

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1076 Session of 2020

INTRODUCED BY BAKER, MENSCH, IOVINO, SABATINA, ARNOLD, MASTRIANO, MUTH, BREWSTER, FONTANA, LEACH, SANTARSIERO, J. WARD, KILLION, TARTAGLIONE, COSTA, AUMENT AND REGAN, MARCH 9, 2020

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES, OCTOBER 21, 2020

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania
2 Consolidated Statutes, in military leave of absence, further
3 providing for military family relief assistance.

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

6 ~~Section 1. Section 7319(h) of Title 51 of the Pennsylvania~~ <--
7 ~~Consolidated Statutes is amended to read:~~
8 ~~§ 7319. Military family relief assistance.~~

9 * * *

10 ~~{(h) Expiration. This section shall expire June 30, 2020.}~~

11 * * *

12 SECTION 1. SECTION 7319 OF TITLE 51 OF THE PENNSYLVANIA <--
13 CONSOLIDATED STATUTES IS REENACTED AND 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,

1 NO.2), KNOWN AS THE TAX REFORM CODE OF 1971, THERE IS HEREBY
2 ESTABLISHED IN THE STATE TREASURY A RESTRICTED REVENUE ACCOUNT
3 WITHIN THE GENERAL FUND WHICH SHALL BE KNOWN AS THE MILITARY
4 FAMILY RELIEF ASSISTANCE FUND.

5 (B) ADMINISTRATION OF PROGRAM.--

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

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

24 (I) A SUDDEN OR UNEXPECTED LOSS OF INCOME, REAL OR
25 PERSONAL PROPERTY, ASSETS OR SUPPORT DIRECTLY RELATED TO
26 THE MILITARY SERVICE OF, OR EXIGENT CIRCUMSTANCES
27 AFFECTING, THE SERVICE MEMBER.

28 (II) THE DEATH OR CRITICAL ILLNESS OF A PARENT,
29 SPOUSE, SIBLING OR CHILD RESULTING IN AN IMMEDIATE NEED
30 FOR TRAVEL, LODGING OR SUBSISTENCE FOR WHICH THE

1 APPLICANT LACKS FINANCIAL RESOURCES.

2 (III) THE WOUNDING OF THE SERVICE MEMBER IN THE LINE
3 OF DUTY SUSTAINED AS A RESULT OF COMBAT OR ATTACK
4 RESULTING IN AN IMMEDIATE NEED FOR FUNDS FOR TRAVEL,
5 LODGING, SUBSISTENCE OR OTHER ACTIVITIES DIRECTLY RELATED
6 TO THE CASUALTY FOR WHICH THE APPLICANT LACKS FINANCIAL
7 RESOURCES. NO MORE THAN TWO ELIGIBLE RELATIVES OF AN
8 ELIGIBLE SERVICE MEMBER MAY RECEIVE ASSISTANCE UNDER THIS
9 SUBPARAGRAPH.

10 (IV) A NATURAL OR MANMADE DISASTER OR OTHER EXIGENT
11 CIRCUMSTANCES RESULTING IN DEPRIVATION OF FOOD, SHELTER
12 OR OTHER NECESSITIES OF LIFE FOR WHICH THE APPLICANT
13 LACKS FINANCIAL RESOURCES.

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

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

23 (3) IN ORDER TO QUALIFY FOR ASSISTANCE UNDER THIS
24 PROGRAM, APPLICANTS MAY BE REQUIRED UNDER THE GUIDELINES OF
25 THIS PROGRAM TO SEEK RELIEF FROM OTHER AVAILABLE SOURCES
26 PRIOR TO APPLYING FOR THIS PROGRAM.

