Committee of the House of Representatives.

(d) In addition to any other powers and duties imposed by this section, the following shall apply:

(1) When the United States flag is displayed on any ground or building owned or under the control of the Commonwealth, the official POW/MIA flag shall also be displayed where it can be reasonably accommodated.

(2) In the case of all other public grounds and buildings in this Commonwealth, the Governor shall permit the display of the official POW/MIA flag.

(e) In addition to any powers and duties imposed by this section, the Governor shall permit the display of the official Honor and Remember flag from the flagpoles of any public building or ground in this Commonwealth.

(1970, P.L.128, No.49, § 1)

### **Section 1. Designation of area as "Soldiers' Grove."**

The growth of trees and the area in which they are growing lying between the Forum Building and the Finance Building on the grounds of the State Capitol in Harrisburg shall on and after the effective date of this act be known as "Soldiers' Grove."

(1987, P.L.375, No.75, § 1)

### **Section 2. Duties of Department of General Services.**

(a) Marking of trees.--The Department of General Services shall mark the ten largest trees growing in the area that is to be designated "Soldiers' Grove."

(b) Plaques.--

(1) The department shall arrange for the fabrication of appropriate bronze plaques in honor of veterans of the following:

(i) The American Revolutionary War.

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- (ii) The War of 1812.
- (iii) The Mexican-American War.
- (iv) The American Civil War.
- (v) The Spanish-American War.
- (vi) World War I.
- (vii) World War II.
- (viii) The Korean War.
- (ix) The Vietnam Conflict.
- (x) Any war or armed conflict officially engaged in by the United States commencing after the Vietnam Conflict.

(2) The department shall also arrange for the fabrication of an appropriate bronze plaque to honor the unknown veterans of the wars and conflicts enumerated in paragraph (1).

(c) Placement of plaques.--The department shall affix the plaques provided for in subsection (b) to granite plinths. A plaque shall be placed in close proximity to each of the trees marked under subsection (a), and an appropriate inscription shall be mounted on each tree declaring that the tree is dedicated to veterans of a war or conflict.

(d) Medal of Honor Memorial.--The Department of General Services shall arrange for the placement of permanent low-lying decorative chain barriers within the Medal of Honor Memorial Gardens at the end of each concrete arc representing the Tides of War.

(e) Signage.--The Department of General Services shall arrange to have signs placed conspicuously around "Soldiers' Grove" reminding people to respect the hallowed grounds of the Medal of Honor Memorial Gardens. The signs should read as follows:

At All Times, Please Remember This Memorial Is Hallowed Ground.

(1987, P.L.375, No.75, § 2)

### **Section 1. [Gino J. Merli Veterans] Center.**

(a) Designation.--The Veterans Center currently known as the Northeast Veterans Center, 401 Penn Avenue, Scranton, Pennsylvania 18503, shall be designated as the Gino J. Merli Veterans Center.

(b) Signs.--The Department of Military and Veterans Affairs shall erect and maintain signs on the premises of the center and surrounding property noting the name as the Gino J. Merli Veterans Center in each place where the center is currently designated as the Northeast Veterans Center.

(2002, P.L.365, No.93, § 1)

### **Section 2. Official adoption of [Honor and Remember] flag.**

The Honor and Remember Flag created by Honor and Remember, Inc., is hereby adopted as this Commonwealth's emblem of the service and sacrifice of the brave men and women of the United States Armed Forces who have given their lives in the line of duty.

(2011, P.L.85, No.19, § 2)

### **Section 3. Duty of Department of General Services.**

The Department of General Services shall forthwith arrange for and permanently place the Honor and Remember Flag in Soldiers' Grove.

(2011, P.L.85, No.19, § 3)

### **§ 29A14. Care and erection of memorials [in boroughs].**

(a) Authority.--The council may control and maintain a soldier's memorial which is:

- (1) situated in the borough;
- (2) not controlled and maintained by an individual or entity; and
- (3) not placed by the Federal Government, the Commonwealth, the county or another state.

