

No. 2016-109

AN ACT

SB 1226

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

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

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

§ 1704. Specific powers and duties.

The commission shall have the following powers and duties:

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

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§ 1721. Veterans' Trust Fund.

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

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

[(i) the Pennsylvania Veterans Foundation;]

(ii) veterans' service organizations; and

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

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

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

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

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

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

(7) Department-sponsored training and informational programs for Pennsylvania veterans. No more than 10% of the balance in the fund as of October 1 of the previous year may be used for this purpose.

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

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

CHAPTER 85
VETERANS' [EMERGENCY] *TEMPORARY* ASSISTANCE

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

§ 8501. Definitions.

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

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

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

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

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

(3) as a result of peacetime hostile fire or terrorist attack as determined by the department, was killed or suffered a service-connected disability as certified by the United States Veterans' Administration and, if surviving, was honorably discharged from the armed forces.] *A person who served in the armed forces of the United States, including a reserve component or the National Guard, or a women's organization officially connected therewith, who:*

(1) was discharged or released from service under conditions other than dishonorable after a period of active duty, other than active duty for training, as evidenced by a DD-Form 214, NGB-22 or other official documentation;

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

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

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

"Necessities of living." Water, food, shelter, clothing, health care, personal vehicle, essential furnishings, utilities, transportation,

communication and laundry services to the extent not provided by other government programs.

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

(1) The veteran or surviving dependents are temporarily unable to obtain or maintain the necessities of living without undue hardship.

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

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

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

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

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

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

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

§ 8502. Purpose.

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

§ 8503. Eligibility.

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

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

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

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

(4) They suffered a sudden or unexpected loss of income or other source of support such that they have a direct and immediate

demonstrable financial need for assistance in order to provide themselves and their families with food, shelter, clothing, required medical care and other necessities of life.]

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

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

(4) *Other funds or resources are not available to address the need for temporary assistance by providing documentation acceptable to the department.*

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

§ 8504. Amounts of assistance.

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

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

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

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

§ 8505. Appeals.

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

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

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

APPROVED—The 4th day of October, A.D. 2016

TOM WOLF