

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1226 Session of 2015

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

SENATOR BROWNE, APPROPRIATIONS, RE-REPORTED AS AMENDED, JUNE 22, 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 OR the National <--
8 Guard, or a women's organization officially connected
9 therewith, who:

10 (1) was discharged OR RELEASED FROM SERVICE under <--
11 honorable conditions OTHER THAN DISHONORABLE after a period <--
12 of active duty, other than active duty for training, as
13 evidenced by a DD-Form 214, NGB-22 or other official
14 documentation;

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

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

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

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

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

29 (1) The veteran is OR SURVIVING DEPENDENTS ARE <--
30 temporarily unable to obtain or maintain the necessities of

1 living without undue hardship.

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

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

10 "Program." The Veterans' Temporary Assistance Program under
11 this chapter.

12 "Surviving dependents." The following are considered
13 surviving dependents of a deceased eligible veteran:

14 (1) The unmarried surviving spouse of the deceased
15 eligible veteran.

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

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

29 § 8502. Purpose.

30 The purpose of the [Veterans' Emergency Assistance Program]

1 program is to provide temporary financial assistance to eligible
2 veterans, their unmarried surviving spouses and surviving
3 dependents when they face a financial emergency and need
4 assistance to provide themselves with the necessities of [life]
5 living.

6 § 8503. Eligibility.

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

9 (1) They are eligible veterans or eligible surviving
10 dependents of eligible veterans.

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

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

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

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

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

30 (4) They can provide documentation that other OTHER

<--

1 funds or resources are not available to address the need for
2 temporary assistance BY PROVIDING DOCUMENTATION ACCEPTABLE TO <--
3 THE DEPARTMENT.

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

10 § 8504. Amounts of assistance.

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

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

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

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

1 § 8505. Appeals.

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

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

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