

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 316 Session of
2005

INTRODUCED BY STACK, RAFFERTY, COSTA, LAVALLE, KITCHEN, O'PAKE,
WOZNIAK, RHOADES, MUSTO, TARTAGLIONE, KASUNIC, ORIE, LOGAN
AND BOSCOLA, FEBRUARY 18, 2005

REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,
FEBRUARY 18, 2005

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) (relating to application for compensation).

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)
23 (relating to persons to whom payments shall be made in case of
24 incompetence or death) or the beneficiaries designated under
25 section 5(b) on a form provided by the Adjutant General. The
26 Adjutant General shall ascertain the applicants who are eligible
27 to receive a bonus payment pursuant to this act.

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

1 application filed five years after the cessation of the War on
2 Terrorism.

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

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

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

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

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

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

25 (3) surviving parents.

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

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

1 community mental health center or other organizational unit, or
2 part thereof, which is devoted primarily to the diagnosis,
3 treatment, care, rehabilitation or detention of mentally
4 disabled persons.

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

9 Section 6. Applicant to designate beneficiaries.

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

21 Section 7. Exemption from attachment, etc.

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

29 Assignments to any incorporated or unincorporated organization
30 of soldiers or veterans, any nonprofit corporation formed solely

1 for the purpose of aiding disabled or incapacitated soldiers or
2 veterans and the State Veterans' Commission shall be valid.

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

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

9 Section 9. Administration of compensation program.

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

25 Section 10. Appropriation.

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

28 Section 40. Effective date.

29 This act shall take effect in 60 days.