

No. 2006-22

AN ACT

HB 58

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

The General Assembly finds and declares as follows:

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

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

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

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

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

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

Section 1. Short title.

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

Section 2. Definitions.

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

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

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

"Legal resident of this Commonwealth." An individual who is a resident of this Commonwealth on the effective date of this act. If there is a question of residency, the issue shall be determined by the Adjutant General based on standard and uniformly applied criteria.

"Merchant Marine." The United States Merchant Marine.

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

(1) The term includes any individual who served active duty, including training, in the United States Merchant Marine between December 7, 1941, and August 15, 1945.

(2) The term does not include:

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

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

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

Section 3. Bonus.

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

Section 4. Application for bonus.

(a) General rule.—Application for compensation shall be made to the Adjutant General on such forms and in such manner as the Adjutant General prescribes. A federally issued DD-214 form evidencing honorable discharge from service in the United States Merchant Marine for a period including any portion of the period from December 7, 1941, through August 15, 1945, shall be deemed sufficient evidence of qualifying service. The Adjutant General shall assist applicants in obtaining copies of Federal DD-214 forms should the applicant desire assistance.

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

(c) Acceptance and consideration of applications.—The Adjutant General shall not accept or consider any application filed with the Adjutant General after December 31, 2006. The decisions of the Adjutant General in consideration of applications shall be final and not subject to review by any court or by any other officer.

Section 5. Exemption from attachment.

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

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

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

Section 7. Digest and explanation of act.

The Adjutant General shall, as soon as practicable after the effective date of this act, prepare and publish a pamphlet or pamphlets containing a digest and explanation of this act, accompanied by such statements as the Adjutant General believes may be of assistance to the United States Merchant Marine veterans who served during World War II in filing their applications, and shall from time to time prepare and publish additional or supplementary information as may be found necessary. The pamphlet or pamphlets shall be distributed in such manner as the Adjutant General may determine to be most effective to inform United States Merchant Marine veterans of their rights under this act. The Adjutant General shall enlist, as far as possible, the services of United States Merchant Marine veteran organizations in this Commonwealth in the dissemination of such information.

Section 8. Administration of act.

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

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

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

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

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

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

(c) Lapsing of funds.—Any moneys appropriated to the fund remaining unexpended or unencumbered on June 30, 2007, shall lapse into the General Fund.

Section 10. Payment.

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

Section 11. Expiration.

This act shall expire on June 30, 2007.

Section 12. Effective date.

This act shall take effect immediately.

APPROVED—The 12th day of April, A.D. 2006.

EDWARD G. RENDELL