(b) Funding.--The council may receive and expend any money to be used for the maintenance of the memorials.

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(c) Contributions.--The council may contribute to the erection and maintenance of a memorial in honor of those who served in a war in which the United States was engaged. (8 Pa.C.S. § 29A14)

### **§ 710. Pennsylvania Veterans' Monuments and Memorial Trust Fund.**

(a) Establishment and administration.--There is established a separate fund in the State Treasury to be known as the Pennsylvania Veterans' Monuments and Memorial Trust Fund. The fund shall be administered by the department [of Military and Veterans Affairs], and all moneys in the fund are appropriated to the department on a continuing basis for the purposes provided for under subsection (b). The State Veterans' Commission shall assist the department in accordance with section 1704(1) (relating to specific powers and duties).

(b) Purpose.--The moneys in the fund shall be used for the promotion, administration, operation, maintenance and completion of the monuments and memorials dedicated to Pennsylvania veterans and military units and other costs incidental thereto as approved by the department.

(c) Contributions and solicitation of funds.--

(1) The department 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.

(3) The department may use up to 2% of the available funds as of October 31 of each calendar year to administer the fund in accordance with this section.

(d) Operation and maintenance.--Money must be granted for the operation and maintenance of monuments as designated by the department in consultation with the State Veterans' Commission. At a minimum, the following monuments will receive funding, as needed, for operation and maintenance:

(1) The Pennsylvania Veterans' Memorial on the grounds of the Indiantown Gap National Cemetery.

(2) American battle monuments located overseas officially owned or recognized by the Commonwealth.

(3) Pennsylvania unit monuments and markers within the Gettysburg National Military Park.

(4) Other Pennsylvania military memorials and monuments as designated or recognized by the department.

(51 Pa.C.S. § 710)

### **§ 1705. Veterans' home hall of fame.**

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

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

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

(1) Eligibility criteria for qualified candidates.

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

(3) Ceremonies to officially honor the inductees.



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- (4) Manner of recognizing or presenting the inductees in the halls of fame.
  - (5) Maintenance of the halls of fame.
  - (6) Duties of the advisory councils of the veterans' homes relating to the halls of fame.
- (d) Documentation.--Each eligible veteran or his or her representative shall be responsible for obtaining the documentation necessary to establish his or her eligibility from the National Archives in Washington, D.C., or the National Personnel Record Center in St. Louis, Missouri.
- (e) Centralized list.--The State Veterans' Commission shall keep a centralized list of all hall of fame inductees from all regional veterans' homes.
- (51 Pa.C.S. § 1705)

### Chapter 4. Medals

**Section 1. [Medal awarded to servicemen]** Be it enacted, &c., That the Department of Military Affairs of the Commonwealth shall select, procure, award, and provide for the furnishing, at request of the veteran, of a service medal at cost to all honorably discharged veterans of the World War who were residents of Pennsylvania at the time of their entry into the service: Provided, That the proof of such service shall be based upon decisions made in connection with the payment of Pennsylvania veterans compensation: And Provided further, That such medals shall not be issued to officers and enlisted men who were commissioned or enrolled in the Pennsylvania National Guard, on or prior to, August fifth, one thousand nine hundred and seventeen, and who have received the medal provided for that class of personnel. The detailed specifications and design shall be selected by the Department of Military Affairs.

(1937, P.L.331, No.94, § 1)

**Section 1. [Medals for World War II veterans]** The Department of Military Affairs of the Commonwealth shall select, procure, award and provide for the furnishing, at request of the veteran, of a service medal, at cost, to honorably discharged Army, Navy, Coast Guard and United States Marine Corps Veterans of World War II, who were residents of Pennsylvania at the time of their entry into the service: Provided, That such medals shall be given only for service covering any period of time between the seventh day of December, one thousand nine hundred forty-one, and the second day of September, one thousand nine hundred forty-five. The detailed specifications and design shall be selected by the Department of Military Affairs.