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

1 (C) GUIDELINES.--THE DEPARTMENT SHALL, IN CONSULTATION WITH
2 THE CHAIRMAN AND MINORITY CHAIRMAN OF THE APPROPRIATIONS
3 COMMITTEE OF THE SENATE, THE CHAIRMAN AND MINORITY CHAIRMAN OF
4 THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES,
5 THE CHAIRMAN AND MINORITY CHAIRMAN OF THE VETERANS AFFAIRS AND
6 EMERGENCY PREPAREDNESS COMMITTEE OF THE SENATE AND THE CHAIRMAN
7 AND MINORITY CHAIRMAN OF THE VETERANS AFFAIRS AND EMERGENCY
8 PREPAREDNESS COMMITTEE OF THE HOUSE OF REPRESENTATIVES, DEVELOP
9 GUIDELINES NECESSARY TO ADMINISTER THE PROVISIONS OF THIS
10 SECTION. THE GUIDELINES ESTABLISHED UNDER THIS SUBSECTION SHALL
11 DO ALL OF THE FOLLOWING:

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

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

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

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

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

1 (E) OTHER VOLUNTARY CONTRIBUTIONS.--IN ADDITION TO THE
2 VOLUNTARY CONTRIBUTION SYSTEM ESTABLISHED IN SECTION 315.8 OF
3 THE TAX REFORM CODE OF 1971, THE COMMONWEALTH IS ALSO AUTHORIZED
4 TO ACCEPT OTHER VOLUNTARY CONTRIBUTIONS AND ELECTRONIC DONATIONS
5 TO THE FUND. ALL OTHER VOLUNTARY CONTRIBUTIONS AND ELECTRONIC
6 DONATIONS SHALL BE DEPOSITED INTO THE FUND. IN ADDITION, THE
7 DEPARTMENT SHALL ENSURE THAT APPLICATIONS TO RECEIVE ASSISTANCE
8 FROM THIS FUND CAN BE OBTAINED ELECTRONICALLY. ALL AGENCIES OF
9 STATE, COUNTY AND MUNICIPAL GOVERNMENT WITHIN THIS COMMONWEALTH
10 MAY INCLUDE A BRIEF DESCRIPTION OF THE MILITARY FAMILY RELIEF
11 ASSISTANCE PROGRAM, THE ELECTRONIC AND MAILING ADDRESS TO MAKE
12 DONATIONS TO THIS FUND AND THE ELECTRONIC AND MAILING ADDRESS TO
13 REQUEST ASSISTANCE FROM THIS PROGRAM IN THEIR PUBLICATIONS,
14 MAILINGS AND COMMUNICATIONS.

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

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

22 [(H) EXPIRATION.--THIS SECTION SHALL EXPIRE JUNE 30, 2020.]

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

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

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

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

18 "ELIGIBLE SERVICE MEMBER."

19 (1) ANY OF THE FOLLOWING:

20 (I) A MEMBER OF THE ARMED FORCES OF THE UNITED
21 STATES OR ITS RESERVE COMPONENTS, INCLUDING THE
22 PENNSYLVANIA NATIONAL GUARD, WHO IS SERVING ON ACTIVE
23 DUTY OTHER THAN ACTIVE DUTY FOR TRAINING FOR A PERIOD OF
24 30 OR MORE CONSECUTIVE DAYS.

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

28 (III) A MEMBER IN GOOD STANDING OF ANY RESERVE
29 COMPONENT OF THE ARMED FORCES OF THE UNITED STATES,
30 INCLUDING THE PENNSYLVANIA NATIONAL GUARD, FOR A PERIOD

1 OF THREE YEARS AFTER RELEASE FROM A TOUR OF ACTIVE DUTY,
2 OTHER THAN ACTIVE DUTY FOR TRAINING, OR RELEASE FROM A
3 TOUR OF STATE ACTIVE DUTY OF 30 OR MORE CONSECUTIVE DAYS'
4 DURATION WHEN THE NEED FOR ASSISTANCE IS DIRECTLY RELATED
5 TO THE CIRCUMSTANCES UNDER SUBSECTION (B) (2) .

