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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1379 Session of  
2014

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INTRODUCED BY ARGALL, SCARNATI, FOLMER, VOGEL, BAKER,  
VULAKOVICH, YUDICHAK, EICHELBERGER, HUTCHINSON, WHITE,  
SOLOBAY, BROWNE AND YAW, MAY 30, 2014

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REFERRED TO PUBLIC HEALTH AND WELFARE, MAY 30, 2014

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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," in public assistance,  
4 further providing for definitions, for false statements,  
5 investigations and penalty and for reporting fraud; and  
6 providing for lost access device reporting by department.

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

9 Section 1. Section 402 of the act of June 13, 1967 (P.L.31,  
10 No.21), known as the Public Welfare Code, is amended by adding a  
11 definition to read:

12 Section 402. Definitions.--As used in this article, unless  
13 the content clearly indicates otherwise:

14 "Access device." The Pennsylvania ACCESS Card or electronic  
15 benefit transfer card.

16 \* \* \*

17 Section 2. Section 432.5(c) of the act, amended May 16, 1996  
18 (P.L.175, No.35), is amended and the section is amended by  
19 adding a subsection to read:

1 Section 432.5. Resources.--\* \* \*

2 (c) Other property in excess of two hundred fifty dollars  
3 (\$250) for a single person applying for or receiving assistance  
4 and other property in excess of one thousand dollars (\$1,000)  
5 for assistance groups with more than one person shall be  
6 considered an available resource. The following items shall not  
7 be considered an available resource, unless such consideration  
8 is required under Federal law or regulations:

9 (1) Wedding and engagement rings, family heirlooms, clothing  
10 and children's toys.

11 (2) Household furnishings, personal effects and other items  
12 used to provide, equip, and maintain a household for the  
13 applicant and recipient.

14 (3) Equipment and material which are necessary to implement  
15 employment, rehabilitation, or self care plan for the applicant  
16 or recipient.

17 (4) One motor vehicle with a fair market value, according to  
18 a standard guide resource available to the automobile industry  
19 and consumers that determines the value of new and used  
20 automobiles, of less than thirty five thousand dollars (\$35,000)  
21 per assistance group.

22 (5) Retroactive assistance payments received as a result of  
23 a prehearing conference or a fair hearing decision.

24 \* \* \*

25 (g) For purposes of determining eligibility for assistance,  
26 cash lottery winnings shall be considered a resource in the  
27 month received. Individual lottery winnings of six hundred  
28 dollars (\$600) or more shall be considered income on a prorated  
29 basis over a twelve-month period following receipt of such  
30 winnings.

1 Section 3. Section 432.23(a) of the act, added June 30, 2011  
2 (P.L.89, No.22), is amended to read:

3 Section 432.23. Verification System.--(a) The department  
4 shall establish a computerized income eligibility verification  
5 system to verify eligibility, eliminate duplication of  
6 assistance and deter fraud: Provided, however, that the  
7 department, in good faith, attempts to obtain the cooperation by  
8 Federal authorities or other states, or both; and further  
9 provided, that the data be accessible by the department. Subject  
10 to section 432.19, prior to authorizing assistance under section  
11 432.2(b) or continuing assistance under section 432.2(c), the  
12 department shall match the social security number of each  
13 applicant and recipient with the following:

14 (1) Unearned income information maintained by the Internal  
15 Revenue Service.

16 (2) Employer quarterly reports of income and unemployment  
17 insurance benefit payment information maintained by the State  
18 Wage Information Collection Agency.

19 (3) Earned income information maintained by the Social  
20 Security Administration.

21 (4) Immigration status information maintained by the  
22 Citizenship and Immigration Services.

23 (5) Death register information maintained by the Social  
24 Security Administration.

25 (6) Prisoner information maintained by the Social Security  
26 Administration.

27 (7) Public housing and section 8 payment information  
28 maintained by the Department of Housing and Urban Development.

29 (8) National fleeing felon information maintained by the  
30 Federal Bureau of Investigation.

1 (9) Wage reporting and similar information maintained by  
2 states contiguous to this Commonwealth.

3 (10) Beneficiary Data Exchange (BENDEX) Title H database  
4 maintained by the Social Security Administration.

5 (11) Beneficiary Earnings Exchange Report (BEER) database  
6 maintained by the Social Security Administration.

7 (12) State New Hire database maintained by the Commonwealth.

8 (13) National New Hire database maintained by the Federal  
9 Government.

10 (14) State Data Exchange (SDX) database maintained by the  
11 Social Security Administration.

12 (15) Veterans Benefits and Veterans Medical (PARIS)  
13 maintained by the Department of Veterans Affairs with  
14 coordination through the Department of Health and Human  
15 Services.

16 (16) Child care subsidy payments maintained by the  
17 Commonwealth.

18 (17) Low-Income Energy Assistance Program Reporting Utility  
19 Expenses maintained by the Commonwealth.

20 (18) The database of all persons who currently hold a  
21 license, permit or certificate from a Commonwealth agency the  
22 cost of which exceeds one thousand dollars (\$1,000).

23 (19) A database which is new, substantially similar to or a  
24 successor of a database set forth in this subsection.

25 (20) Lottery winners database maintained by the Pennsylvania  
26 Lottery.

27 \* \* \*

28 Section 4. Section 481(b) of the act, amended May 16, 1996  
29 (P.L.175, No.35), is amended to read:

30 Section 481. False Statements; Investigations; Penalty.--\* \*

1 \*

2 (b) Any person violating subsection (a) commits the grade of  
3 crime determined from the following schedule:

4 Amount of Assistance	Degree of Crime
5 or Food Stamps	
6 [\$3,000 or more	Felony of the third degree
7 \$1,500 to \$2,999	Misdemeanor of the first degree
8 \$1,000 to \$1,499	Misdemeanor of the second degree
9 \$ 999 and under, or	
10 an attempt to commit	
11 any act prohibited in	
12 subsection (a)	Misdemeanor of the third degree]
13 <u>\$1,000 or more</u>	<u>Felony of the third degree</u>
14 <u>\$999 and under, or an</u>	
15 <u>attempt to commit any</u>	
16 <u>act prohibited in</u>	
17 <u>subsection (a)</u>	<u>Misdemeanor of the first degree</u>

18 [Pursuant to 42 Pa.C.S. § 1515(a)(7) (relating to  
19 jurisdiction and venue), jurisdiction over cases graded a  
20 misdemeanor of the third degree under this section shall be  
21 vested in district justices.]

22 \* \* \*

23 Section 5. The act is amended by adding a section to read:

24 Section 485. Lost Access Device Reporting by Department.--  
25 The department shall notify the Office of Inspector General of  
26 the name of any recipient who has requested replacement of a  
27 lost access device more than twice in a calendar year.

28 Section 6. This act shall take effect in 60 days.