
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 923 Session of
2013

INTRODUCED BY BAKER, STACK, ROBBINS, RAFFERTY, FONTANA, TEPLITZ,
ERICKSON, KASUNIC, TOMLINSON, SMITH, VULAKOVICH, YUDICHAK,
GREENLEAF, COSTA, SCHWANK, SOLOBAY, TARTAGLIONE, BRUBAKER,
HUTCHINSON AND MENSCH, MAY 15, 2013

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

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania
2 Consolidated Statutes, further providing for Veterans' Trust
3 Fund and for military family relief assistance.

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

6 Section 1. Section 1721(a) and (c) of Title 51 of the
7 Pennsylvania Consolidated Statutes, amended October 24, 2012
8 (P.L.1602, No.194), are amended by adding paragraphs to read:
9 § 1721. Veterans' Trust Fund.

10 (a) Source of revenue.--In addition to transfers under
11 section 1719-G of the act of April 9, 1929 (P.L.343, No.176),
12 known as The Fiscal Code, the Veterans' Trust Fund shall include
13 funds from the following sources:

14 (1) Proceeds paid by the Department of Transportation
15 under 75 Pa.C.S. § 1320 (relating to contributions to
16 Veterans' Trust Fund).

17 (2) Amounts payable to the fund under 75 Pa.C.S

1 § 1364(b) (relating to special plates for veterans).

2 (3) Grants, gifts, donations and other payments from a
3 person or government entity.

4 (3.1) On or after January 1, 2015, all moneys received
5 from the voluntary contribution system established in section
6 315.8 of the act of March 4, 1971 (P.L.6, No.2), known as the
7 Tax Reform Code of 1971.

8 (4) Money appropriated to the fund.

9 * * *

10 (c) Authorized purposes.--The department may expend money
11 from the Veterans' Trust Fund for the following purposes:

12 (1) Grants for programs or projects to support
13 Pennsylvania veterans and their families to:

14 (i) the Pennsylvania Veterans Foundation;

15 (ii) veterans' service organizations; and

16 (iii) other Statewide charitable organizations.

17 (2) Grants or funding for new, innovative and expanded
18 activities or programs operated by a county director of
19 veterans affairs or the State Association of County Directors
20 of Veterans Affairs.

21 (3) Grants to Statewide veterans' service organizations
22 in addition to the grants authorized and funded under section
23 9304 (relating to grants to veterans' service officer
24 programs).

25 (4) Assistance to Pennsylvania veterans in need of
26 shelter or other necessities of living to the extent that
27 other funds or resources are not available.

28 (5) Assistance to operate, maintain and repair
29 Pennsylvania monuments honoring Pennsylvania service members
30 and veterans who served in the United States or overseas.

1 (5.1) On or after January 1, 2015, assistance to
2 eligible present and former service members and eligible
3 relatives of eligible present and former service members
4 under the Military Family Relief Assistance Program described
5 in section 7319 (relating to military family relief
6 assistance).

7 (6) Payments to the Motor License Fund for actual costs
8 incurred by the Department of Transportation to implement 75
9 Pa.C.S. §§ 1320 (relating to contributions to Veterans' Trust
10 Fund) and 1510 (relating to issuance and content of driver's
11 license).

12 * * *

13 Section 2. Section 7319 of Title 51 is amended to read:

14 § 7319. Military family relief assistance.

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

21 (b) Administration of program.--

22 (1) The department shall administer and staff the
23 program established in paragraph (2) and shall accept
24 voluntary contributions from persons for the fund. The
25 department may consult with any governmental or
26 nongovernmental organization as is necessary to complete the
27 requirements under this section but shall not enter into an
28 agreement or contract with any such organization for the
29 staffing functions of the program.

