

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1097 Session of
2011

INTRODUCED BY LONGIETTI, CALTAGIRONE, CARROLL, COHEN, D. COSTA,
CREIGHTON, DALEY, DONATUCCI, FLECK, GEORGE, HARHAI, HESS,
HORNAMAN, KOTIK, KULA, MAHONEY, MOUL, MURPHY, MURT,
M. O'BRIEN, O'NEILL, READSHAW, REICHLEY, SWANGER AND TALLMAN,
MARCH 17, 2011

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, MARCH 17, 2011

AN ACT

1 Amending the act of April 12, 2006 (P.L.67, No.22), entitled "An
2 act providing a bonus to Pennsylvanians who are United States
3 Merchant Marine veterans who served during World War II;
4 imposing certain duties on the Adjutant General; providing
5 penalties; and making an appropriation," further providing
6 for definitions, for application for bonus, for United States
7 Merchant Marine World War II Veterans' Bonus Fund and for
8 expiration.

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

11 Section 1. The definition of "Merchant Marine veteran who
12 served during World War II" in section 2 of the act of April 12,
13 2006 (P.L.67, No.22), known as the Merchant Marine World War II
14 Veterans Bonus Act, is amended to read:

15 Section 2. Definitions.

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

19 * * *

1 "Merchant Marine veteran who served during World War II."

2 (1) The term includes any individual who served active
3 duty[, including training,] in the United States Merchant
4 Marine between December 7, 1941, and August 15, 1945, including training with the United States Merchant Marine or
5 the United States Maritime Service.
6

7 (2) The term does not include:

8 (i) any individual at any time during such period,
9 or thereafter, separated from the oceangoing United
10 States Merchant Marine under other than honorable
11 conditions;

12 (ii) any individual who renounced his United States
13 citizenship during such period; or

14 (iii) any individual who, during such period,
15 refused on conscientious, political, religious or other
16 grounds to be subject to military discipline.

17 Section 2. Sections 4, 9 and 11 of the act are amended to
18 read:

19 Section 4. Application for bonus.

20 (a) General rule.--Application for compensation shall be
21 made to the Adjutant General on such forms and in such manner as
22 the Adjutant General prescribes. A federally issued DD-214 form
23 evidencing honorable discharge from service in the United States
24 Merchant Marine for a period including any portion of the period
25 from December 7, 1941, through August 15, 1945, shall be deemed
26 sufficient evidence of qualifying service. A release from active
27 duty form issued by the United States Maritime Service between
28 December 7, 1941 and August 15, 1945, shall be deemed sufficient
29 evidence of qualifying training time in the United States
30 Merchant Marines. The Adjutant General shall assist applicants

1 in obtaining copies of Federal DD-214 or release from active
2 duty forms should the applicant desire assistance.

3 (b) Personal application; exception.--An application shall
4 be made personally by the United States Merchant Marine veteran
5 who served during World War II and is a legal resident of this
6 Commonwealth. However, in the event that health or incompetency
7 prevents a personal application, then such representative of the
8 veteran as the Adjutant General shall prescribe shall serve as
9 attorney-in-fact for purposes of applying for and receiving the
10 bonus. An application made by a representative other than one
11 authorized by the Adjutant General shall be void.

12 (c) Acceptance and consideration of applications.--The
13 Adjutant General shall not accept or consider any application
14 filed with the Adjutant General after December 31, [2006] 2007.
15 The decisions of the Adjutant General in consideration of
16 applications shall be final and not subject to review by any
17 court or by any other officer[.]; provided, however, a veteran
18 whose application was denied because the veteran's active duty
19 with the United States Merchant Marine was in training with the
20 United States Maritime Service between December 7, 1941, and
21 August 15, 1945, may reapply for compensation.

22 Section 9. United States Merchant Marine World War II Veterans'
23 Bonus Fund.

24 (a) Establishment.--The United States Merchant Marine World
25 War II Veterans' Fund is hereby established as a restricted
26 receipt account within the General Fund. The fund shall be
27 administered by the State Treasurer.

28 (b) Source of moneys.--Moneys to be deposited in the fund
29 shall be appropriated from the General Fund by the General
30 Assembly.

1 (c) Lapsing of funds.--Any moneys appropriated to the fund
2 remaining unexpended or unencumbered on June 30, [2007] 2009,
3 shall lapse into the General Fund.

4 Section 11. Expiration.

5 This act shall expire on June 30, [2007] 2009.

6 Section 3. This act shall be retroactive to December 30,
7 2007.

8 Section 4. This act shall take effect immediately.