

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2450 Session of  
2002

INTRODUCED BY MAHER, KAISER, LAUGHLIN, ARMSTRONG, J. BAKER,  
M. BAKER, BASTIAN, BELARDI, BROWNE, BUNT, CAPPELLI, CLYMER,  
L. I. COHEN, DALEY, DONATUCCI, J. EVANS, FEESE, FORCIER,  
GABIG, GEORGE, GODSHALL, HABAY, HENNESSEY, HERMAN,  
HUTCHINSON, JAMES, KENNEY, LEDERER, LEH, LESCOVITZ, LEWIS,  
MAITLAND, MAJOR, MARKOSEK, MARSICO, MAYERNIK, McILHATTAN,  
McNAUGHTON, MICHLOVIC, R. MILLER, S. MILLER, O'BRIEN,  
PHILLIPS, PICKETT, RAYMOND, READSHAW, ROBINSON, ROSS, RUBLEY,  
SANTONI, SATHER, SHANER, S. H. SMITH, SOLOBAY, T. STEVENSON,  
E. Z. TAYLOR, TRELLO, VANCE, WATSON, WILT, YUDICHAK, MELIO,  
FICHTER, SCHULER, McGEEHAN, TANGRETTI, CORRIGAN, BEBKO-JONES,  
McCALL, THOMAS, HORSEY, LUCYK, FREEMAN, TURZAI, STABACK,  
SCHRODER AND YOUNGBLOOD, MARCH 27, 2002

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY  
PREPAREDNESS, MARCH 27, 2002

AN ACT

1 Providing a bonus to Pennsylvanians who are United States  
2 Merchant Marine veterans who served during World War II;  
3 imposing certain duties on the Adjutant General; providing  
4 penalties; and making an appropriation.

5 The General Assembly finds and declares as follows:

6 (1) The United States Merchant Marine served with honor  
7 and at great risk during World War II.

8 (2) Individuals serving in the United States Merchant  
9 Marine during World War II had a greater casualty rate than  
10 any branch of the armed forces.

11 (3) Dwight D. Eisenhower, in his capacity as General and  
12 Supreme Commander Allied Expeditionary Force in Europe,  
13 observed in the midst of the war that, "When victory is

1 finally ours, there is no organization that will share its  
2 credit more deservedly than the Merchant Marine."

3 (4) Pennsylvania has recognized the honored service of  
4 United States Merchant Marine veterans of World War II as  
5 military service for purposes ranging from pension credit to  
6 the National World War II Memorial christened in 2001.

7 (5) United States Merchant Marine veterans deserve to be  
8 recognized and thanked for their service by the Commonwealth,  
9 even at this late date, on a basis comparable to that given  
10 to other veterans of World War II more than 50 years ago.

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

13 Section 1. Short title.

14 This act shall be known and may be cited as the Merchant  
15 Marine World War II Veterans Bonus Act.

16 Section 2. Definitions.

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

20 "Adjutant General." The Adjutant General of the  
21 Commonwealth.

22 "Legal resident of this Commonwealth." An individual who is  
23 registered to vote as a resident of this Commonwealth on the  
24 effective date of this act.

25 "Merchant Marine." The United States Merchant Marine.

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

27 (1) The term includes any individual who served active  
28 duty, including training, in the United States Merchant  
29 Marine between December 7, 1941, and August 15, 1945.

30 (2) The term does not include:

1           (i) any individual at any time during such period,  
2           or thereafter, separated from the oceangoing United  
3           States Merchant Marine under other than honorable  
4           conditions;

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

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

10 Section 3. Bonus.

11       A bonus of \$500 shall be payable under this act to any United  
12       States Merchant Marine veteran who served during World War II  
13       and is a legal resident of this Commonwealth.

14 Section 4. Application for bonus.

15       (a) General rule.--Application for compensation shall be  
16       made to the Adjutant General on such forms and in such manner as  
17       the Adjutant General prescribes. A federally issued DD-214 form  
18       evidencing honorable discharge from service in the United States  
19       Merchant Marine for a period including any portion of the period  
20       from December 7, 1941, through August 15, 1945, shall be deemed  
21       sufficient evidence of qualifying service. The Adjutant General  
22       shall assist applicants in obtaining copies of Federal DD-214  
23       forms should the applicant desire assistance.