30 (2) The Military Family Relief Assistance Program is

1 established. Contributions received for the fund shall be
2 distributed by the department under the program to eligible
3 service members and eligible relatives of eligible present
4 and former service members. Applicants must demonstrate to
5 the department that they have a direct and immediate
6 financial need as a result of [the military service of the
7 service member. Such] circumstances [must be] beyond the
8 control of and not as a result of misconduct by the service
9 member. The applicant shall demonstrate that the financial
10 need is caused by one or more of the following:

11 (i) A sudden or unexpected loss of income, real or
12 personal property, assets or financial support directly
13 related to the military service or exigent financial
14 circumstances of the service member.

15 (ii) The death or critical illness of a parent,
16 spouse, sibling or child resulting in an immediate need
17 for travel, lodging or subsistence for which the
18 applicant lacks financial resources.

19 (iii) The wounding of the service member in the line
20 of duty sustained as a result of combat or attack
21 resulting in an immediate need for funds for travel,
22 lodging, subsistence or other activities directly related
23 to the casualty for which the applicant lacks financial
24 resources. No more than two eligible relatives of an
25 eligible service member may receive assistance under this
26 subparagraph.

27 (iv) A natural or manmade disaster or other exigent
28 circumstances resulting in deprivation of food, shelter
29 or other necessities of life for which the applicant
30 lacks financial resources.

1 (v) Emergency need for child care of dependent
2 children for which the applicant lacks financial
3 resources.

4 (vi) Other immediate and necessitous cause
5 determined in the guidelines established for the program
6 that exceeds the financial resources of the applicant
7 where failure to provide emergency assistance will
8 substantially operate to the detriment of the service
9 member or his or her dependents.

10 (3) In order to qualify for assistance under this
11 program, applicants may be required under the guidelines of
12 this program to seek relief from other available sources
13 prior to applying for this program.

14 (4) An applicant may appeal a decision of the department
15 to the Adjutant General. The Adjutant General shall have the
16 authority to make a final determination concerning any
17 appeal.

18 (c) Guidelines.--The department shall, in consultation with
19 the chairman and minority chairman of the Appropriations
20 Committee of the Senate, the chairman and minority chairman of
21 the Appropriations Committee of the House of Representatives,
22 the chairman and minority chairman of the Veterans Affairs and
23 Emergency Preparedness Committee of the Senate and the chairman
24 and minority chairman of the Veterans Affairs and Emergency
25 Preparedness Committee of the House of Representatives, develop
26 guidelines necessary to administer the provisions of this
27 section. The guidelines established under this subsection shall
28 do all of the following:

29 (1) Set forth eligibility for relief under this program
30 and determine the amount of relief to be paid based on the

1 need demonstrated by the applicant and the amount of money in
2 the fund at the time of application.

3 (2) Set forth the maximum amount of relief [and the
4 maximum number of applicants per event or episode].

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

7 (4) The guidelines established pursuant to this section
8 shall be published in the Pennsylvania Bulletin but shall not
9 be subject to review pursuant to section 205 of the act of
10 July 31, 1968 (P.L.769, No.240), referred to as the
11 Commonwealth Documents Law, sections 204(b) and 301(10) of
12 the act of October 15, 1980 (P.L.950, No.164), known as the
13 Commonwealth Attorneys Act, or the act of June 25, 1982
14 (P.L.633, No.181), known as the Regulatory Review Act.

15 (d) Moneys received.--All moneys received from the voluntary
16 contribution system established in section 315.8 of the Tax
17 Reform Code of 1971 before January 1, 2015, shall be deposited
18 in the fund. On or after January 1, 2015, all moneys received
19 from the voluntary contribution system established in section
20 315.8 of the Tax Reform Code of 1971 shall be deposited in the
21 Veterans' Trust Fund described in section 1721 (relating to
22 Veterans' Trust Fund).

