

---

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

SENATE BILL

No. 1226 Session of  
2015

---

INTRODUCED BY VULAKOVICH, BAKER, COSTA, GORDNER, RESCHENTHALER,  
SABATINA, SCAVELLO AND TEPLITZ, MAY 4, 2016

---

REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,  
MAY 4, 2016

---

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania  
2 Consolidated Statutes, in State Veterans' Commission and  
3 Deputy Adjutant General for Veterans' Affairs, further  
4 providing for specific powers and duties and for Veterans'  
5 Trust Fund; and, in Veterans' Emergency Assistance, further  
6 providing for definitions, for purpose, for eligibility, for  
7 amounts of assistance and for appeals.

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

10 Section 1. Sections 1704(4) and 1721(c) and (d) of Title 51  
11 of the Pennsylvania Consolidated Statutes are amended to read:

12 § 1704. Specific powers and duties.

13 The commission shall have the following powers and duties:

14 \* \* \*

15 (4) Oversee veterans' [emergency] temporary assistance  
16 payments under Chapter 85 (relating to veterans' [emergency]  
17 temporary assistance).

18 \* \* \*

19 § 1721. Veterans' Trust Fund.

20 \* \* \*

1 (c) Authorized purposes.--The department may expend money  
2 from the Veterans' Trust Fund for the following purposes:

3 (1) Grants for programs or projects to support  
4 Pennsylvania veterans and their families to:  
5 [(i) the Pennsylvania Veterans Foundation;]  
6 (ii) veterans' service organizations; and  
7 (iii) other [Statewide] charitable organizations  
8 with a primary mission to serve Pennsylvania veterans.

9 (2) Grants or funding for new, innovative and expanded  
10 activities or programs operated by a county director of  
11 veterans affairs or the State Association of County Directors  
12 of Veterans Affairs.

13 [(3) Grants to Statewide veterans' service organizations  
14 in addition to the grants authorized and funded under section  
15 9304 (relating to grants to veterans' service officer  
16 programs).]

17 (4) Assistance to Pennsylvania veterans in need of  
18 shelter or other necessities of living to the extent that  
19 other funds or resources are not available under Chapter 85  
20 (relating to veterans' temporary assistance).

21 (5) Assistance to operate, maintain and repair  
22 Pennsylvania monuments honoring Pennsylvania service members  
23 and veterans who served in the United States or overseas.

24 (6) Payments to the Motor License Fund for actual costs  
25 incurred by the Department of Transportation to implement 75  
26 Pa.C.S. §§ 1320 (relating to contributions to Veterans' Trust  
27 Fund) and 1510 (relating to issuance and content of driver's  
28 license).

29 (7) Department-sponsored training and informational  
30 programs for Pennsylvania veterans. No more than 10% of the

1 balance in the fund as of October 1 of the previous year may  
2 be used for this purpose.

3 (d) Contributions.--The department may solicit and accept  
4 gifts, donations, legacies and other money for deposit into the  
5 fund from a person, a foundation, a tax-exempt organization  
6 under section 501(c)(3) of the Internal Revenue Code of 1986  
7 (Public Law 99-514, 26 U.S.C. § 501(c)(3)), an estate or a  
8 government entity on behalf of the Commonwealth.

9 \* \* \*

10 Section 2. The heading of Chapter 85 of Title 51 is amended  
11 to read:

12 CHAPTER 85

13 VETERANS' [EMERGENCY] TEMPORARY ASSISTANCE

14 Section 3. Sections 8501, 8502, 8503, 8504 and 8505 of Title  
15 51 are amended to read:

16 § 8501. Definitions.

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

20 "Commission." The State Veterans' Commission established  
21 under section 1702 (relating to State Veterans' Commission).

22 "Eligible veteran." [A former member of the military or  
23 naval service of the United States, or women's organization  
24 officially connected therewith, who:

25 (1) served during a period of war or armed conflict and  
26 was honorably discharged from the armed forces;

27 (2) died in service or was killed in action during a  
28 period of war or armed conflict; or

29 (3) as a result of peacetime hostile fire or terrorist  
30 attack as determined by the department, was killed or

1 suffered a service-connected disability as certified by the  
2 United States Veterans' Administration and, if surviving, was  
3 honorably discharged from the armed forces.]

4 A person who served in the armed forces of the United  
5 States, including a reserve component and the National Guard,  
6 or a women's organization officially connected therewith,  
7 who:

8 (1) was discharged under honorable conditions after a  
9 period of active duty, other than active duty for training,  
10 as evidenced by a DD-Form 214 or NGB-22;

11 (2) died in service or was killed in action; or

12 (3) suffered a service-connected disability as certified  
13 by the United States Department of Veterans Affairs.

14 "Emergency." A sudden or unexpected loss of income due to  
15 sickness, disability, unemployment or other cause beyond the  
16 control of the applicant for emergency assistance.

17 "Necessities of living." Water, food, shelter, clothing,  
18 health care, personal vehicle, essential furnishings, utilities,  
19 transportation, communication and laundry services to the extent  
20 not provided by other government programs.

