

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1226 Session of 2015

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

SENATOR VULAKOVICH, VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, AS AMENDED, MAY 11, 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.

1 \* \* \*

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

4 (1) Grants for programs or projects to support  
5 Pennsylvania veterans and their families to:

6 [(i) the Pennsylvania Veterans Foundation;]

7 (ii) veterans' service organizations; and

8 (iii) other [Statewide] charitable organizations  
9 with a primary mission to serve Pennsylvania veterans.

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

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

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

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

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

30 (7) Department-sponsored training and informational

1 programs for Pennsylvania veterans. No more than 10% of the  
2 balance in the fund as of October 1 of the previous year may  
3 be used for this purpose.

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

11 \* \* \*

12 Section 2. The heading of Chapter 85 of Title 51 is amended  
13 to read:

14 CHAPTER 85

15 VETERANS' [EMERGENCY] TEMPORARY ASSISTANCE

16 Section 3. Sections 8501, 8502, 8503, 8504 and 8505 of Title  
17 51 are amended to read:

18 § 8501. Definitions.

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

22 "Commission." The State Veterans' Commission established  
23 under section 1702 (relating to State Veterans' Commission).

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

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

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

1 (3) as a result of peacetime hostile fire or terrorist  
2 attack as determined by the department, was killed or  
3 suffered a service-connected disability as certified by the  
4 United States Veterans' Administration and, if surviving, was  
5 honorably discharged from the armed forces.]

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

10 (1) was discharged under honorable conditions after a  
11 period of active duty, other than active duty for training,  
12 as evidenced by a DD-Form 214 or, NGB-22 OR OTHER OFFICIAL <--  
13 DOCUMENTATION;

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

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

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

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

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

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

30 (2) The need is caused by a loss of income, assets or

1 support due to sickness, disability, unemployment, natural or  
2 manmade disaster or other cause beyond the control of, and  
3 not as a result of misconduct by, the applicant.

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

8 "Program." The Veterans' Temporary Assistance Program under  
9 this chapter.

10 "Surviving dependents." The following are considered  
11 surviving dependents of a deceased eligible veteran:

12 (1) The unmarried surviving spouse of the deceased  
13 eligible veteran.

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

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

27 § 8502. Purpose.

28 The purpose of the [Veterans' Emergency Assistance Program]  
29 program is to provide temporary financial assistance to eligible  
30 veterans, their unmarried surviving spouses and surviving

1 dependents when they face a financial emergency and need  
2 assistance to provide themselves with the necessities of [life]  
3 living.

4 § 8503. Eligibility.

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

7 (1) They are eligible veterans or eligible surviving  
8 dependents of eligible veterans.

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

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

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

20 (2) They are permanent residents of this Commonwealth  
21 who do not maintain residence in any other state for any  
22 purpose.

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

28 (4) They can provide documentation that other funds or  
29 resources are not available to address the need for temporary  
30 assistance.

1           (5) They demonstrate an immediate need for temporary  
2 assistance in order to provide themselves and their families  
3 with the necessities of living. The assistance must be  
4 essential for the applicant to obtain and maintain the  
5 necessities of living. Assistance for the relief of an  
6 inconvenience is deemed nonessential.

7 § 8504. Amounts of assistance.

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

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

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

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

28 § 8505. Appeals.

29           Any person aggrieved by a decision denying payment of  
30 veterans' [emergency] temporary assistance may appeal to the

1 Adjutant General under provisions of [Title 2 (relating to  
2 administrative law and procedure)] 1 Pa. Code § 35.20 (relating  
3 to appeals from actions of the staff).

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

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