(1947, P.L.1068, No.459, § 1)

### § 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.
- (4.1) Pennsylvania Achievement 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.
- (12) Pennsylvania Veterans Service Award.

(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

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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 civilians, veterans, members of the Pennsylvania National Guard, Pennsylvania Guard or armed forces of the United States or their reserve components and civilians and members of the military of a friendly foreign nation 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, veterans, members of the Pennsylvania National Guard, Pennsylvania Guard or the armed forces of the United States or their reserve components and civilians and members of the military of a friendly foreign nation in recognition of meritorious service rendered this Commonwealth and while holding a position of great responsibility or who provide meritorious service to veterans and their families on behalf of this Commonwealth.

(4) The qualifications for awarding the Pennsylvania Commendation Medal, the Pennsylvania Achievement Medal, the Pennsylvania Veterans Service Award, 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 or guideline.

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

(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 [of Military and Veterans Affairs].

(51 Pa.C.S. § 3701)

### **§ 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.

(51 Pa.C.S. § 3703)

### **§ 3704. Saving provision.**

Nothing in this chapter [51 Pa.C.S. Ch.37 (relating to decorations, medals, badges and awards)] shall be construed as to invalidate or repeal any decorations, medals, badges or awards heretofore presented.

(51 Pa.C.S. § 3704)

## **Chapter 5. Recognition**

### **§ 1301. Scope of chapter.**

This chapter [veteran recognition] recognizes the contributions of veterans of the United States Armed Forces from this Commonwealth in major conflicts since the Vietnam War.

(38 Pa.C.S. § 1301)

### **§ 1302. Persian Gulf War Veterans Day.**

(a) Legislative findings and declarations.--The General Assembly finds and declares as follows:

(1) On August 2, 1990, Saddam Hussein ordered Iraqi troops to invade and occupy the sovereign nation of Kuwait.

(2) The United States led an international coalition demanding Saddam Hussein to

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withdraw Iraqi forces from Kuwait by January 15, 1991.

(3) After Iraq failed to meet the deadline passed by the United Nations Security Council, President George H. W. Bush on January 16, 1991, ordered United States Armed Forces to begin Operation Desert Storm.

(4) On January 17, 1991, 750,000 coalition forces from 36 nations, including 540,000 United States Armed Forces, began the battle to liberate Kuwait from occupation.

(5) After an intensive air campaign, coalition forces liberated Kuwait City on February 28, 1991.

(6) On March 6, 1991, after negotiating a cease-fire, President Bush announced the end of combat operations.

(7) By the end of the conflict, 200 United States Armed Forces members were killed, including 29 from this Commonwealth.

(8) The bravery of United States Armed Forces and their allies should be recognized for the liberation of Kuwait and restoration of Kuwait's sovereignty as an independent nation.

(b) Designation.--March 6 of each year is designated as Persian Gulf War Veterans Day.

(c) Proclamation.--The Governor shall issue annually a proclamation encouraging all public schools and educational institutions to observe Persian Gulf War Veterans Day and to conduct exercises recognizing the contributions of all those involved in the Persian Gulf War and remembering the sacrifices they made for their country. The proclamation may not mandate a public school or educational institution to participate in the observance.

(38 Pa.C.S. § 1302)

### **§ 1303. Global War on Terrorism Veterans Day.**

(a) Legislative findings and declarations.--The General Assembly finds and declares as follows:

(1) America's conflict in Afghanistan began in 2001 and became our country's longest military conflict.

(2) Following the terrorist attacks on September 11, 2001, the United States demanded that the Taliban regime stop harboring Al Qaeda, the terrorist organization responsible for the 9/11 attacks, and hand over the Al Qaeda leader Osama bin Laden.

(3) President George W. Bush ordered United States Armed Forces to begin Operation Enduring Freedom (OEF) to combat terrorism in Afghanistan and confront Al Qaeda.

(4) United States Armed Forces first entered Afghanistan and began combat operations on October 7, 2001.

