

control, management, protection, development, and utilization of such land and water.

The Water and Power Resources Board shall have authority to fix and collect charges for the permissive use of the land and water by private individuals for any purpose or purposes approved by the board. Any moneys so collected by the board shall be paid into the Forests and Waters Fund.

To collect charges for use of land and water.

Moneys to be paid into Forests and Waters Fund.

APPROVED—The 9th day of July, A. D. 1935.

GEORGE H. EARLE

No. 219

AN ACT

Limiting the mileage cost for return of subpoenas in criminal cases to the trips actually made, and imposing certain duties on controllers and district attorneys.

Section 1. Be it enacted, &c., That whenever the officer or individual who has served subpoenas issued by the district attorney for any term of court shall make return thereof, as required by law, he shall be required to return all subpoenas, received within a reasonable time prior to such return day, at one and the same time; and in making such return of subpoenas he shall receive mileage only for trips actually and necessarily made in returning such subpoenas and not mileage on each separate subpoena returned. In order to carry into effect the provisions of this section, the district attorney in issuing subpoenas shall, so far as conveniently may be, mail or cause to be delivered subpoenas going to the same officer or individual for a term of court at one and the same time.

Return of subpoenas.

Limitation on mileage cost.

Subpoenas going to the same officer for a term of court to be mailed or delivered at one time.

Section 2. No officer or person returning subpoenas issued by the district attorney shall receive payment for such service unless his bill is approved by the county controller, and, where there is no controller, by the district attorney whose duty it shall be to enforce the provisions of section one of this act.

Approval of bills for services.

Duty of district attorney.

APPROVED—The 9th day of July, A. D. 1935.

GEORGE H. EARLE

No. 220

AN ACT

Providing for and regulating, subject to certain restrictions, limitations, and liabilities, the granting of pensions by the Commonwealth to certain blind persons; providing for the administration of this act by the Department of Welfare, the trustees who administer mothers' assistance in the several coun-

ties, or by other trustees in certain cases; authorizing appointment of trustees for the pensions payable to certain individuals; authorizing the Department of Welfare to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to the blind; and providing penalties.

**Blind Persons
Pension Act.**

**Administration
of act.**

**Trustees of
Pension Fund
for the Blind.**

Section 1. Be it enacted, &c., That this act shall be administered by the Department of Welfare of this Commonwealth and the Boards of Trustees of the Mothers' Assistance Funds of the several counties, who, when acting under the provisions of this act, shall be known as Boards of Trustees of Pension Fund for the Blind.

In the event that any county shall not have a Board of Trustees of the Mothers' Assistance Fund, because of the failure of such county to have accepted the provisions of the Mothers' Assistance Act, the trustees of the Old Age Assistance Fund of the county, if any, shall have the duties and powers of, and shall be the trustees for, the Pension Fund for the Blind. If there shall be neither a Board of Trustees of the Mothers' Assistance Fund nor a Board of Trustees of the Old Age Assistance Fund in the county, the Governor shall appoint a board of trustees, composed of seven residents of the county, who shall be called a Board of Trustees of Pension Fund for the Blind. If at any time thereafter a Board of Trustees of a Mothers' Assistance Fund shall be appointed for such county, it shall immediately take over the work of the Board of Trustees of Pension Fund for the Blind and this act shall be administered as in other counties.

Term of office.

Any trustees of the Pension Fund for the Blind appointed under the provisions of this section shall hold office for a term of six years or until a Board of Trustees of the Mothers' Assistance Fund has been appointed in their county.

**Rules and
regulations.**

The Department of Welfare shall have the power; and its duties shall be, to set up rules and regulations for the administration of this act with the approval of the Welfare Commission.

**Supervisors
and assistants.**

Section 2. Such supervisors and assistants as shall be necessary to exercise general supervision over the administration of this act shall be appointed by the Secretary of Welfare, subject, as in other cases, to the approval by the Governor of the number and compensation of such supervisors and assistants.

**Investigators
and clerical
assistants.**

Section 3. The boards of trustees in the several counties shall appoint such additional investigators and clerical assistants as may be necessary to enable them to distribute pensions for the blind in their respective counties, but, as far as possible, the investigators engaged in the administration of the Mothers' Assistance Law shall also perform the work necessary for the administration of this act. At no time shall the additional expense of administering this act in any county exceed in amount

**County admin-
istration not
to exceed six
per cent.**

six per centum of the allocation to such county from the appropriation for pensions for the blind.

