
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1179 Session of
2005

INTRODUCED BY R. MILLER, SEMMEL, BARRAR, BENNINGHOFF,
CALTAGIRONE, CAPPELLI, CRAHALLA, DALLY, DeWEESE, FAIRCHILD,
GEIST, GEORGE, GILLESPIE, GINGRICH, GOODMAN, GRUCELA, HARPER,
HENNESSEY, HERMAN, HUTCHINSON, JAMES, W. KELLER, KENNEY,
KOTIK, LEDERER, MACKERETH, McILHATTAN, NAILOR, O'NEILL,
PHILLIPS, PISTELLA, RAPP, REICHLEY, RUBLEY, STABACK, SURRA,
TANGRETTI, E. Z. TAYLOR, TIGUE, YOUNGBLOOD, ZUG, SIPTROTH,
DENLINGER, CIVERA, MELIO, HABAY, BROWNE, SAMUELSON, WRIGHT,
MUSTIO, THOMAS, YUDICHAK, NICKOL, BALDWIN, HICKERNELL,
S. MILLER, TRUE, MCGEEHAN, ALLEN AND CREIGHTON,
MARCH 29, 2005

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, OCTOBER 25, 2005

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania
2 Consolidated Statutes, establishing the Military Family
3 Relief Assistance Program and the Military Family Relief
4 Assistance Fund.; ~~and making an appropriation.~~ <—

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Title 51 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 ~~§ 7319. Military Family Relief Assistance.~~ <—

10 ~~(a) Establishment of fund. In order to carry out the~~
11 ~~purposes of section 315.8 of the act of March 4, 1971 (P.L.6,~~
12 ~~No.2), known as the Tax Reform Code of 1971, there is hereby~~
13 ~~established in the State Treasury a restricted revenue account~~

~~within the General Fund which shall be known as the Military Family Relief Assistance Fund.~~

~~(b) Administration of program.~~

~~(1) The department shall contract with a nonprofit entity to administer the program established in paragraph (2) and shall accept voluntary contributions from persons for the fund.~~

~~(2) The Military Family Relief Assistance Program is established. Contributions received for the fund shall be distributed by the department under the program to Pennsylvania resident servicemen or servicewomen or their families that have suffered a sudden or unexpected loss of income or other source of support or a death or an illness of a family member or a natural or man made disaster that creates a direct and immediate demonstrable financial need for assistance in order to provide themselves and their families with food, shelter, clothing, required medical care and other necessities of life.~~

~~(3) Persons applying for assistance under the program must physically reside in this Commonwealth and demonstrate that they have applied for and been turned down for existing relief programs as determined by the department.~~

~~(c) Rules. The department shall develop rules and regulations necessary to administer the provisions of this section.~~

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

~~(e) Electronic donations and applications. In addition to the voluntary contribution system established in section 315.8~~

~~of the Tax Reform Code of 1971, the Commonwealth is also
authorized to accept electronic donations to the fund.
Electronic donations shall be deposited into the fund and the
fund may elect to pay the cost of any such electronic
transaction. In addition, the agency, nonprofit or person
responsible for administering the fund shall ensure that
applications to receive assistance from this fund can be
obtained electronically. All agencies of State, county and
municipal government within this Commonwealth may include a
brief description of the Pennsylvania Military Family Relief
Assistance Program, the electronic and mailing address to make
donations to this fund and the electronic and mailing address to
request assistance from this program in their publications,
mailings and communications.~~

~~(f) Future appropriations. The General Assembly may, from
time to time, appropriate funds into the fund for the purposes
of this section.~~

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

§ 7319. MILITARY FAMILY RELIEF ASSISTANCE.

(A) ESTABLISHMENT OF FUND.--IN ORDER TO CARRY OUT THE
PURPOSES OF SECTION 315.8 OF THE ACT OF MARCH 4, 1971 (P.L.6,
NO.2), KNOWN AS THE TAX REFORM CODE OF 1971, THERE IS HEREBY
ESTABLISHED IN THE STATE TREASURY A RESTRICTED REVENUE ACCOUNT
WITHIN THE GENERAL FUND WHICH SHALL BE KNOWN AS THE MILITARY
FAMILY RELIEF ASSISTANCE FUND.

