

AMENDMENTS TO SENATE BILL NO. 1076

Sponsor: REPRESENTATIVE BARRAR

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1 Amend Bill, page 1, lines 6 through 11, by striking out all
2 of said lines and inserting

3 Section 1. Section 7319 of Title 51 of the Pennsylvania
4 Consolidated Statutes is reenacted and amended to read:

5 § 7319. Military family relief assistance.

6 (a) Establishment of fund.--In order to carry out the
7 purposes of section 315.8 of the act of March 4, 1971 (P.L.6,
8 No.2), known as the Tax Reform Code of 1971, there is hereby
9 established in the State Treasury a restricted revenue account
10 within the General Fund which shall be known as the Military
11 Family Relief Assistance Fund.

12 (b) Administration of program.--

13 (1) The department shall administer and staff the
14 program established in paragraph (2) and shall accept
15 voluntary contributions from persons for the fund. The
16 department may consult with any governmental or
17 nongovernmental organization as is necessary to complete the
18 requirements under this section but shall not enter into an
19 agreement or contract with any such organization for the
20 staffing functions of the program.

21 (2) The Military Family Relief Assistance Program is
22 established. Contributions received for the fund shall be
23 distributed by the department under the program to eligible
24 service members and eligible relatives of eligible service
25 members. Applicants must demonstrate to the department that
26 they have a direct and immediate financial need as a result
27 of circumstances beyond the control of and not as a result of
28 misconduct by the service member. The applicant shall
29 demonstrate that the financial need is caused by one or more
30 of the following:

31 (i) A sudden or unexpected loss of income, real or
32 personal property, assets or support directly related to
33 the military service of, or exigent circumstances
34 affecting, the service member.

35 (ii) The death or critical illness of a parent,
36 spouse, sibling or child resulting in an immediate need
37 for travel, lodging or subsistence for which the
38 applicant lacks financial resources.

1 (iii) The wounding of the service member in the line
2 of duty sustained as a result of combat or attack
3 resulting in an immediate need for funds for travel,
4 lodging, subsistence or other activities directly related
5 to the casualty for which the applicant lacks financial
6 resources. No more than two eligible relatives of an
7 eligible service member may receive assistance under this
8 subparagraph.

9 (iv) A natural or manmade disaster or other exigent
10 circumstances resulting in deprivation of food, shelter
11 or other necessities of life for which the applicant
12 lacks financial resources.

13 (v) Emergency need for child care of dependent
14 children for which the applicant lacks financial
15 resources.

16 (vi) Other immediate and necessitous cause
17 determined in the guidelines established for the program
18 that exceeds the financial resources of the applicant
19 where failure to provide emergency assistance will
20 substantially operate to the detriment of the service
21 member or his or her dependents.

22 (3) In order to qualify for assistance under this
23 program, applicants may be required under the guidelines of
24 this program to seek relief from other available sources
25 prior to applying for this program.

26 (4) An applicant may appeal a decision of the department
27 to the Adjutant General. The Adjutant General shall have the
28 authority to make a final determination concerning any
29 appeal.

30 (c) Guidelines.--The department shall, in consultation with
31 the chairman and minority chairman of the Appropriations
32 Committee of the Senate, the chairman and minority chairman of
33 the Appropriations Committee of the House of Representatives,
34 the chairman and minority chairman of the Veterans Affairs and
35 Emergency Preparedness Committee of the Senate and the chairman
36 and minority chairman of the Veterans Affairs and Emergency
37 Preparedness Committee of the House of Representatives, develop
38 guidelines necessary to administer the provisions of this
39 section. The guidelines established under this subsection shall
40 do all of the following:

41 (1) Set forth eligibility for relief under this program
42 and determine the amount of relief to be paid based on the
43 need demonstrated by the applicant and the amount of money in
44 the fund at the time of application.

45 (2) Set forth the maximum amount of relief and the
46 maximum number of applicants per event or episode.

47 (3) Set forth any other information necessary for the
48 administration and enforcement of the program.

49 (4) The guidelines established pursuant to this section
50 shall be published in the Pennsylvania Bulletin but shall not
51 be subject to review pursuant to section 205 of the act of

1 July 31, 1968 (P.L.769, No.240), referred to as the
2 Commonwealth Documents Law, sections 204(b) and 301(10) of
3 the act of October 15, 1980 (P.L.950, No.164), known as the
4 Commonwealth Attorneys Act, or the act of June 25, 1982
5 (P.L.633, No.181), known as the Regulatory Review Act.

6 (d) Moneys received.--All moneys received from the voluntary
7 contribution system established in section 315.8 of the Tax
8 Reform Code of 1971 shall be deposited in the fund.