Section 4. Subject to the provisions, and under the restrictions contained in this act, every blind person, who —(a) has attained the age of twenty-one years, or upwards, (b) has three-sixtieth or ten-two hundredths, or less, normal vision, (c) has resided in the Commonwealth for at least five years during the nine years immediately preceding his or her application for a pension, and has resided therein continuously for one year immediately preceding the application, and (d) is not, at the date of making application, an inmate of any prison, jail, insane asylum, or any other public reform or correctional institution, shall be entitled to receive from the Commonwealth a pension of thirty dollars (\$30) per month: Provided, That any blind person with an actual income of twelve hundred dollars (\$1,200), or upwards, and any blind person having real property with an assessed valuation of over five thousand dollars (\$5,000) is not entitled to such pension: And provided further, That where a blind person has an income of less than twelve hundred dollars (\$1,200) per year the pension shall be fixed in such amount so that the combined income and pension shall not exceed twelve hundred dollars (\$1,200) a year. No person shall be denied a pension because of the fact that he or she is not a citizen of the United States. In the event that any Act of Congress providing Federal aid towards pensions for the blind requires the recipients to be citizens, no such Federal aid moneys shall be expended in the payment of pensions to non-citizens but such persons shall receive pensions out of moneys appropriated by this Commonwealth.

Section 5. (a) All applications for pensions under this act shall be made to the Board of Trustees of Pension Fund for the Blind of the county in which the applicant resides, in such form as the Department of Welfare may prescribe. No application shall be approved until the board of trustees is satisfied, after proper investigation, that the applicant is entitled thereto under the provisions of this act, and particularly not until an ophthalmologist, certificated by the American Board of Ophthalmic Examinations, or an oculist, duly licensed to practice in Pennsylvania and actively engaged in treatment of the human eye, shall have certified in writing as to the diagnosis, prognosis, and visual acuity of the applicant. Any individual whose claim for a pension is denied shall be given an opportunity for a fair hearing before the Department of Welfare.

(b) Any blind person eligible to, or a recipient of, a pension for the blind provided for by existing law shall, without further stipulation or qualification, become eligible to the provisions of this act, and, if funds are available to provide for payment for the entire biennium,

To whom
pensions may
be granted.

Proviso.

Applications
for pensions.

Investigation and
certification.

Eligibility under
existing law.

pensions shall be payable to additional applicants: Provided, That, in any case where this act operates to qualify a previously rejected applicant, such applicant shall first be entitled to priority and reconsideration.

Applications to be sworn to or affirmed.

All applications for pensions shall be sworn to, or affirmed, by the applicant setting forth that all facts are true in every particular.

Further examinations.

Section 6. The Board of Trustees of Pension Fund for the Blind of a county may require any recipient of pension hereunder to submit to further examination of his eyes by a competent ophthalmologist or oculist at such reasonable times as the board of trustees or the Department of Welfare shall deem necessary, unless an ophthalmologic report shows that the recipient is totally or irrevocably blind.

Reports on applications.

Section 7. Before any payment is made to any person under the provisions of this act, a complete report shall be made of all matters stated in the application giving the name of the beneficiary, the financial condition of the beneficiary, and all other matters which shall be from time to time required by the Department of Welfare. All such reports shall be made upon forms supplied for the purpose by the Department of Welfare. All such reports shall be made in triplicate. One copy shall be retained by the local board of trustees, one copy shall be forwarded to the Department of Welfare, and one copy to the Auditor General. All reports shall be sworn to by the investigator, and shall be approved by a majority of the board of trustees.

Suspension of payments.

Section 8. If any person receiving a pension under this act shall refuse or neglect to comply with any reasonable request of a county board of trustees or of the Department of Welfare for information concerning the qualifications for such pension, or who shall, on request, neglect or refuse to authorize any other person, firm, or corporation to furnish such information about the pension recipient, or who shall refuse to submit to any examination required by this act, the board of trustees may suspend all payments to such recipient until he shall have complied with such requirements.

Pension to cease if conditions change.

Section 9. If the condition or circumstances of any person receiving a pension under this act should change in such way that the person does not have all the qualifications required to obtain a pension hereunder, pension payments to such person shall at once cease.

When pension commences.

Section 10. Any pension, when granted, shall commence as of the first day of the calendar month following that on which the application was received by the Board of Trustees of Pension Fund for the Blind.

Monthly payments by warrant.