(5) On May 2, 2011, Osama bin Laden was killed during the fighting after President Barack Obama ordered Navy SEALs to raid Osama bin Laden's compound.

(6) On December 31, 2014, the United States and the North Atlantic Treaty Organization (NATO) combat operations in Afghanistan officially ended.

(7) Since the beginning of Operation Enduring Freedom, over 830,000 Americans, including 18,000 from this Commonwealth, have served in Afghanistan.

(8) More than 2,000 members of the United States Armed Forces, including 98 from this Commonwealth, were killed in action in Afghanistan since combat began.

(9) More than 19,000 members of the United States Armed Forces were wounded in service to their country during Operation Enduring Freedom.

(10) When Operation Enduring Freedom ended, the United States began a new phase of the campaign, named Operation Freedom's Sentinel (OFS).

(11) United States Armed Forces remain in the country to participate in a coalition mission to train, advise and assist Afghan National Defense and Security Forces and to conduct counterterrorism operations against the remnants of Al Qaeda.

(12) During Operation Freedom's Sentinel more than 70 Americans have lost their lives and another 453 have been wounded in action.

(13) On March 19, 2003, President George W. Bush announced the beginning of combat operations in Iraq after Saddam Hussein failed to meet the demands of the United

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States.

(14) Operation Iraqi Freedom lasted for more than seven years, reducing the influence of insurgents, stopping sectarian violence, assisting in training the Iraq Security Forces and promoting the development of Iraq's constitution and elections.

(15) Major United States combat operations ended on September 1, 2010. American troops remained in the country to advise Iraqi Security Forces as part of Operation New Dawn until the withdrawal on December 15, 2011.

(16) More than 4,000 members of the United States Armed Forces lost their lives during Operation Iraqi Freedom and Operation New Dawn, including 197 from this Commonwealth, and more than 32,000 were wounded.

(17) With the rise of the terrorist group known as the Islamic State of Iraq and Syria (ISIS), the United States created a new combined joint task force in 2014, dubbed Operation Inherent Resolve.

(18) March 23, 2019, marked the end of ISIS controlling any physical territory in Syria and Iraq.

(19) United States Armed Forces under Operation Inherent Resolve continue to work by, with and through local partners to defeat the final ISIS force and stabilize the region.

(20) The fight against ISIS under Operation Inherent Resolve has claimed more than 80 American lives, with another 80 wounded in action.

(21) United States military personnel have served domestically securing key infrastructure and supporting overseas operations.

(22) Since September 11, 2001, members of the United States military have served on nearly every continent fighting international terrorism.

(b) Designation.--October 7 of each year is designated as Global War on Terrorism Veterans Day.

(c) Proclamation.--The Governor shall issue annually a proclamation encouraging all public schools and educational institutions to observe Global War on Terrorism Veterans Day and to conduct exercises recognizing the contributions of all those involved in the Global War on Terrorism and remembering the sacrifices they made for their country. The proclamation may not mandate a public school or educational institution to participate in the observance.  
(38 Pa.C.S. § 1303)

## PART VII. CRIMES AND OFFENSES

### **Section 707. Criminal penalties [for violations of local option small games of chance].**

(a) Eligible organizations and club licensees.--Any eligible organization violating the provisions of this act [the Local Option Small Games of Chance Act] shall be guilty of a summary offense and, upon conviction thereof, shall be sentenced to pay a fine not exceeding \$1,000 for a first offense and \$1,500 for a subsequent offense. In addition:

(1) For a first offense, the eligible organization shall forfeit the license to conduct games of chance issued to the eligible organization for a period of not more than 30 days.

(2) For a second offense, the eligible organization shall forfeit its license for a period of not less than 30 days nor more than 180 days.

(3) For a third or subsequent offense within three years of the first offense, the eligible organization shall forfeit its license and be ineligible for a license renewal for 30 months thereafter.