6 (IV) A FORMER MEMBER OF THE ARMED FORCES OF THE
7 UNITED STATES OR ITS RESERVE COMPONENTS, INCLUDING THE
8 PENNSYLVANIA NATIONAL GUARD, FOR A PERIOD OF FOUR YEARS
9 AFTER DISCHARGE IF:

10 (A) THE MEMBER WAS DISCHARGED FOR MEDICAL
11 REASONS ARISING OUT OF THE MEMBER'S MILITARY SERVICE.

12 (B) THE MEDICAL DISABILITY THAT RESULTED IN THE
13 MEMBER'S DISCHARGE WAS INCURRED IN THE LINE OF DUTY
14 AND WAS NOT THE RESULT OF MISCONDUCT.

15 (C) THE MEDICAL CONDITION GIVING RISE TO THE
16 DISCHARGE DID NOT EXIST PRIOR TO THE MEMBER ENTERING
17 MILITARY SERVICE.

18 (D) THE MEDICAL DISABILITY WAS INCURRED WHILE
19 THE MEMBER WAS SERVING ON ACTIVE DUTY, OTHER THAN
20 ACTIVE DUTY FOR TRAINING, OR STATE ACTIVE DUTY FOR A
21 PERIOD OF 30 OR MORE CONSECUTIVE DAYS.

22 (E) THE FORMER MEMBER RECEIVED AN HONORABLE
23 DISCHARGE FOR MEDICAL REASONS.

24 (F) THE NEED FOR ASSISTANCE IS DIRECTLY RELATED
25 TO THE FORMER MEMBER'S MILITARY SERVICE, TO EXIGENT
26 CIRCUMSTANCES BEYOND THE ELIGIBLE MEMBER'S CONTROL OR
27 THE DISABILITY INCURRED IN THE LINE OF DUTY OF THE
28 MILITARY SERVICE.

29 (2) AN ELIGIBLE SERVICE MEMBER MUST BE A RESIDENT OF
30 PENNSYLVANIA AT THE TIME OF THE APPLICATION FOR ASSISTANCE.

1 "EXIGENT CIRCUMSTANCES." EMERGENCY OR EXTRAORDINARY
2 SITUATIONS OR CONDITIONS RESULTING IN AN ELIGIBLE SERVICE MEMBER
3 BEING UNABLE TO PROVIDE THE NECESSITIES OF LIVING FOR THE MEMBER
4 OR THE MEMBER'S DEPENDENTS DUE TO FACTORS BEYOND THE MEMBER'S
5 CONTROL. THE TERM INCLUDES, BUT IS NOT LIMITED TO, NATURAL OR
6 MANMADE DISASTERS, LOSS OF HOME, LOSS OF EMPLOYMENT, DISABILITY
7 OR SERIOUS ILLNESS OR INJURY.

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

9 (1) AN INDIVIDUAL WHO IS DOMICILED IN THIS COMMONWEALTH.
10 THE INDIVIDUAL MUST EITHER PHYSICALLY RESIDE IN PENNSYLVANIA
11 OR BE ABSENT FROM THE STATE PURSUANT TO MILITARY ORDERS. AN
12 INDIVIDUAL'S SPOUSE OR DEPENDENT WHO IS DOMICILED IN THIS
13 COMMONWEALTH BUT WHO IS STATIONED IN ANOTHER STATE OR COUNTRY
14 SHALL QUALIFY UNDER THE PROGRAM AS A RESIDENT OF PENNSYLVANIA
15 SO LONG AS THE PERSON DOES NOT BECOME DOMICILED IN ANOTHER
16 STATE.

17 (2) AN INDIVIDUAL WHO QUALIFIES UNDER THE DEFINITION OF
18 "RESIDENT INDIVIDUAL" IN SECTION 301(P) OF THE TAX REFORM
19 CODE OF 1971.

20 Section 2. This act shall take effect immediately.