Section 11. (a) All payments under the provisions of this act shall be made monthly, direct to the recipient thereof, by warrant, after requisition as provided by law: Provided, That the Department of Welfare may ap-

point a trustee to take charge of the expenditure of the pension granted any applicant when, in its opinion, such trustee is necessary. In such case, the payment shall be made direct to such trustee upon requisition of the department. Such trustee shall serve without pay and shall be subject to the rules and regulations which the department shall prescribe.

Department of Welfare may appoint trustees.

(b) It shall be lawful for the Department of Welfare at any time, not less than thirty days after the death of the beneficiary, to authorize the payment of any grants, due to such deceased beneficiary, to the wife, children, father or mother, sister or brother, (preference being given in the order named), of the deceased beneficiary, as the board directs, without requiring letters testamentary or of administration to be issued upon the estate of said deceased beneficiary.

Grants due deceased beneficiary payable to certain persons without letters.

Section 12. Pensions under this act, and all expenses incurred by the Department of Welfare and the Board of Trustees of Pension Fund for the Blind in the administration of this act, shall be paid by the Department of Welfare out of moneys made available for this purpose by the Legislature, including any moneys contributed by the United States Government for this purpose. Allocations of amounts available for pensions shall be made by the Department of Welfare among the several counties according to the number of persons receiving pensions and who are eligible for pensions up to the end of the tenth month of the previous fiscal year. Pensions shall be payable to additional applicants, only if funds are available to provide for payment for the entire biennium.

Source of pension and expense money.

Allocation of appropriations among counties.

Section 13. The Department of Welfare is hereby empowered and authorized to cooperate and enter into cooperative agreements with, and to receive contributions from, the United States Government for financial assistance to the blind. All contributions received hereunder from the United States Government shall be paid into the State Treasury through the Department of Revenue and credited to the biennial appropriations to the Department of Welfare for the payment of pensions to the blind.

Department of Welfare to cooperate with and receive moneys from the United States Government.

Section 14. Any person, who, by means of a wilfully false statement or misrepresentation or by impersonation or other fraudulent means, obtains or attempts to obtain, or aids or abets any person in obtaining, a pension under this act to which he is not entitled, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500), or to undergo imprisonment not exceeding one year, or both.

Obtaining pension contrary to law.

Section 15. The provisions of this act shall be severable, and if any of its provisions shall be held to be unconstitutional such decision shall not affect the validity

Constitutional construction.

of any of the remaining provisions of this act. It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein.

Act of 1934,
(P. L. 246),
repealed.

Section 16. The act approved the seventeenth day of January, one thousand nine hundred and thirty-four (Pamphlet Laws, two hundred forty-six), entitled "An act providing for and regulating, subject to certain restrictions, limitations and liabilities, pensions for certain blind persons, and the administration of this act by the Department of Welfare, the trustees who administer mothers' assistance in the several counties, or by other trustees in certain cases; authorizing appointment of trustees for the pensions payable to certain individuals; and providing penalties," is hereby repealed.

General
repeal.

All other acts and parts of acts inconsistent herewith are hereby repealed.

Board members
in office on
effective date
of this act
to continue.

Section 17. The members of the respective Boards of Pension for the Blind, holding office upon the effective date of this act, shall continue in office until the expiration of their terms for which they were appointed, unless they are previously removed in the manner provided by law.

Effective date.

Section 18. The provisions of this act shall become effective on the first day of July, one thousand nine hundred and thirty-five.

APPROVED—The 9th day of July, A. D. 1935.

GEORGE H. EARLE

No. 221

AN ACT

To amend section three of the act, approved the third day of June, one thousand nine hundred and thirty-three (Pamphlet Laws, one thousand five hundred twenty), entitled "An act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the various political subdivisions of the Commonwealth for the maintenance of certain streets and roads during the calendar years one thousand nine hundred and thirty-four and one thousand nine hundred and thirty-five, and requiring political subdivisions to reduce their tax rates for road and street purposes for said years; providing for certification of mileage of public roads and streets by municipal authorities to the Department of Highways; and providing for the use and maintenance of road building machinery and equipment belonging to such political subdivisions by the Department of Highways in carrying out the purposes of this act," providing for the expenditure of such appropriation for the construction of second-class township streets, roads, and bridges; requiring the reduction of tax levies by such townships; and validating tax levies of townships made after the last day now fixed by law for such levy.

Section 3,
act of
June 3, 1933
(P. L. 1520),
amended.

Section 1. Be it enacted, &c., That section three of the act, approved the third day of June, one thousand nine hundred and thirty-three (Pamphlet Laws, one