\* \* \*

(1988, P.L.1262, No.156, § 707)

### **Section 103. Definitions [relating to crime victims].**

The following words and phrases when used in this act [the Crime Victims Act] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

\* \* \*

"Loss of earnings." An economic loss resulting from an injury or death to a victim of a

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crime or an intervenor that has not been and will not be reimbursed from any other source. The term includes the loss of the cash equivalent of one month's worth of Social Security, railroad retirement, pension plan, retirement plan, disability, veteran's retirement, loss of support payments if the payments are the primary source of the victim's income or other similar benefit, and the victim or intervenor is deprived of money as a direct result of a crime.

\* \* \*

(1998, P.L.882, No.111, § 103)

### **Section 1. Military uniforms and visitations on school property.**

(a) General rule.--The board of school directors, school superintendent, chief administrator or principal of any public school shall not impose any restrictions or prohibitions on:

(1) The wearing of official military uniforms authorized by the Federal Government by members of the active and retired armed services, their reserve components or the National Guard while on school district property.

(2) The visiting or meeting with a school district employee or student by any member of the active or retired armed services, their reserve components or the National Guard when such member is in compliance with the school district's visitor policy.

(b) Penalty.--A person who violates this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$500. Each occurrence in violation of this section shall constitute a separate offense.

(2010, P.L.146, No.13, § 1)

### **§ 2801. Definitions [relating to antihazing].**

The following words and phrases when used in this chapter [18 Pa.C.S. Ch.28 (relating to antihazing)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

\* \* \*

"Emergency services personnel." Individuals, including a trained volunteer or a member of the armed forces of the United States or the National Guard, whose official or assigned responsibilities include performing or directly supporting the performance of emergency medical and rescue services or firefighting.

\* \* \*

(18 Pa.C.S. § 2801)

### **§ 4915.1. Failure to comply with [sexual offender] registration requirements.**

\* \* \*

(f) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

\* \* \*

"Similar offense." An offense similar to an offense under either subsection (a)(1) or (2) under the laws of this Commonwealth, another jurisdiction or a foreign country or a military offense, as defined in 42 Pa.C.S. § 9799.12 (relating to definitions).

\* \* \*

(18 Pa.C.S. § 4915.1)

### **§ 5509. Desecration, theft or sale of venerated objects.**

(a) Offense defined.--A person commits a misdemeanor of the second degree if he:

\* \* \*

(3) sells, attempts to sell or removes with intent to sell a veteran's marker as described in section 1913 of the act of August 9, 1955 (P.L.323, No.130), known as The County Code. This paragraph shall not apply to the sale of veterans' markers authorized by statute; or

(4) intentionally receives, retains or disposes of a veteran's marker or item decorating a veteran's grave knowing that the item has been stolen, or believing that it has probably been stolen, unless it has been received, retained or disposed of with the intent to

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return it to the owner.

\* \* \*

(18 Pa.C.S. § 5509)

### **§ 6308.1. Safe harbor for violation of section 6308(a) [(relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages)].**

\* \* \*

(e) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

\* \* \*

"Emergency services personnel." Individuals, including a trained volunteer or a member of the armed forces of the United States or the National Guard, whose official or assigned responsibilities include performing or directly supporting the performance of emergency medical and rescue services or firefighting.

\* \* \*

(18 Pa.C.S. § 6308.1)

### **§ 6701. Wearing of uniforms and insignia and misrepresentation of military service or honors.**

(a) Wearing of uniforms and insignia.--A person is guilty of a summary offense if, without authority, he:

(1) wears or displays the uniform, decoration, insignia or other distinctive emblem of any branch of the armed forces of the United States or of any of the several states, or of any association, for the purpose of obtaining aid or profit, or while soliciting contributions or subscriptions; or

(2) wears an honorable discharge button issued or authorized by the United States.

(b) Misrepresentation of military service or honors.--A person commits a misdemeanor of the third degree if, with intent to obtain money, property or other benefit, the person fraudulently holds himself out to be any of the following:

(1) A member or veteran of any branch of the armed forces of the United States or of any of the several states.