23 (e) Other voluntary contributions.--In addition to the
24 voluntary contribution system established in section 315.8 of
25 the Tax Reform Code of 1971, the Commonwealth is also authorized
26 to accept other voluntary contributions and electronic donations
27 to the fund. All other voluntary contributions and electronic
28 donations received before January 1, 2015, shall be deposited
29 into the fund. On or after January 1, 2015, all moneys received
30 from other voluntary contributions shall be deposited in the

1 Veterans' Trust Fund described in section 1721. In addition, the
2 department shall ensure that applications to receive assistance
3 from this fund can be obtained electronically. All agencies of
4 State, county and municipal government within this Commonwealth
5 may include a brief description of the Military Family Relief
6 Assistance Program, the electronic and mailing address to make
7 donations to [this fund] the funds and the electronic and
8 mailing address to request assistance from this program in their
9 publications, mailings and communications.

10 (f) Future appropriations.--The General Assembly may
11 appropriate funds for transfer to the [fund] funds for the
12 purposes of this section.

13 (g) Use of fund money.--The moneys contained in the fund are
14 hereby appropriated on a continuing basis to the Department of
15 Military and Veterans Affairs for the exclusive use of carrying
16 out the purposes of this section. On or after January 1, 2015,
17 all moneys in the fund shall be transferred to the Veterans'
18 Trust Fund from which they may be expended for the purposes of
19 this section and the purposes described in section 1721.

20 (h) Expiration.--This section shall expire June 30, [2016]
21 2020.

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 (j) Definitions.--As used in this section, the following
8 words and phrases shall have the meanings given to them in this
9 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) Any of the following:

19 (i) A member of the armed forces of the United
20 States or its reserve components, including the
21 Pennsylvania National Guard, who is serving on active
22 duty other than active duty for training for a period of
23 30 or more consecutive days.

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

27 (iii) A member in good standing of any reserve
28 component of the armed forces of the United States,
29 including the Pennsylvania National Guard, for a period
30 of [one year] three years after release from a tour of

1 active duty, other than active duty for training, or
2 release from a tour of State active duty of 30 or more
3 consecutive days' duration when the need for assistance
4 is directly related to the [member's performance of
5 active duty or State active duty.] reserve component or
6 Pennsylvania National Guard service of the member or
7 exigent circumstances beyond the member's control.

8 (iv) A former member of the armed forces of the
9 United States or its reserve components, including the
10 Pennsylvania National Guard, for a period of [two] four
11 years after discharge if:

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

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

17 (C) The medical condition giving rise to the
18 discharge did not exist prior to the member entering
19 military service.

20 (D) The medical disability was incurred while
21 the member was serving on active duty, other than
22 active duty for training, or State active duty for a
23 period of 30 or more consecutive days.

24 (E) The former member received an honorable
25 discharge for medical reasons.

26 (F) The need for assistance is directly related
27 to the former member's military service or to exigent
28 circumstances beyond the eligible member's control
29 or the disability incurred [as a result] in the line
30 of duty of the military service.

1 (v) A former member of the armed forces of the
2 United States or its reserve components, including the
3 Pennsylvania National Guard, who served on active duty,
4 other than active duty for training, for a period of 30
5 or more consecutive days, in a zone of combat or in
6 support of contingency operations, after September 11,
7 who was discharged or released from such active duty
8 under honorable conditions and demonstrates a need for
9 assistance related to the former member's military
10 service or to exigent circumstances beyond the former
11 member's control.

12 (2) An eligible service member must be a resident of
13 Pennsylvania at the time of the application for assistance.
14 "Resident of Pennsylvania." Either of the following:

15 (1) An individual who is domiciled in this Commonwealth.
16 The individual must either physically reside in Pennsylvania
17 or be absent from the State pursuant to military orders. An
18 individual's spouse or dependent who is domiciled in this
19 Commonwealth but who is stationed in another state or country
20 shall qualify under the program as a resident of Pennsylvania
21 so long as the person does not become domiciled in another
22 state.

23 (2) An individual who qualifies under the definition of
24 "resident individual" in section 301(p) of the Tax Reform
25 Code of 1971.

26 Section 3. This act shall take effect in 60 days.