

No. 28

AN ACT

HB 1153

Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An act to consolidate, editorially revise, and codify the public welfare laws of the Commonwealth," further providing for eligibility for assistance.

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

Section 1. Section 432, act of June 13, 1967 (P.L.31, No.21), known as the "Public Welfare Code," amended December 12, 1973 (P.L.403, No.143), is amended to read:

[Section 432. Eligibility.—Except as hereinafter otherwise provided, and subject to the rules, regulations, and standards established by the department, both as to eligibility for assistance and as to its nature and extent, needy persons of the classes defined in clauses (1), (1.1) and (2) of this section shall be eligible for assistance:

(1) Persons for whose assistance Federal financial participation is available to the Commonwealth as aid to families with dependent children or as other assistance, and which assistance is not precluded by other provisions of law.

(1.1) Persons eligible for State supplemental assistance.

(2) Other persons who are citizens of the United States, or legally admitted aliens.

(2.1) State supplemental assistance shall be granted to persons who receive supplemental security income for the aged, blind and disabled pursuant to Title XVI of the Federal Social Security Act in such amounts as are determined by the department with the approval of the Governor. In establishing these amounts the department shall consider the funds certified by the Budget Secretary as available for State supplemental assistance, pertinent Federal legislation and regulation, the cost of living and the number of persons who may be eligible. After the initial levels of payment have been determined by the department with the approval of the Governor, the levels of payment shall not be increased without the approval of the General Assembly in accordance with the procedure established by the act of April 7, 1955 (P.L.23, No.8), known as the "Reorganization Act of 1955," and a message to the General Assembly from the Governor for the purposes of executing such function shall be transmitted as in other cases under the Reorganization Act.

(3) Assistance shall not be granted (i) to or in behalf of any person who disposed of his real or personal property, of the value of five hundred dollars (\$500), or more, without fair consideration, within two years immediately preceding the date of application for assistance unless he is eligible for State supplemental assistance; or (ii) to an inmate of a public institution.

(6) Assistance may be granted only to or in behalf of a resident of Pennsylvania. Needy persons who do not meet the residence requirements stated in this clause and who are transients or without residence in any state, may be granted assistance up to seven days in the form of vendor payments, all in accordance with rules, regulations, and standards established by the department.]

Section 432. Eligibility.—Except as hereinafter otherwise provided, and subject to the rules, regulations, and standards established by the department, both as to eligibility for assistance and as to its nature and extent, needy persons of the classes defined in clauses (1), (2), (2)(i) and (2)(ii) shall be eligible for assistance:

(1) Persons for whose assistance Federal financial participation is available to the Commonwealth as aid to families with dependent children or as other assistance, and which assistance is not precluded by other provisions of law.

(2) Persons who are eligible for State supplemental assistance.

(i) State supplemental assistance shall be granted to persons who receive Federal supplemental security income for the aged, blind and disabled pursuant to Title XVI of the Federal Social Security Act.

(ii) State supplemental assistance shall also be granted to persons who are aged, blind and disabled, as defined in Title XVI of the Federal Social Security Act, and whose income, pursuant to the standards and income disregards of Title XVI of the Social Security Act, is less than the combined income of the Federal payments under the supplemental security income program and the State supplemental assistance payments established pursuant to the provisions of this act.

(iii) In establishing the amounts of the State supplemental assistance, the department shall consider the funds certified by the Budget Secretary as available for State supplemental assistance, pertinent Federal legislation and regulation, the cost-of-living and the number of persons who may be eligible.

(iv) Beneficiaries of State supplemental assistance shall be eligible for cash State financial assistance to cover the cost of special needs as defined by statute and regulations promulgated under this act.

(v) After the amounts of assistance payments have been determined by the department with the approval of the Governor and General Assembly, the amounts of assistance payments shall not be reduced as a consequence of benefit increases, including but not limited to cost-of-living increases, provided through Federal legislation.

(vi) After the amounts of assistance payments have been determined by the department with the approval of the Governor and General Assembly, the amounts of assistance payments shall not be increased without the approval of the General Assembly in accordance with the procedure established by the act of April 7, 1955 (P.L.23, No.8) known as the "Reorganization Act of 1955," and a message to the General Assembly from the Governor for the purposes of executing such function shall be transmitted as in other cases under the Reorganization Act.

(3) Other persons who are citizens of the United States, or legally admitted aliens.

(4) Assistance shall not be granted (i) to or in behalf of any person who disposed of his real or personal property, of the value of five hundred dollars (\$500), or more, without fair consideration, within two years immediately preceding the date of application for assistance unless he is eligible for State supplemental assistance; or (ii) to an inmate of a public institution.

(5) Assistance may be granted only to or in behalf of a resident of Pennsylvania. Needy persons who do not meet the residence requirements stated in this clause and who are transients or without residence in any state, may be granted assistance up to seven days in the form of vendor payments, all in accordance with rules, regulations, and standards established by the department.

Section 2. This act shall take effect April 1, 1976.

APPROVED—The 1st day of April, A. D. 1976.

MILTON J. SHAPP