(2) The recipient of any decoration or medal authorized by the Congress of the United States for the armed forces of the United States or any of the service medals or any decoration awarded to members of the armed forces of the United States or of any of the several states.

(c) Deposit of fines.--Notwithstanding any other provision of this title or other law to the contrary, the full amount of each fine collected under this section shall be deposited into the Veterans' Trust Fund under 51 Pa.C.S. § 1721 (relating to Veterans' Trust Fund).

(18 Pa.C.S. § 6701)

### **§ 6702. Sale of veterans' flowers.**

A person is guilty of a summary offense if, without authority, he sells, or offers for sale, the labeled artificial flowers, or any imitation thereof, of any bona fide war veterans' organization, or affiliate thereof.

(18 Pa.C.S. § 6702)

### **§ 6703. Dealing in military decorations.**

A person is guilty of a misdemeanor of the third degree if, without authority, he purchases, sells, or offers for sale, or accepts as a pledge or pawn, any medal, insignia or decoration granted by the United States for service in the armed forces.

(18 Pa.C.S. § 6703)

### **§ 916. Problem-solving courts.**

(a) Establishment.--The court of common pleas of a judicial district and the Municipal

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Court of Philadelphia may establish, from available funds, one or more problem-solving courts which have specialized jurisdiction, including, but not limited to, veterans courts, drug courts, mental health courts and driving under the influence courts, whereby defendants are admitted to a court-supervised individualized treatment program. The court may adopt local rules for the administration of problem-solving courts and their related treatment services. The local rules may not be inconsistent with this section or any rules established by the Supreme Court.

\* \* \*

(d) Veterans courts.--

(1) If a court of common pleas of a judicial district or the Municipal Court of Philadelphia has established a veterans court under subsection (a), the court may provide for participation by defendants from another county or counties.

(2) A court of common pleas of a judicial district or the Municipal Court of Philadelphia may join with the court in another county or counties to establish a multicounty veterans court.

(e) Veterans track.--If a court of common pleas of a judicial district or the Municipal Court of Philadelphia established a problem-solving court under subsection (a), except for a veterans court, the court may establish a veterans track within the problem-solving court. As used in this subsection, the term "veterans track" means a program that utilizes some components of a veterans court, including, but not limited to, treatment resources and veteran mentors and does not have the population and judicial resources to sustain a full veterans court.

(f) Local rules.--A court of common pleas of a judicial district or the Municipal Court of Philadelphia that established a veterans court, multicounty veterans court or veterans track under this section may adopt local rules for the administration of the courts and their related treatment services. The local rules may not be inconsistent with this section or any rules established by the Supreme Court.

(42 Pa.C.S. § 916)

### **§ 9799.15. Period of registration [for sexual offenders].**

\* \* \*

(b) Commencement of registration.--The following apply:

(1) The period of registration set forth in subsection (a) shall commence as follows:

\* \* \*

(iv) For an individual who committed a sexually violent offense in another jurisdiction or foreign country or a comparable military offense, the period of registration shall commence upon establishment of a residence or commencement of employment or enrollment as a student within this Commonwealth. This subparagraph shall apply to an individual convicted of a sexually violent offense in another jurisdiction or foreign country or comparable military offense and who is a transient.

\* \* \*

(42 Pa.C.S. § 9799.15)

### **§ 2316.1. Collection [of DNA from sexual offenders and other offenders] from persons accepted from other jurisdictions.**

(a) Conditional acceptance.--When a person is accepted into this Commonwealth for supervision from another jurisdiction under the Interstate Compact for Supervision of Adult Offenders, other reciprocal agreement with a Federal, state or county agency, or a provision of law, whether or not the person is confined or released, the acceptance shall be conditioned on the offender providing a DNA sample under this chapter [44 Pa.C.S. Ch.23 (relating to DNA data and testing)] and fingerprints if the offender has a past or present Federal, state or military court conviction or adjudication that is equivalent to a felony sex offense or other specified offense as determined by the Pennsylvania Board of Probation and Parole. Additional DNA samples may be collected but shall not be required if the supervising agency or place of confinement confirms that a DNA sample is currently on file with the State DNA Data Bank and a DNA record for the person exists in the State DNA Data Base.

