

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2579 Session of
1992

INTRODUCED BY FLICK, RYAN, PERZEL AND BARLEY, MARCH 30, 1992

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, MARCH 30, 1992

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
2 act to consolidate, editorially revise, and codify the public
3 welfare laws of the Commonwealth," further restricting
4 assistance payments and medical assistance to certain
5 chronically needy persons; and making repeals.

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

8 Section 1. Sections 432(3)(i)(H) and (I) and (iii), 442.1
9 and 491(b) of the act of June 13, 1967 (P.L.31, No.21), known as
10 the Public Welfare Code, amended or added April 8, 1982
11 (P.L.231, No.75), are amended to read:

12 Section 432. Eligibility.--Except as hereinafter otherwise
13 provided, and subject to the rules, regulations, and standards
14 established by the department, both as to eligibility for
15 assistance and as to its nature and extent, needy persons of the
16 classes defined in clauses (1), (2), and (3) shall be eligible
17 for assistance:

18 * * *

19 (3) Other persons who are citizens of the United States, or

1 legally admitted aliens and who are chronically needy or
2 transitionally needy persons.

3 (i) Chronically needy persons are those persons chronically
4 in need who may be eligible for an indeterminate period as a
5 result of medical, social or related circumstances and shall be
6 limited to:

7 * * *

8 (H) Any person who has previously been employed full time
9 [for at least forty-eight months out of the previous eight
10 years] and has exhausted his or her unemployment compensation
11 benefits prior to applying for assistance.

12 [(I) Any person who does not otherwise qualify as
13 chronically needy, and who is receiving general assistance on
14 the date this section is enacted into law and who has not
15 refused a bona fide job offer or otherwise failed to comply with
16 all employment requirements of this act and regulations
17 promulgated thereunder. Such person must comply with all
18 employment requirements of this act and regulations promulgated
19 thereunder. If after the date this section is enacted into law a
20 person's general assistance grants are terminated, then that
21 person may not subsequently qualify for general assistance under
22 this clause except when such person has been terminated from
23 employment through no fault of his own and has not met the
24 minimum credit week qualifications of the act of December 5,
25 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the
26 "Unemployment Compensation Law." If it is determined that the
27 classification of persons according to their status on the date
28 of enactment as provided in this clause is invalid, then the
29 remainder of this act shall be given full force and effect as if
30 this clause had been omitted from this act, and individuals

1 defined in this clause shall be considered transitionally needy
2 if otherwise eligible. No person shall qualify for general
3 assistance under this clause after December 31, 1982.]

4 * * *

5 [(iii) Transitionally needy persons are those persons who
6 are otherwise eligible for general assistance but do not qualify
7 as chronically needy. Assistance for transitionally needy
8 persons shall be authorized only once in any twelve-month period
9 in an amount not to exceed the amount of ninety days'
10 assistance.]

11 * * *

12 Section 442.1. The Medically Needy; Determination of
13 Eligibility.--A person shall be considered medically needy if
14 he:

15 (1) Resides in Pennsylvania, regardless of the duration of
16 his residence or his absence therefrom; and

17 (2) Meets the standards of financial eligibility established
18 by the department with the approval of the Governor. In
19 establishing these standards the department shall take into
20 account (i) the funds certified by the Budget Secretary as
21 available for medical assistance for the medically needy; (ii)
22 pertinent Federal legislation and regulations; and (iii) the
23 cost of living. [Transitionally needy persons who are not
24 eligible for cash assistance by reason of section 432(3)(iii)
25 shall be considered medically needy if otherwise eligible.]

26 Section 491. Employment Incentive Payments.--* * *

27 (b) An employment incentive payment may be claimed by an
28 employer who hires any person who is receiving aid to families
29 with dependent children or who is classified as chronically [or
30 transitionally] needy at the time of employment except that

1 payments shall not be provided for:

2 (1) The employment of any person who displaces any other
3 individual from employment, except persons discharged for cause
4 as certified by the Office of Employment Security.

5 (2) The employment of any person closely related, as defined
6 by paragraphs (1) through (8) of section 152(a) of the Internal
7 Revenue Code, to the taxpayer, or, if the taxpayer is a
8 corporation, to an individual who owns, directly or indirectly
9 more than fifty percent of the outstanding stock of the
10 corporation, bank, savings institution, company, insurance
11 company, or mutual thrift institution.

12 (3) The employment of an individual for whom the employer is
13 simultaneously receiving Federally or State funded job training
14 payments.

15 * * *

16 Section 2. (a) The following acts and parts of acts are
17 repealed insofar as they provide job training or grants for
18 persons classified as transitionally needy:

19 Act of July 13, 1987 (P.L.332, No.62), known as the Project
20 Independence Act.

21 Act of July 13, 1987 (P.L.342, No.65), known as the
22 Employment Opportunities Act.

23 (b) The repeals under subsection (a) shall be applied
24 prospectively and shall not affect any job training program or
25 grant entered into on or prior to July 1, 1992.

26 Section 3. The amendment affecting transitionally needy in
27 section 491(b) of the act shall only apply to persons applying
28 for employment on or after July 1, 1992.

29 Section 4. This act shall take effect July 1, 1992.