

No. 2005-65

AN ACT

HB 1179

Amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, establishing the Military Family Relief Assistance Program and the Military Family Relief Assistance Fund.

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

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

§ 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 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.

(iii) The wounding of the service member in the line of duty sustained as a result of combat or attack resulting in an immediate need for funds for travel, lodging, subsistence or other activities directly related to the casualty for which the applicant lacks financial

resources. No more than two eligible relatives of an eligible service member may receive assistance under this subparagraph.

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

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

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

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

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

(c) Guidelines.—The department shall, in consultation with the chairman and minority chairman of the Appropriations Committee of the Senate, the¹ chairman and minority chairman of the Appropriations Committee of the House of Representatives, the² chairman and minority chairman of the Veterans Affairs and Emergency Preparedness Committee of the Senate and the chairman and minority chairman of the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives, develop guidelines necessary to administer the provisions of this section. The guidelines established under this subsection shall do all of the following:

(1) Set forth eligibility for relief under this program and determine the amount of relief to be paid based on the need demonstrated by the applicant and the amount of money in the fund at the time of application.

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

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

(4) The guidelines established pursuant to this section shall be published in the Pennsylvania Bulletin but shall not be subject to review pursuant to section 205 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law, sections 204(b) and 301(10) of the act of October 15, 1980 (P.L.950, No.164), known as the

¹“Senate and the” in enrolled bill.

²“Representatives and the” in enrolled bill.

Commonwealth Attorneys Act, or the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

(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) Other voluntary contributions.—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 other voluntary contributions and electronic donations to the fund. All other voluntary contributions and electronic donations shall be deposited into the fund. In addition, the department 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 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 appropriate funds for transfer to 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.

(h) Expiration.—This section shall expire five years from the effective date of this section.

(i) Reporting.—Beginning on or before July 30, 2006, and every year thereafter for the length of the program, the department shall submit a report to the chairman and minority chairman of the Appropriations Committee of the Senate, the chairman and minority chairman of the Appropriations Committee of the House of Representatives, the chairman and minority chairman of the Veterans Affairs and Emergency Preparedness Committee of the Senate and the chairman and minority chairman of the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives detailing the program's guidelines, the number of applicants, the total amount of money raised and distributed and the type of applicant need. The report shall also set forth any participation by a governmental or nongovernmental organization utilized in the furtherance of the program.

(j) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

“Eligible relative of an eligible service member.” The dependent spouse or dependent child of the eligible service member or, in the case of applicants for financial assistance to visit a hospitalized service member, the service member's spouse, parent, sibling or child. An eligible relative

must be a resident of Pennsylvania at the time of application for assistance.

“Eligible service member.”

(1) Either of the following:

(i) A member of the armed forces of the United States or its reserve components who is serving on active duty or State active duty for a period of 30 or more consecutive days.

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

(2) An eligible service member must have been a resident of Pennsylvania when he or she entered military service and must be a resident of Pennsylvania at the time of the application for assistance.

“Resident of Pennsylvania.” Either of the following:

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

(2) An individual who qualifies under the definition of “resident individual” in section 301(p) of the Tax Reform Code of 1971.

Section 2. This act shall take effect immediately.

APPROVED—The 10th day of November, A.D. 2005.

EDWARD G. RENDELL