(B) ADMINISTRATION OF PROGRAM.--

~~(1) THE DEPARTMENT SHALL ADMINISTER AND STAFF THE~~

~~PROGRAM ESTABLISHED IN PARAGRAPH (2) AND SHALL ACCEPT
VOLUNTARY CONTRIBUTIONS FROM PERSONS FOR THE FUND. THE
DEPARTMENT MAY NOT CONTRACT WITH OR ALLOW A PUBLIC OR PRIVATE
ENTITY TO PARTICIPATE IN THE ADMINISTRATION OR STAFFING OF
ANY ASPECT OF THE PROGRAM.~~

(1) THE DEPARTMENT SHALL ADMINISTER AND STAFF THE
PROGRAM ESTABLISHED IN PARAGRAPH (2) AND SHALL ACCEPT
VOLUNTARY CONTRIBUTIONS FROM PERSONS FOR THE FUND. THE
DEPARTMENT MAY CONSULT WITH ANY GOVERNMENTAL OR
NONGOVERNMENTAL ORGANIZATION AS IS NECESSARY TO COMPLETE THE
REQUIREMENTS UNDER THIS SECTION, BUT SHALL NOT ENTER INTO AN
AGREEMENT OR CONTRACT WITH ANY SUCH ORGANIZATION FOR THE
STAFFING FUNCTIONS OF THE PROGRAM.

(2) THE MILITARY FAMILY RELIEF ASSISTANCE PROGRAM IS
ESTABLISHED. CONTRIBUTIONS RECEIVED FOR THE FUND SHALL BE
DISTRIBUTED BY THE DEPARTMENT UNDER THE PROGRAM TO ELIGIBLE
SERVICE MEMBERS AND ELIGIBLE RELATIVES OF ELIGIBLE SERVICE
MEMBERS. APPLICANTS MUST DEMONSTRATE TO THE DEPARTMENT THAT
THEY HAVE A DIRECT AND IMMEDIATE FINANCIAL NEED AS A RESULT
OF THE MILITARY SERVICE OF THE SERVICE MEMBER. SUCH
CIRCUMSTANCES MUST BE BEYOND THE CONTROL OF, AND NOT AS A
RESULT OF MISCONDUCT BY, THE SERVICE MEMBER. THE APPLICANT
SHALL DEMONSTRATE THAT THE FINANCIAL NEED IS CAUSED BY ONE OR
MORE OF THE FOLLOWING:

(I) A SUDDEN OR UNEXPECTED LOSS OF INCOME DIRECTLY
RELATED TO THE MILITARY SERVICE OF THE SERVICE MEMBER.

(II) THE DEATH OR CRITICAL ILLNESS OF A PARENT,
SPOUSE, SIBLING OR CHILD RESULTING IN AN IMMEDIATE NEED
FOR TRAVEL, LODGING OR SUBSISTENCE FOR WHICH THE
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 RESULTING IN
10 DEPRIVATION OF FOOD, SHELTER OR OTHER NECESSITIES OF LIFE
11 FOR WHICH THE APPLICANT LACKS FINANCIAL RESOURCES.

12 (V) EMERGENCY NEED FOR CHILD CARE OF DEPENDENT
13 CHILDREN FOR WHICH THE APPLICANT LACKS FINANCIAL
14 RESOURCES.

15 (VI) OTHER IMMEDIATE AND NECESSITOUS CAUSE
16 DETERMINED IN THE ~~RULES~~ GUIDELINES ESTABLISHED FOR THE <—
17 PROGRAM THAT EXCEEDS THE FINANCIAL RESOURCES OF THE
18 APPLICANT WHERE FAILURE TO PROVIDE EMERGENCY ASSISTANCE
19 WILL SUBSTANTIALLY OPERATE TO THE DETRIMENT OF THE
20 SERVICE MEMBER OR HIS OR HER DEPENDENTS.

21 (3) IN ORDER TO QUALIFY FOR ASSISTANCE UNDER THIS
22 PROGRAM, APPLICANTS MAY BE REQUIRED UNDER THE ~~RULES~~ <—
23 GUIDELINES OF THIS PROGRAM TO SEEK RELIEF FROM OTHER <—
24 AVAILABLE SOURCES PRIOR TO APPLYING FOR THIS PROGRAM.

25 (4) AN APPLICANT MAY APPEAL A DECISION OF THE DEPARTMENT
26 TO THE ADJUTANT GENERAL. THE ADJUTANT GENERAL SHALL HAVE THE
27 AUTHORITY TO MAKE A FINAL DETERMINATION CONCERNING ANY
28 APPEAL.