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(b) Time period.--

(1) If the person accepted under subsection (a) is not confined, the DNA sample and fingerprints required under this chapter shall be provided within five calendar days after the person reports to the supervising agent or within five calendar days of notice to the person, whichever occurs first. The person shall appear and the DNA sample shall be collected in accordance with the provisions of this chapter.

(2) If the person accepted under subsection (a) is confined, the person shall provide the DNA sample and fingerprints required by this chapter within five calendar days after the person is received at a place of incarceration or confinement.

(44 Pa.C.S. § 2316.1)

### **§ 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 willfully 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



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third degree.  
(51 Pa.C.S. § 9102)

### PART VIII. MISCELLANEOUS PROVISIONS

**Section 1. [Purchase of historical works relative to Civil War]** Be it enacted, &c., That whenever, after the passage of this act [the act of June 13, 1907, P.L.558, No.371], any regiment or battery or other unit of military organization of Pennsylvania Volunteers shall publish, or shall have prepared for publication, a history of such organization, under the sanction and authority of its proper veteran organization, which history shall be shown, to the satisfaction of the Governor, Auditor General, and Adjutant General, so far as it is practicable in such works, faithfully and accurately prepared and historically correct to be of sufficient reliability and importance to justify the purchase of copies as herein provided for, and to contain a complete roster of the organization, corrected to the date of publication, the Secretary of the Commonwealth, with the approval of the Governor, Auditor General, and Adjutant General, and at a price fixed by them, shall purchase four hundred copies of such history, the price not to exceed two dollars per copy: Provided, That the total amount expended during the two fiscal years beginning June first, one thousand nine hundred and seven, shall not exceed the sum of eight thousand dollars. The said appropriation to be paid upon warrants drawn by the Secretary of the Commonwealth, countersigned by the Auditor General, and that the State Treasurer of this Commonwealth be and is authorized to make all payments out of such moneys in the Treasury as is not otherwise appropriated.  
(1907, P.L.558, No.371, § 1)

**Section 1. [Definition of veterans of the Spanish American War or Spanish American War Veterans]** Whenever the term "Veterans of the Spanish American War" or the term "Spanish American War Veterans" occurs in any law, or whenever in any law reference is made to such veterans or to any organization of such veterans such term or reference shall be deemed to refer to and include the United Spanish War Veterans, Inc.  
(1941, P.L.830, No.308, § 1)

**Section 2128. [Second Class] County History.**--The county commissioners of the county, either independently or in connection with any other municipality or municipalities within their county or any society or organization, may appropriate money for the compilation of a county war history or any general history or historical account related to the history records and government of the county, and for the publication and distribution of the same.  
(1953, P.L.723, No.230, § 2128)

**Section 1. [Definition of veterans]** Wherever the term "veteran" appears in any act of the General Assembly concerning service in the armed forces of the United States the construction thereof shall include those who have served in the Vietnam Conflict.  
(1972, P.L.1718, No.368, § 1)

#### **§ 506.1. Use of Pennsylvania National Guard for special State duty.**

(a) Authorization.--The Governor may place, or delegate authority to the Adjutant General to order, any volunteer member of the Pennsylvania National Guard or, if unavailable due to call or order into the service of the United States, any member of the Pennsylvania Guard on special State duty to respond to community needs, support Commonwealth functions and ceremonies, participate in courts-martial and board functions, support State and local governments and designated critical infrastructure with cybersecurity functional support and nongovernmental and educational institutions with cyber training or exercises and perform other necessary military duties to the extent that money is appropriated and available for special State duty.

