

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1139 Session of
2003

INTRODUCED BY HANNA, BELARDI, BROWNE, CURRY, DeWEESE, GRUCELA,
JAMES, MANDERINO, MUNDY, PRESTON, SCRIMENTI, SHANER, STERN,
TIGUE, WASHINGTON AND YOUNGBLOOD, APRIL 11, 2003

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,
APRIL 11, 2003

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 providing for the
4 administration of assistance; and abrogating a regulation.

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

7 Section 1. Section 403 of the act of June 13, 1967 (P.L.31,
8 No.21), known as the Public Welfare Code, amended May 16, 1996
9 (P.L.175, No.35), is amended to read:

10 Section 403. Uniformity in Administration of Assistance;
11 Regulations as to Assistance.--(a) The department is
12 responsible for maintaining uniformity in the administration of
13 public welfare, including general assistance, throughout the
14 Commonwealth.

15 (b) The department shall establish rules, regulations and
16 standards, consistent with the law, as to eligibility for
17 assistance and as to its nature and extent. The department is
18 authorized to seek waivers from the Federal Government to

1 enhance consistency between Federal program standards,
2 requirements or procedures. This shall not be interpreted to
3 require the department to seek waivers to achieve consistency
4 among standards, requirements or procedures in Federal programs,
5 except as specifically required under other provisions in this
6 article. Whenever possible, except for residency requirements
7 for general assistance, and consistent with State law, the
8 department shall establish rules, regulations and standards for
9 general assistance consistent with those established for aid to
10 families with dependent children. In no instance shall the
11 rules, regulations and standards established for general
12 assistance provide for assistance greater than that provided for
13 aid to families with dependent children. If three or more
14 general assistance recipients reside together in the same
15 household, their income eligibility and cash assistance shall be
16 no greater than income eligibility and cash assistance from aid
17 to families with dependent children for a household of the same
18 size. Regulations under this subsection shall provide for a
19 personal needs allowance deduction of fifty dollars (\$50) from
20 the gross income of an individual eligible for medical
21 assistance. The secretary or a written designee is the only
22 person authorized to adopt regulations, orders, or standards of
23 general application to implement, interpret, or make specific
24 the law administered by the department. The secretary shall
25 issue interim regulations whenever changes in Federal laws and
26 regulations supersede existing statutes. In adopting
27 regulations, orders, or standards of general application, the
28 secretary shall strive for clarity of language which may be
29 readily understood by those administering assistance and by
30 those who apply for or receive assistance. For the purpose of

1 this subsection, the term "household" does not include single-
2 room occupancy residences, rooming houses, nonprofit residential
3 programs or personal care facilities receiving charitable
4 funding or Federal, State or local government funding.

5 (c) Whenever a recipient of public assistance, as a
6 prerequisite to receiving assistance or otherwise, has been
7 required to encumber in favor of the Commonwealth any property,
8 or to give any bond, note or other obligation in any sum to
9 secure the repayment of moneys received as assistance or for any
10 other purposes, and such bonds, notes, judgments, mortgages, or
11 other obligations are thereafter assigned by the Commonwealth to
12 any third party, the assignee shall not be entitled to collect,
13 and the person liable for the payment of the lien or obligation
14 shall not be liable for the payment of, any amount greater than
15 the amount the assignee paid for the assignment, notwithstanding
16 the face amount of such lien or obligation. This provision shall
17 not be effective as to the collection of interest accruing after
18 the date of the assignment or costs of collection.

19 (d) No general assistance shall be paid to any full-time
20 student at a college or university who has not participated in a
21 Federally subsidized program for dependent children within the
22 previous five years.

23 (e) Beginning no later than December 31, 1982, the
24 department shall conduct annual quality control reviews of the
25 general assistance caseload in accordance with a methodology and
26 scope determined by the department.

27 (f) No general assistance shall be paid to initial
28 applicants who voluntarily terminate their employment until
29 thirty days after the date of termination.

30 (g) Regulations which authorize payment for purchase of an

1 automobile, for parts for an automobile or for repair of an
2 automobile for a recipient of public assistance shall provide
3 that the payment shall be made jointly to the seller of the
4 automobile or parts or the garage or mechanic which made the
5 repairs and the recipient.

6 Section 2. The provisions of 55 Pa.Code § 181.452(d)(1)(i)
7 are abrogated.

8 Section 3. This act shall take effect in 60 days.