9 (e) Other voluntary contributions.--In addition to the
10 voluntary contribution system established in section 315.8 of
11 the Tax Reform Code of 1971, the Commonwealth is also authorized
12 to accept other voluntary contributions and electronic donations
13 to the fund. All other voluntary contributions and electronic
14 donations shall be deposited into the fund. In addition, the
15 department shall ensure that applications to receive assistance
16 from this fund can be obtained electronically. All agencies of
17 State, county and municipal government within this Commonwealth
18 may include a brief description of the Military Family Relief
19 Assistance Program, the electronic and mailing address to make
20 donations to this fund and the electronic and mailing address to
21 request assistance from this program in their publications,
22 mailings and communications.

23 (f) Future appropriations.--The General Assembly may
24 appropriate funds for transfer to the fund for the purposes of
25 this section.

26 (g) Use of fund money.--The moneys contained in the fund are
27 hereby appropriated on a continuing basis to the Department of
28 Military and Veterans Affairs for the exclusive use of carrying
29 out the purposes of this section.

30 [(h) Expiration.--This section shall expire June 30, 2020.]

31 (i) Reporting.--Beginning on or before July 30, 2006, and
32 every year thereafter for the length of the program, the
33 department shall submit a report to the chairman and minority
34 chairman of the Appropriations Committee of the Senate, the
35 chairman and minority chairman of the Appropriations Committee
36 of the House of Representatives, the chairman and minority
37 chairman of the Veterans Affairs and Emergency Preparedness
38 Committee of the Senate and the chairman and minority chairman
39 of the Veterans Affairs and Emergency Preparedness Committee of
40 the House of Representatives detailing the program's guidelines,
41 the number of applicants, the total amount of money raised and
42 distributed and the type of applicant need. The report shall
43 also set forth any participation by a governmental or
44 nongovernmental organization utilized in the furtherance of the
45 program.

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

49 "Eligible relative of an eligible service member." The
50 dependent spouse or dependent child of the eligible service
51 member or, in the case of applicants for financial assistance to

1 visit a hospitalized service member, the service member's
2 spouse, parent, sibling or child. An eligible relative must be a
3 resident of Pennsylvania at the time of application for
4 assistance.

5 "Eligible service member."

6 (1) Any of the following:

7 (i) A member of the armed forces of the United
8 States or its reserve components, including the
9 Pennsylvania National Guard, who is serving on active
10 duty other than active duty for training for a period of
11 30 or more consecutive days.

12 (ii) A member of the Pennsylvania National Guard
13 serving on State active duty for a period of 30 or more
14 consecutive days.

15 (iii) A member in good standing of any reserve
16 component of the armed forces of the United States,
17 including the Pennsylvania National Guard, for a period
18 of three years after release from a tour of active duty,
19 other than active duty for training, or release from a
20 tour of State active duty of 30 or more consecutive days'
21 duration when the need for assistance is directly related
22 to the circumstances under subsection (b) (2).

23 (iv) A former member of the armed forces of the
24 United States or its reserve components, including the
25 Pennsylvania National Guard, for a period of four years
26 after discharge if:

27 (A) The member was discharged for medical
28 reasons arising out of the member's military service.

29 (B) The medical disability that resulted in the
30 member's discharge was incurred in the line of duty
31 and was not the result of misconduct.

32 (C) The medical condition giving rise to the
33 discharge did not exist prior to the member entering
34 military service.

35 (D) The medical disability was incurred while
36 the member was serving on active duty, other than
37 active duty for training, or State active duty for a
38 period of 30 or more consecutive days.

39 (E) The former member received an honorable
40 discharge for medical reasons.

41 (F) The need for assistance is directly related
42 to the former member's military service, to exigent
43 circumstances beyond the eligible member's control or
44 the disability incurred in the line of duty of the
45 military service.

46 (2) An eligible service member must be a resident of
47 Pennsylvania at the time of the application for assistance.

48 "Exigent circumstances." Emergency or extraordinary
49 situations or conditions resulting in an eligible service member
50 being unable to provide the necessities of living for the member
51 or the member's dependents due to factors beyond the member's

1 control. The term includes, but is not limited to, natural or
2 manmade disasters, loss of home, loss of employment, disability
3 or serious illness or injury.

4 "Resident of Pennsylvania." Either of the following:

5 (1) An individual who is domiciled in this Commonwealth.
6 The individual must either physically reside in Pennsylvania
7 or be absent from the State pursuant to military orders. An
8 individual's spouse or dependent who is domiciled in this
9 Commonwealth but who is stationed in another state or country
10 shall qualify under the program as a resident of Pennsylvania
11 so long as the person does not become domiciled in another
12 state.

13 (2) An individual who qualifies under the definition of
14 "resident individual" in section 301(p) of the Tax Reform
15 Code of 1971.