

## **State Legislative Report -- 16 October 2004**

The Pennsylvania General Assembly completed early fall session with meetings of the House of Representatives scheduled for 18 and 19 October. The Senate has already recessed until after the November election. Both the House and the Senate are scheduled to reconvene on 8 November for the so-called *sine die* session. When the legislators return in November, there will be fewer than 10 legislative days remaining in the current General Assembly.

The General Assembly is usually quite busy during this post-election session as it strives to complete action on many pieces of important legislation. Under Pennsylvania's constitution, the current (03-04) session of the General Assembly ends on 30 November, and all bills not enacted by that date die with the end of the legislative session.

### **Unfinished Business:**

There are several pieces of state legislation of importance to the Pennsylvania National Guard that the General Assembly may consider during the fall session. These include:

- **Veterans Preference Reform -- House Bill 2055 (PN 3423).** This bill corrects an inequity in the definition of "soldier" for veterans' preference purposes. If enacted, it will permit Guard and Reserve members to receive state veterans preference after completing an active duty deployment qualifying for a DD Form 214 even if they remain members of the Guard or Reserve with an initial service commitment. The bill passed the House by a unanimous vote, but it did not receive final consideration by the Senate before the fall recess. The Senate Appropriations Committee approved the bill on 6 October, and it should be on the Senate Calendar when the Senate reconvenes in November. This bill is further along in the legislative process than any other National Guard-related legislation, and it has a very good chance of success. It is our top state legislative priority for the fall session because it can make an immediate difference for Guard members returning from mobilization in the Global War on Terrorism.
- **Scholarships for Children of Guard Members Killed in Performance of Duties -- House Bill 2688 (PN 4010).** This bill amends state law to provide that children of Pennsylvania National Guard members killed in any authorized duty status (federal or state) qualify for educational gratuities at State System of Higher Education schools. It corrects an oversight in current law that limits such scholarships in a way that children of Guard members killed while performing federal duty, such as duty in Iraq, do not qualify. This legislation addresses the way the Guard serves today and provides important benefits for children of Guard members who make the ultimate sacrifice. This bill has not yet been reported out of the House Veterans Affairs and Emergency Preparedness Committee.
- **House Resolution 742.** PNGAS has demanded correction or withdrawal of this resolution, which mistakenly implicates Pennsylvania National Guard soldiers in prisoner abuse in Iraq. No action has yet been taken to correct the mistake in this resolution.
- **Senate Bill 981 (PN 1332).** This bill amends the Education Assistance Program to provide for a special education assistance program fund as a restricted account. Under this bill, all monies appropriated for the Pennsylvania National Guard Educational Assistance Program (EAP) will be deposited in a special non-lapsing fund. All the

monies in the fund and the investment income it accrues are appropriated solely for support of the Educational Assistance Program (EAP). The bill is currently before the Senate Appropriations Committee.

- **House Bill 2348 (PN 3538).** This bill has already passed the House by a unanimous vote and is before the Senate Banking and Insurance Committee. The bill strengthens the automobile insurance protections for Guard and Reserve personnel who are mobilized. Under current law, such personnel have the option to defer their motor vehicle coverage without cost or penalty. HB 2348 provides that insurers cannot legally cancel, refuse to renew, impose a rate penalty or remove any premium discount on coverage when it is reinstated.
- **House Bill 2719 (PN 4228).** This bill amends the Domestic Relations Code (23 Pa.C.S. § 1303) to permit a court to authorize a marriage license to be issued without the normal three-day waiting period if an applicant is a member of the Pennsylvania National Guard or reserve component and is called or ordered to active duty. This bill passed the state House of Representatives by a unanimous vote on 30 June 2004. It was approved by the Senate Judiciary Committee on 5 Oct 04 and placed on the Senate Calendar.
- **Senate Bill 911 (PN 1441).** This bill creates a nursing loan forgiveness program for nursing professionals employed in State Veterans Homes. The bill is still pending before the Senate Appropriations Committee.
- **Senate Bill 1169 (PN 1719)** This bill provides for a state income tax checkoff for taxpayers to designate \$1 for the "Help National Guard and Reserve Families Fund," which will be administered by DMVA. The bill is before the Senate Finance Committee.

### **State Legislation Signed into Law:**

Although there are many pieces of legislation for which legislation action is required, there have been some important legislative accomplishments for the Pennsylvania National Guard and the Department of Military and Veterans Affairs during this session. These include:

- **Act 24 of 2004. (HB 1206; PN 3537).** This law amends the Local Tax Enabling Act to make it clear that military pay earned by military personnel (including National Guard and Reserve personnel) performing active duty (regardless of duty location) is not subject to local earned income taxes. Its provisions are retroactive to January 1, 2003. The original Local Tax Enabling Act exempted all active duty military pay from local taxation, but under Act 166 of 2003, active duty military pay earned in Pennsylvania could be included as taxable income. Although PNGAS supports an even broader exemption eliminating local income tax on all military pay and allowances, no such legislation has been introduced this session.
- **Act 65 of 2004. (HB 2081; PN 3424).** This law improves protections for soldiers and airmen called to active duty with regard to early termination of housing rental agreements (leases). This law allows military tenants who are subject to permanent change of station, extended TDY or orders to government quarters to terminate leases without penalty. The law also provides for additional enforcement mechanisms.
- **Act 40 of 2004 (HB 1634; PN 4105)** This law is the Commonwealth's capital project authorization act (also known as a the capital budget). This law covers scores of

agencies and thousands of projects. Its enactment was a priority because it includes capital project authorization for key projects including acquisition of additional training buffers at Fort Indiantown Gap as part of a three-way land transaction involving DMVA, the Game Commission and the Harrisburg City Authority.