(b) Report.--

(1) If members of the Pennsylvania National Guard or Pennsylvania Guard are

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ordered to special State duty in support of Federal, State and local cybersecurity functions, operations or training or exercise support, the Governor shall annually, by April 1, submit a report to the General Assembly setting forth the following, which shall protect the security of sensitive information:

- (i) the types of cybersecurity operations and training performed;
- (ii) the name and type of organizations supported;
- (iii) the number and types of personnel involved;
- (iv) the types of equipment and systems utilized; and
- (v) problems encountered in matters of jurisdiction, command and control,

hostile encounters and operation approval procedures.

(2) The report shall include a breakdown of support provided in the normal course of training and support substantially equivalent to training.

(c) Limitation.--Special State duty shall not be provided if the provision of the support will adversely affect the ability of the Pennsylvania National Guard or Pennsylvania Guard to perform its primary military-preparedness missions.

(d) Adjutant General.--In addition to the powers and duties of the Adjutant General under this title, the Adjutant General is authorized and directed to order members of the Pennsylvania National Guard to special State duty under subsection (a).

(e) Pay and allowances.--Officers and enlisted personnel ordered on special State duty for which pay is authorized under the order prescribing the performance of duty shall receive the pay and allowances of their respective grades during the time the duty is ordered. The pay authorized under this subsection may not be less than \$100 per day.

(f) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Special State duty." State military duty by the Pennsylvania military forces as authorized under this section. The term does not include active State duty authorized under section 508 (relating to active duty for emergency) or duty authorized and funded under 10 U.S.C. (relating to Armed Forces) and 32 U.S.C. (relating to National Guard).  
(51 Pa.C.S. § 506.1)

### **§ 1731. Accreditation [of county directors of veterans affairs].**

(a) Eligibility.--In order to be eligible for appointment as a director of veterans affairs in a county of this Commonwealth, a person must maintain a United States Department of Veterans Affairs accreditation in accordance with the provisions of 38 CFR § 14.629 (relating to requirements for accreditation of service organization representatives; agents; and attorneys) with one of the following:

- (1) The department.
- (2) A veterans' organization listed under section 1702(b) (relating to State Veterans' Commission).

(b) Time.--

(1) A person who is appointed as a director of veterans affairs in a county of this Commonwealth shall have up to one year from the date of appointment to attain the training and certification required under this title.

(2) A person who has been appointed as a director of veterans affairs in a county of this Commonwealth prior to the effective date of this section shall have one year from the effective date of this section to attain the training and certification required under this title.

(c) Additional duties.--In addition to the duties provided for under a statute other than this title, a director of veterans affairs shall do all of the following:

(1) Serve as a local contact between the United States Department of Veterans Affairs, the department and an individual in the armed forces of the United States, an individual who was discharged from the service and a dependent of the individual.

(2) Advise an individual in the armed forces, a veteran or a dependent of the individual or veteran of available Federal, State and county veterans' benefits.

(3) Aid an individual in the armed forces, a veteran or a dependent of the individual or veteran in completing required Federal, State and local veterans' affairs forms in

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compliance with current regulations and policies.

(4) Work under the direct supervision of the county commissioners and within the guidelines provided by the department and the United States Department of Veterans Affairs.

(5) Participate in programs provided by the department, including:

(i) Annual training and refresher courses provided by the Office of the Deputy Adjutant General for Veterans' Affairs.

(ii) Five-year recertification as required by the United States Department of Veterans Affairs for veterans' service officer accreditation.

(d) Office duties.--The Office of the Deputy Adjutant General for Veterans' Affairs shall establish a county director of veterans affairs training program, agreed upon with the State Association of County Directors of Veterans Affairs, which shall include the following:

(1) Development of program guidelines and procedures as required under this subchapter.

(2) Maintenance of training records.

(3) Maintenance of competency scores for purposes of documenting and monitoring accreditation status.

(4) Annual recertification and qualification.

(51 Pa.C.S. § 1731)

### **§ 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.

(51 Pa.C.S. § 9401)

### **§ 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.

(51 Pa.C.S. § 9402)

### **§ 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.

(51 Pa.C.S. § 9403)

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