

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 366 Session of
2003

INTRODUCED BY STACK, KITCHEN, LOGAN, WAUGH, MUSTO, BOSCOLA,
KUKOVICH, WAGNER, MOWERY, LAVALLE, COSTA, O'PAKE, ORIE,
SCHWARTZ AND TARTAGLIONE, MARCH 3, 2003

REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,
MARCH 3, 2003

AN ACT

1 Providing for bonus pay for certain persons involved in the War
2 on Terrorism; and making an appropriation.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the War on
7 Terrorism Compensation Act.

8 Section 2. Definitions.

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

12 "Soldier." Any United States military reservist whose
13 reserve unit is in Pennsylvania and any member of the
14 Pennsylvania National Guard who was called to active duty on or
15 after September 11, 2001, to participate in the War on Terrorism
16 and who has completed one month of active duty. Proof of such
17 service shall be the official military records of the United

1 States or such other evidence as is deemed sufficient by the
2 Adjutant General.

3 "War on Terrorism." Military efforts in the United States
4 and abroad directly resulting from the terrorism attacks on the
5 Pentagon, the World Trade Center and the airplane that went down
6 in Somerset County on September 11, 2001. For the purposes of
7 this act, the War on Terrorism shall be deemed to have ended
8 when military efforts cease as ordered by the Commander-in-Chief
9 of the United States Armed Forces.

10 Section 3. Bonus payment.

11 (a) Compensation.--A bonus payment of \$250 shall be made to
12 each soldier who is determined to be eligible pursuant to
13 section 4(a).

14 (b) Exclusion from compensation.--Any individual who has
15 received a bonus, gratuity or compensation of a nature similar
16 to that provided for by this act from any other state in the
17 United States is ineligible for compensation. This exclusion
18 does not apply to a similar bonus, gratuity or compensation from
19 the Federal Government.

20 Section 4. Application for compensation.

21 (a) Application to Adjutant General.--Applications shall be
22 made by a soldier, the facility entitled under section 5(a) or
23 the beneficiaries designated under section 5(b) on a form
24 provided by the Adjutant General. The Adjutant General shall
25 ascertain the applicants who are eligible to receive a bonus
26 payment pursuant to this act.

27 (b) Time for filing application.--Applications may be filed
28 by a soldier after the soldier has completed one month of active
29 duty. The Adjutant General shall not accept or consider any
30 application filed five years after the cessation of the War on

1 Terrorism.

2 (c) Payment.--Every applicant shall designate in the
3 application the person or entity to whom payment under this act
4 shall be made.

5 Section 5. Persons to whom payments shall be made in case of
6 incompetence or death.

7 (a) Incompetence.--In a case where the soldier is
8 incompetent, if no guardian has been appointed, payment shall be
9 made for the benefit of the soldier to the person who is
10 entitled to payment under subsection (b) or, in the absence of
11 any such person and if the soldier is in a facility, to the
12 person in charge of the facility to be expended for the clothing
13 and incidental needs of the soldier. No part of the compensation
14 paid to any facility shall be used for the maintenance of the
15 soldier. A statement from the person in charge of the facility
16 in which the soldier resides shall be evidence to determine the
17 competence of the soldier.

18 (b) Death.--In the case of the death of a soldier, payment
19 shall be made, in the order named, to the:

20 (1) surviving spouse unless the spouse was living
21 separate and apart from the soldier at the time of departure
22 for active service;

23 (2) surviving children, share and share alike; or

24 (3) surviving parents.

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

28 "Facility." Any mental health establishment, hospital,
29 clinic, institution, center, day-care center, base service unit,
30 community mental health center or other organizational unit, or

1 part thereof, which is devoted primarily to the diagnosis,
2 treatment, care, rehabilitation or detention of mentally
3 disabled persons.

4 "Parents." Includes persons who, for a period of not less
5 than one year, acted in the capacity of a foster parent to the
6 soldier immediately prior to the soldier having attained 18
7 years of age.

8 Section 6. Applicant to designate beneficiaries.

9 Every person making application for compensation shall set
10 forth in the application the names and addresses of all persons
11 who, under this act, would be entitled to receive compensation
12 in the event of the death of the applicant. If the applicant
13 dies before the payment of the compensation, the application
14 shall be deemed to inure to the benefit of the person next
15 entitled to compensation, and payment shall be made to the
16 person upon proof of identity satisfactory to the Adjutant
17 General. If no person designated in this act as being entitled
18 to compensation survives the soldier, the right to the
19 compensation shall cease.

20 Section 7. Exemption from attachment, etc.

21 No sum payable under this act to a soldier or to any other
22 person under this act shall be subject to attachment, levy or
23 seizure under any legal or equitable process and shall be exempt
24 from all State taxation. No right to compensation under this act
25 shall be assignable, except as otherwise provided in this act,
26 or shall serve as a security for any loan. Any assignment or
27 loan made in violation of this section shall be void.

28 Assignments to any incorporated or unincorporated organization
29 of soldiers or veterans, any nonprofit corporation formed solely
30 for the purpose of aiding disabled or incapacitated soldiers or

1 veterans and the State Veterans' Commission shall be valid.

2 Section 8. Penalty for charging fees for assisting soldiers.

3 A person who charges or collects or attempts to charge or
4 collect, either directly or indirectly, any fee or other
5 compensation for assisting, in any manner, a soldier in
6 obtaining any of the benefits provided under this act commits a
7 misdemeanor of the second degree.

8 Section 9. Administration of compensation program.

9 The Adjutant General shall administer the compensation
10 program. For that purpose application forms shall be prepared
11 and distributed, applications shall be investigated, and, if
12 satisfied of the proof of an application, compensation shall be
13 approved and payment of compensation shall be made. The Adjutant
14 General shall promulgate rules and regulations to implement,
15 administer and enforce this act. The Adjutant General shall, as
16 soon as practicable after the effective date of this act,
17 prepare and distribute a digest explaining the provisions of
18 this act to assist soldiers in filing their applications and
19 shall, from time to time, prepare and distribute additional or
20 supplementary information as may be found necessary. The
21 Adjutant General shall enlist, as far as possible, the services
22 of soldier and veteran organizations in this Commonwealth in the
23 dissemination of the information.

24 Section 10. Appropriation.

25 The General Assembly shall appropriate the sum of \$2,000,000
26 to carry out the provisions of this act.

27 Section 11. Effective date.

28 This act shall take effect in 60 days.