29 (C) ~~RULES~~ GUIDELINES.--THE DEPARTMENT SHALL, IN CONSULTATION <—
30 WITH THE CHAIRMAN AND MINORITY CHAIRMAN OF THE APPROPRIATIONS

1 COMMITTEE OF THE SENATE AND THE CHAIRMAN AND MINORITY CHAIRMAN
2 OF THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES
3 AND THE CHAIRMAN AND MINORITY CHAIRMAN OF THE VETERANS AFFAIRS
4 AND EMERGENCY PREPAREDNESS COMMITTEE OF THE SENATE AND THE
5 CHAIRMAN AND MINORITY CHAIRMAN OF THE VETERANS AFFAIRS AND
6 EMERGENCY PREPAREDNESS COMMITTEE OF THE HOUSE OF
7 REPRESENTATIVES, DEVELOP RULES GUIDELINES NECESSARY TO <—
8 ADMINISTER THE PROVISIONS OF THIS SECTION. THE RULES GUIDELINES <—
9 ESTABLISHED UNDER THIS SUBSECTION SHALL DO ALL OF THE FOLLOWING:

10 (1) SET FORTH ELIGIBILITY FOR RELIEF UNDER THIS PROGRAM
11 AND DETERMINE ~~GUIDELINES~~ ON THE AMOUNT OF RELIEF TO BE PAID <—
12 BASED ON THE NEED DEMONSTRATED BY THE APPLICANT AND THE
13 AMOUNT OF MONEY IN THE FUND AT THE TIME OF APPLICATION.

14 (2) SET FORTH THE MAXIMUM AMOUNT OF RELIEF AND THE
15 MAXIMUM NUMBER OF APPLICANTS PER EVENT OR EPISODE.

16 (3) SET FORTH ANY OTHER INFORMATION NECESSARY FOR THE
17 ADMINISTRATION AND ENFORCEMENT OF THE PROGRAM.

18 (4) THE GUIDELINES ESTABLISHED PURSUANT TO THIS SECTION <—
19 SHALL BE PUBLISHED IN THE PENNSYLVANIA BULLETIN BUT SHALL NOT
20 BE SUBJECT TO REVIEW PURSUANT TO SECTION 205 OF THE ACT OF
21 JULY 31, 1968 (P.L.769, NO.240), REFERRED TO AS THE
22 COMMONWEALTH DOCUMENTS LAW, SECTIONS 204(B) AND 301(10) OF
23 THE ACT OF OCTOBER 15, 1980 (P.L.950, NO.164), KNOWN AS THE
24 COMMONWEALTH ATTORNEYS ACT, OR THE ACT OF JUNE 25, 1982
25 (P.L.633, NO.181), KNOWN AS THE REGULATORY REVIEW ACT.

26 (D) MONEYS RECEIVED.--ALL MONEYS RECEIVED FROM THE VOLUNTARY
27 CONTRIBUTION SYSTEM ESTABLISHED IN SECTION 315.8 OF THE TAX
28 REFORM CODE OF 1971 SHALL BE DEPOSITED IN THE FUND.

29 (E) OTHER VOLUNTARY CONTRIBUTIONS.--IN ADDITION TO THE
30 VOLUNTARY CONTRIBUTION SYSTEM ESTABLISHED IN SECTION 315.8 OF

1 THE TAX REFORM CODE OF 1971, THE COMMONWEALTH IS ALSO AUTHORIZED
2 TO ACCEPT OTHER VOLUNTARY CONTRIBUTIONS AND ELECTRONIC DONATIONS
3 TO THE FUND. ALL OTHER VOLUNTARY CONTRIBUTIONS AND ELECTRONIC
4 DONATIONS SHALL BE DEPOSITED INTO THE FUND. IN ADDITION, THE
5 DEPARTMENT SHALL ENSURE THAT APPLICATIONS TO RECEIVE ASSISTANCE
6 FROM THIS FUND CAN BE OBTAINED ELECTRONICALLY. ALL AGENCIES OF
7 STATE, COUNTY AND MUNICIPAL GOVERNMENT WITHIN THIS COMMONWEALTH
8 MAY INCLUDE A BRIEF DESCRIPTION OF THE MILITARY FAMILY RELIEF
9 ASSISTANCE PROGRAM, THE ELECTRONIC AND MAILING ADDRESS TO MAKE
10 DONATIONS TO THIS FUND AND THE ELECTRONIC AND MAILING ADDRESS TO
11 REQUEST ASSISTANCE FROM THIS PROGRAM IN THEIR PUBLICATIONS,
12 MAILINGS AND COMMUNICATIONS.

13 (F) FUTURE APPROPRIATIONS.--THE GENERAL ASSEMBLY MAY
14 APPROPRIATE FUNDS FOR TRANSFER TO THE FUND FOR THE PURPOSES OF
15 THIS SECTION.

16 (G) USE OF FUND MONEY.--THE MONEYS CONTAINED IN THE FUND ARE
17 HEREBY APPROPRIATED ON A CONTINUING BASIS TO THE DEPARTMENT OF
18 MILITARY AND VETERANS AFFAIRS FOR THE EXCLUSIVE USE OF CARRYING
19 OUT THE PURPOSES OF THIS SECTION.

