

No. 1990-87

AN ACT

SB 627

Amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for veterans' litigation awards.

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 chapter to read:

CHAPTER 79
VETERANS' LITIGATION AWARDS

Sec.

7901. Definitions.

7902. Veterans' litigation awards.

§ 7901. Definitions.

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

"Agent Orange." The herbicide composed of trichlorophenoxyacetic acid and dichlorophenoxyacetic acid and the contaminant dioxin (TCDD).

"Vietnam herbicide." The herbicides, defoliants and other causative agents containing dioxin, including Agent Orange, used in the Vietnam Conflict.

§ 7902. Veterans' litigation awards.

(a) Award exclusions.—Notwithstanding any other law of this Commonwealth to the contrary, any proceeds received pursuant to a judgment in, or settlement of, a lawsuit against the manufacturer or distributor of a Vietnam herbicide, for damages resulting from exposure thereto shall not be income or compensation for the purpose of any State or local tax, or for the calculation of any exemption or rebate therefrom, and shall not be income or an asset for determining the eligibility for State or local government benefit programs, including, but not limited to, general public assistance and vocational rehabilitation. Such proceeds shall not be subject to recoupment for the receipt of any governmental benefits, nor shall any lien be enforceable against such sums for any reason.

(b) Payment method.—This exclusion of litigation proceeds from use in tax or benefit program calculations shall be available to disabled veterans or their beneficiaries, whether payment is received in a lump sum or payable in installments over a period of years.

Section 2. This act shall be retroactive to January 1, 1989.

Section 3. This act shall take effect immediately.

APPROVED—The 10th day of July, A. D. 1990.

ROBERT P. CASEY