24       (b) Personal application; exception.--An application shall  
25       be made personally by the United States Merchant Marine veteran  
26       who served during World War II and is a legal resident of this  
27       Commonwealth. However, in the event that health or incompetency  
28       prevent a personal application, then such representative of the  
29       veteran as the Adjutant General shall prescribe shall serve as  
30       attorney-in-fact for purposes of applying for and receiving the

1 bonus. An application made by a representative other than one  
2 authorized by the Adjutant General shall be void.

3 (c) Acceptance and consideration of applications.--The  
4 Adjutant General shall not accept or consider any application  
5 filed with the Adjutant General after December 31, 2003. The  
6 decisions of the Adjutant General in consideration of  
7 applications shall be final and not subject to review by any  
8 court or by any other officer.

9 Section 5. Exemption from attachment.

10 No sum payable under this act to a United States Merchant  
11 Marine veteran or any other person under this act shall be  
12 subject to attachment, levy or seizure under any legal or  
13 equitable process and shall be exempt from all State taxation.  
14 No right to compensation under this act shall be assignable or  
15 serve as a security for any loan. Any assignment or loan made in  
16 violation of this section shall be held void.

17 Section 6. Penalty for fees for assisting with bonus  
18 application.

19 Any person who charges or collects or attempts to charge or  
20 collect, either directly or indirectly, any fee or other  
21 compensation for assisting, in any manner, a veteran in  
22 obtaining any of the benefits to which the veteran is entitled  
23 under this act commits a misdemeanor and, upon conviction  
24 thereof, shall be subject to a fine of not more than \$2,500, or  
25 to imprisonment for not more than one year, or both, for each  
26 violation.

27 Section 7. Digest and explanation of act.

28 The Adjutant General shall, as soon as practicable after the  
29 effective date of this act, prepare and publish a pamphlet or  
30 pamphlets containing a digest and explanation of this act,

1 accompanied by such statements as the Adjutant General believes  
2 may be of assistance to the United States Merchant Marine  
3 veterans who served during World War II in filing their  
4 applications and shall from time to time prepare and publish  
5 additional or supplementary information as may be found  
6 necessary. The pamphlet or pamphlets shall be distributed in  
7 such manner as the Adjutant General may determine to be most  
8 effective to inform United States Merchant Marine veterans of  
9 their rights under this act. The Adjutant General shall enlist,  
10 as far as possible, the services of United States Merchant  
11 Marine veteran organizations in this Commonwealth in the  
12 dissemination of such information.

13 Section 8. Administration of act.

14 (a) General administration.--The Adjutant General shall  
15 administer this act and shall prepare and distribute  
16 applications, investigate all claims and applications filed with  
17 the Adjutant General and, if satisfied of the proof of such  
18 claim or application, approve the application and direct payment  
19 thereof. The Adjutant General shall make any regulation  
20 necessary to administer this act.

21 (b) Records.--The books, papers and records, together with  
22 the filing cases and equipment procured and used in the  
23 administration of this act, shall become a part of the permanent  
24 records of the office of Adjutant General.

25 (c) Oaths and affirmations.--Employees of the Department of  
26 Military and Veterans Affairs, whose specific duty is to aid and  
27 assist veterans and their widows, children and dependents in the  
28 prosecution of claims before the Department of Veterans Affairs,  
29 or other branch of the Federal Government, are hereby authorized  
30 and empowered to administer oaths and affirmations in all

1 matters pertaining to and concerning such claims.

2 Section 9. Payment.

3 (a) Fund.--The compensation payable under this act shall be  
4 paid by the State Treasurer from the United States Merchant  
5 Marine World War II Veterans' Bonus Fund to be administered by  
6 the State Treasurer and created with funds realized from revenue  
7 collected by the Commonwealth through what is known as the  
8 emergency liquor tax and established by the act of June 9, 1936  
9 (1st Sp.Sess., P.L.13, No.4), entitled, "An act imposing an  
10 emergency State tax on liquor, as herein defined, sold by the  
11 Pennsylvania Liquor Control Board; providing for the collection  
12 and payment of such tax; and imposing duties upon the Department  
13 of Revenue and the Pennsylvania Liquor Control Board," and shall  
14 be appropriated each year to the fund. Any funds appropriated to  
15 the United States Merchant Marine World War II Veterans' Bonus  
16 Fund remaining unexpended or unencumbered upon the expiration of  
17 this section shall lapse into the General Fund. Payments under  
18 this act shall be made as soon as possible after funds are  
19 available for such payments.

20 (b) Expiration.--This section shall expire June 30, 2004.

21 Section 10. Effective date.

22 This act shall take effect immediately.