20 (H) EXPIRATION.--THIS SECTION SHALL EXPIRE FIVE YEARS FROM
21 THE EFFECTIVE DATE OF THIS SECTION.

22 (I) REPORTING.--BEGINNING ON OR BEFORE JULY 30, 2006, AND <—
23 EVERY YEAR THEREAFTER FOR THE LENGTH OF THE PROGRAM, THE
24 DEPARTMENT SHALL SUBMIT A REPORT TO THE CHAIRMAN AND MINORITY
25 CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE SENATE, THE
26 CHAIRMAN AND MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE
27 OF THE HOUSE OF REPRESENTATIVES, THE CHAIRMAN AND MINORITY
28 CHAIRMAN OF THE VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS
29 COMMITTEE OF THE SENATE AND THE CHAIRMAN AND MINORITY CHAIRMAN
30 OF THE VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS COMMITTEE OF

1 THE HOUSE OF REPRESENTATIVES DETAILING THE PROGRAM'S GUIDELINES,
2 THE NUMBER OF APPLICANTS, THE TOTAL AMOUNT OF MONEY RAISED AND
3 DISTRIBUTED AND THE TYPE OF APPLICANT NEED. THE REPORT SHALL
4 ALSO SET FORTH ANY PARTICIPATION BY A GOVERNMENTAL OR
5 NONGOVERNMENTAL ORGANIZATION UTILIZED IN THE FURTHERANCE OF THE
6 PROGRAM.

7 ~~(I)~~ (J) DEFINITIONS.--AS USED IN THIS SECTION, THE <—
8 FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO
9 THEM IN THIS SUBSECTION:

10 "ELIGIBLE RELATIVE OF AN ELIGIBLE SERVICE MEMBER." THE
11 DEPENDENT SPOUSE OR DEPENDENT CHILD OF THE ELIGIBLE SERVICE
12 MEMBER OR, IN THE CASE OF APPLICANTS FOR FINANCIAL ASSISTANCE TO
13 VISIT A HOSPITALIZED SERVICE MEMBER, THE SERVICE MEMBER'S
14 SPOUSE, PARENT, SIBLING OR CHILD. AN ELIGIBLE RELATIVE MUST BE A
15 RESIDENT OF PENNSYLVANIA AT THE TIME OF APPLICATION FOR
16 ASSISTANCE.

17 "ELIGIBLE SERVICE MEMBER."

18 (1) EITHER OF THE FOLLOWING:

19 (I) A MEMBER OF THE ARMED FORCES OF THE UNITED
20 STATES OR ITS RESERVE COMPONENTS WHO IS SERVING ON ACTIVE
21 DUTY OR STATE ACTIVE DUTY FOR A PERIOD OF 30 OR MORE
22 CONSECUTIVE DAYS.

23 (II) A MEMBER OF THE PENNSYLVANIA NATIONAL GUARD
24 SERVING ON STATE ACTIVE DUTY FOR A PERIOD OF 30 OR MORE
25 CONSECUTIVE DAYS.

26 (2) AN ELIGIBLE SERVICE MEMBER MUST HAVE BEEN A RESIDENT
27 OF PENNSYLVANIA WHEN HE OR SHE ENTERED MILITARY SERVICE AND
28 MUST BE A RESIDENT OF PENNSYLVANIA AT THE TIME OF THE
29 APPLICATION FOR ASSISTANCE.

30 "RESIDENT OF PENNSYLVANIA." EITHER OF THE FOLLOWING:

1 (1) AN INDIVIDUAL WHO IS DOMICILED IN THIS COMMONWEALTH.
2 THE INDIVIDUAL MUST EITHER PHYSICALLY RESIDE IN PENNSYLVANIA
3 OR BE ABSENT FROM THE STATE PURSUANT TO MILITARY ORDERS. AN
4 INDIVIDUAL'S SPOUSE OR DEPENDENT WHO IS DOMICILED IN THIS
5 COMMONWEALTH BUT WHO IS STATIONED IN ANOTHER STATE OR COUNTRY
6 SHALL QUALIFY UNDER THE PROGRAM AS A RESIDENT OF PENNSYLVANIA
7 SO LONG AS THE PERSON DOES NOT BECOME DOMICILED IN ANOTHER
8 STATE.

9 (2) AN INDIVIDUAL WHO QUALIFIES UNDER THE DEFINITION OF
10 "RESIDENT INDIVIDUAL" IN SECTION 301(P) OF THE ACT OF MARCH
11 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX REFORM CODE OF 1971.

12 ~~Section 2. The sum of \$250,000 is hereby appropriated from~~ <—
13 ~~the General Fund to the Military Family Relief Assistance Fund.~~

14 Section 3 2. This act shall take effect immediately. <—