

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1397 Session of
2013

INTRODUCED BY LONGIETTI, O'BRIEN, BROWNLEE, COHEN, D. COSTA,
HARHAI, FREEMAN, SAINATO, HESS, P. DALEY, CALTAGIRONE, KORTZ,
V. BROWN, TALLMAN, FLYNN, FLECK, MAHONEY, QUINN, GILLEN,
DENLINGER AND EVERETT, MAY 15, 2013

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, MAY 15, 2013

AN ACT

1 Reenacting and amending the act of April 12, 2006 (P.L.67,
2 No.22), entitled "An act providing a bonus to Pennsylvanians
3 who are United States Merchant Marine veterans who served
4 during World War II; imposing certain duties on the Adjutant
5 General; providing penalties; and making an appropriation."

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

8 Section 1. The title and preamble of the act of April 12,
9 2006 (P.L.67, No.22), known as the Merchant Marine World War II
10 Veterans Bonus Act, are reenacted to read:

AN ACT

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

16 The General Assembly finds and declares as follows:

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

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

4 (3) Dwight D. Eisenhower, in his capacity as General and
5 Supreme Commander Allied Expeditionary Force in Europe,
6 observed in the midst of the war that "when victory is
7 finally ours, there is no organization that will share its
8 credit more deservedly than the Merchant Marine."

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

13 (5) United States Merchant Marine veterans deserve to be
14 recognized and thanked for their service by the Commonwealth,
15 even at this late date.

16 Section 2. Section 1 of the act is reenacted to read:

17 Section 1. Short title.

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

20 Section 3. Section 2 of the act is reenacted and amended to
21 read:

22 Section 2. Definitions.

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

26 "Adjutant General." The Adjutant General of the
27 Commonwealth.

28 "Fund." The United States Merchant Marine World War II
29 Veterans' Bonus Fund established in section 9.

30 "Legal resident of this Commonwealth." An individual who is

1 a resident of this Commonwealth on the effective date of this
2 act. If there is a question of residency, the issue shall be
3 determined by the Adjutant General based on standard and
4 uniformly applied criteria.

5 "Merchant Marine." The United States Merchant Marine.

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

7 (1) The term includes any individual who served active
8 duty, including training, in the United States Merchant
9 Marine between December 7, 1941, and August 15, 1945, including training with the United States Merchant Marine or
10 the United States Maritime Service.
11

12 (2) The term does not include:

13 (i) any individual at any time during such period,
14 or thereafter, separated from the oceangoing United
15 States Merchant Marine under other than honorable
16 conditions;

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

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

22 Section 4. Section 3 of the act is reenacted to read:

23 Section 3. Bonus.

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

27 Section 5. Section 4 of the act is reenacted and amended to
28 read:

29 Section 4. Application for bonus.

30 (a) General rule.--Application for compensation shall be

1 made to the Adjutant General on such forms and in such manner as
2 the Adjutant General prescribes. A federally issued DD-214 form
3 evidencing honorable discharge from service in the United States
4 Merchant Marine for a period including any portion of the period
5 from December 7, 1941, through August 15, 1945, shall be deemed
6 sufficient evidence of qualifying service. A release from active
7 duty form issued by the United States Maritime Service between
8 December 7, 1941, and August 15, 1945, shall be deemed
9 sufficient evidence of qualifying training time in the United
10 States Merchant Marines. The Adjutant General shall assist
11 applicants in obtaining copies of Federal DD-214 forms or
12 release from active duty forms should the applicant desire
13 assistance.

14 (b) Personal application; exception.--An application shall
15 be made personally by the United States Merchant Marine veteran
16 who served during World War II and is a legal resident of this
17 Commonwealth. However, in the event that health or incompetency
18 prevents a personal application, then such representative of the
19 veteran as the Adjutant General shall prescribe shall serve as
20 attorney-in-fact for purposes of applying for and receiving the
21 bonus. An application made by a representative other than one
22 authorized by the Adjutant General shall be void.

23 (c) Acceptance and consideration of applications.--The
24 Adjutant General shall not accept or consider any application
25 filed with the Adjutant General after December 31, [2006] 2014.
26 The decisions of the Adjutant General in consideration of
27 applications shall be final and not subject to review by any
28 court or by any other officer[.], except a veteran whose
29 application was denied because the veteran's active duty with
30 the United States Merchant Marine was in training with the

1 United States Maritime Service between December 7, 1941, and
2 August 15, 1945, may reapply for compensation.

3 Section 6. Sections 5, 6, 7 and 8 of the act are reenacted
4 to read:

5 Section 5. Exemption from attachment.

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

13 Section 6. Penalty for fees for assisting with bonus
14 application.

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

23 Section 7. Digest and explanation of act.

24 The Adjutant General shall, as soon as practicable after the
25 effective date of this act, prepare and publish a pamphlet or
26 pamphlets containing a digest and explanation of this act,
27 accompanied by such statements as the Adjutant General believes
28 may be of assistance to the United States Merchant Marine
29 veterans who served during World War II in filing their
30 applications, and shall from time to time prepare and publish

1 additional or supplementary information as may be found
2 necessary. The pamphlet or pamphlets shall be distributed in
3 such manner as the Adjutant General may determine to be most
4 effective to inform United States Merchant Marine veterans of
5 their rights under this act. The Adjutant General shall enlist,
6 as far as possible, the services of United States Merchant
7 Marine veteran organizations in this Commonwealth in the
8 dissemination of such information.

9 Section 8. Administration of act.

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

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

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

28 Section 7. Section 9 of the act is reenacted and amended to
29 read:

30 Section 9. United States Merchant Marine World War II Veterans'

1 Bonus Fund.

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

6 (b) Source of moneys.--Moneys to be deposited in the fund
7 shall be appropriated from the General Fund by the General
8 Assembly.

9 (c) Lapsing of funds.--Any moneys appropriated to the fund
10 remaining unexpended or unencumbered on June 30, [2007] 2015,
11 shall lapse into the General Fund.

12 Section 8. Section 10 of the act is reenacted to read:

13 Section 10. Payment.

14 The compensation payable under this act shall be paid by the
15 State Treasurer from the United States Merchant Marine World War
16 II Veterans' Bonus Fund.

17 Section 9. Section 11 of the act is reenacted and amended to
18 read:

19 Section 11. Expiration.

20 This act shall expire on June 30, [2007] 2015.

21 Section 10. Section 12 of the act is reenacted to read:

22 Section 12. Effective date.

23 This act shall take effect immediately.

24 Section 11. This act shall take effect immediately.