21 "Need for temporary assistance." Financial circumstances  
22 resulting in insufficient funds to pay for necessities of living  
23 for a veteran and family members of the veteran when any of the  
24 following occur:

25 (1) The veteran is temporarily unable to obtain or  
26 maintain the necessities of living without undue hardship.

27 (2) The need is caused by a loss of income, assets or  
28 support due to sickness, disability, unemployment, natural or  
29 manmade disaster or other cause beyond the control of, and  
30 not as a result of misconduct by, the applicant.

1           (3) The need is caused by an increase in costs of  
2           obtaining or maintaining necessities of living beyond the  
3           control of, and not as a result of misconduct by, the  
4           applicant.

5           "Program." The Veterans' Temporary Assistance Program under  
6           this chapter.

7           "Surviving dependents." The following are considered  
8 surviving dependents of a deceased eligible veteran:

9           (1) The unmarried surviving spouse of the deceased  
10 eligible veteran.

11           (2) If there is no unmarried spouse of a deceased  
12 eligible veteran, the unmarried minor children, children who,  
13 before attaining the age of 18, became permanently incapable  
14 of self-support, and children who are less than 23 years of  
15 age and are pursuing a full-time course of instruction at an  
16 approved educational institution, provided they were, on the  
17 death of the eligible veteran, dependent on the eligible  
18 veteran for more than 50% of the cost of their support.

19           (3) If the eligible veteran is not survived by a spouse  
20 or dependent children, the surviving parents of the eligible  
21 veteran, provided that, on the date of the eligible veteran's  
22 death, they were dependent on the veteran for more than 50%  
23 of the cost of their support.

24 § 8502. Purpose.

25           The purpose of the [Veterans' Emergency Assistance Program]  
26 program is to provide temporary financial assistance to eligible  
27 veterans, their unmarried surviving spouses and surviving  
28 dependents when they face a financial emergency and need  
29 assistance to provide themselves with the necessities of [life]  
30 living.

1 § 8503. Eligibility.

2 In order to qualify for the [Veterans' Emergency Assistance  
3 Program] program, applicants must demonstrate that:

4 (1) They are eligible veterans or eligible surviving  
5 dependents of eligible veterans.

6 [(2) They are domiciliaries of Pennsylvania who  
7 permanently reside exclusively in this Commonwealth.

8 (3) They are not receiving monetary assistance payable  
9 under the act of June 13, 1967 (P.L.31, No.21), known as the  
10 Public Welfare Code.

11 (4) They suffered a sudden or unexpected loss of income  
12 or other source of support such that they have a direct and  
13 immediate demonstrable financial need for assistance in order  
14 to provide themselves and their families with food, shelter,  
15 clothing, required medical care and other necessities of  
16 life.]

17 (2) They are permanent residents of this Commonwealth  
18 who do not maintain residence in any other state for any  
19 purpose.

20 (3) They are not receiving sufficient monetary  
21 assistance from any Federal or State agency based on the need  
22 for temporary assistance described in the application. The  
23 receipt of food stamp assistance does not disqualify an  
24 applicant from eligibility for temporary assistance.

25 (4) They can provide documentation that other funds or  
26 resources are not available to address the need for temporary  
27 assistance.

28 (5) They demonstrate an immediate need for temporary  
29 assistance in order to provide themselves and their families  
30 with the necessities of living. The assistance must be

1 essential for the applicant to obtain and maintain the  
2 necessities of living. Assistance for the relief of an  
3 inconvenience is deemed nonessential.

4 § 8504. Amounts of assistance.

5 (a) Maximum amount.--In no event shall veterans' [emergency]  
6 temporary assistance payments exceed the established maximum  
7 assistance [payable for a family of the same size under the act  
8 of June 13, 1967 (P.L.31, No.21), known as the Public Welfare  
9 Code] or the documented amount of need, whichever is less.

10 (b) Standards.--Subject to the limitation set forth in  
11 subsection (a), the [State Veterans' Commission] department  
12 shall [recommend] determine uniform and equitable standards for  
13 the amounts of veterans' [emergency] temporary assistance. The  
14 department shall report periodically to the commission on the  
15 administration and status of the program.

16 (c) Restrictions.--No person shall be eligible to receive  
17 veterans' [emergency] temporary assistance for more than [three  
18 months] the established maximum assistance in any 12-month  
19 period.

20 (d) Method; adjustments.--[Veterans' emergency assistance  
21 shall be paid monthly, and no] No payments shall be made in the  
22 form of relief orders. The department may adjust the amounts of  
23 assistance paid under [this] the program so that total payments  
24 do not exceed the amount of [the appropriation] available funds.

25 § 8505. Appeals.

26 Any person aggrieved by a decision denying payment of  
27 veterans' [emergency] temporary assistance may appeal to the  
28 Adjutant General under provisions of [Title 2 (relating to  
29 administrative law and procedure)] 1 Pa. Code § 35.20 (relating  
30 to appeals from actions of the staff).

1       Section 4. The Adjutant General shall promulgate regulations  
2 to carry out the amendment of 51 Pa.C.S. Ch. 85.

3       Section 5. This act shall take effect July 1, 2016, or  
4 immediately, whichever is later.