

No. 399

## AN ACT

Relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board.

Be it enacted, &c., As follows:

Section 1. Short Title.—This act shall be known, and Title.  
may be cited, as the "Public Assistance Law."

Section 2. Definitions.—As used in this act, unless Definitions.  
otherwise indicated,

"Assistance" means assistance in money, goods, shelter, services or burial, provided from or with State or Federal funds, for indigent persons who reside in Pennsylvania and need assistance to enable them to maintain for themselves and their dependents a decent and healthful standard of living, and for indigent, homeless or transient persons. The word, assistance, shall be construed to include pensions for those blind persons who are entitled to pensions, as provided in this act.

"Local Board" means any county board of assistance, established under the provisions of this act, and shall include any county relief board or Board of Trustees of the Mothers' Assistance Fund, or Board of Trustees of Pension Fund for the Blind, until abolished, in accordance with law.

The masculine pronoun includes the feminine.

Section 3. Administration of Act.—This act shall be administered by the Department of Public Assistance, and the local boards in the several counties of this Commonwealth.

Section 4. General Powers and Duties of Department of Public Assistance.—The Department of Public Assistance shall have the power, and its duty shall be:

(a) To allocate to the local boards, on the basis of need, and as may be required for blind pensions, funds with which to provide assistance, and funds for administrative expenses, and as may be needed, from time to time, to keep a reasonable emergency fund in the hands of local boards, which shall be used by the executive director for the furnishing of assistance in emergency cases, upon application to him, or under the direction of any member of the local board;

(b) To establish, with the approval of the State Board of Public Assistance, rules, regulations and standards, consistent with law, as to eligibility for assistance and as to its nature and extent;

(c) To supervise the local boards, and to establish for such boards, rules, regulations and standards, consistent with law;

(d) To cooperate with other agencies, including any agency of the United States or of another state, in all matters concerning the powers and duties of the department under this act, and particularly in projects for child welfare, for the relief of persons in areas of special need, and for the care of transient and homeless persons, and to make such reports, in such form and containing such information as the Social Security Board of the United States Government, or any other agency of the United States may, from time to time, require, and to comply with such provisions as such board or agency may, from time to time, find necessary to insure the correctness and verification of such reports;

(e) To receive and to supervise the disbursement of funds, provided by the Federal Government or from any other source for use in this Commonwealth, for assistance;

(f) To gather and study current information constantly, and to report, at least annually, to the Governor, as to the nature and need of assistance, as to the amount allocated to each local board, and as to the work of each local board, and to cause such reports to be published for the information of the public;

(g) To report, at least annually, to the Governor, as to the cost of living in the various counties, as related to the standards of assistance and the amounts allocated for assistance, and to cause such reports to be published for the information of the public;

(h) To collect and report, to the Governor, and to cause to be published, for the information of the public, information as to the work of the department;

(i) To direct and supervise the liquidation of the affairs of the Boards of Trustees of the Mothers' Assistance Fund, the Boards of Trustees of Pension Fund for the Blind, and the State Emergency Relief Board.

Section 5. Establishment of County Boards of Assistance.—(a) For each county of the Commonwealth, there is hereby established a county board of assistance, to be known as the County Board of Assistance, which shall be composed of men and women, to be appointed, as hereinafter provided. The members of the board shall serve without compensation, but shall be reimbursed for necessary expenses. No member of a board shall hold office in any political party. Not all of the members of a board shall belong to the same political party;

(b) Each board shall be composed of eleven members in counties of the first and second classes, and of seven members in other counties. In each county having a board of seven, the Governor shall, with the advice and consent of two-thirds of all the members of the Senate, appoint two members to serve for the term ending December thirty-first, one thousand nine hundred thirty-eight, two members to serve for the term ending December thirty-first, one thousand nine hundred thirty-nine, and three members to serve for the term ending December thirty-first, one thousand nine hundred forty. In each county having a board of eleven, the Governor shall, in the same manner, appoint three members to serve for the term ending December thirty-first, one thousand nine hundred thirty-eight, four members to serve for the term ending December thirty-first, one thousand nine hundred thirty-nine, and four members to serve for the term ending December thirty-first, one thousand nine hundred forty. After the original appointments, any vacancy caused by the expiration of a term shall be filled by an appointment, in the manner above provided, for a term of three years, and any vacancy, otherwise caused, shall be filled for the duration of the unexpired term by appointment, in the same manner. No member of a board shall be eligible to serve for more than two consecutive terms;

(c) Each board shall elect from among its members a chairman and a secretary.

Section 6. Rules and Regulations.—The State Board of Public Assistance shall have the power to promulgate rules and regulations concerning the administration of this act, including the establishment of standards of eligibility for assistance, and its nature and extent.

The county boards shall determine the eligibility of an applicant, under the standards so established, subject to the right of appeal, as provided under subsection (d) of section seven of this act.

Section 7. Powers and Duties of County Boards of Assistance.—Each county board of assistance shall have the power, and its duty shall be:

(a) In accordance with the laws regulating employment in the Department of Public Assistance, to appoint, transfer, lay off, suspend and remove an executive director and other employes, which employes shall, on behalf of the board and under the supervision of the Executive Director, provide assistance in the territory under its jurisdiction, in accordance with law;

(b) To conform to the rules, regulations and standards, established by the Department of Public Assistance, as to accounting, and as to forms, records and reports;

(c) To submit budgets to the Department of Public

Assistance as the basis of the allocation of funds for assistance and for administrative costs;

(d) To hear and determine appeals from actions of its employes affecting the rights of those applying for or receiving assistance. Any person applying for or receiving assistance of any type covered by the public assistance provisions of the Federal Social Security Act, may appeal to the Department of Public Assistance from any decision of the board, refusing or discontinuing his assistance, in whole or in part; in every such appeal, an opportunity for a fair hearing shall be granted, and the decision of the department on such appeal shall be final. All such appeals shall be in accordance with rules and regulations established by the department, with the approval of the State Board of Public Assistance;

(e) To supervise the administration of any other public function related to assistance, or to the work of the Department of Public Assistance, or of the county board of assistance, which shall be committed to the board by a political subdivision of the Commonwealth, with the approval of the State Board of Public Assistance;

(f) To receive and spend contributions from any source for purposes related to assistance, or to the work of the Department of Public Assistance;

(g) To make recommendations to the Department of Public Assistance as to rules, regulations and standards as to eligibility for assistance, and as to its nature and extent;

(h) To study report and interpret its policies, problems and work, to the Department of Public Assistance, and to the public.

Section 8. County Boards of Review.—Each county board of assistance shall, from time to time, appoint such board of review as it sees fit and proper, to hear and determine appeals by employes of the board from orders of demotion and of removal.

Section 9. Eligibility for Assistance. — Except as hereinafter specifically otherwise provided in the case of pensions for the blind, all person of the following classes shall be eligible to receive assistance, in accordance with rules, regulations and standards established by the Department of Public Assistance, with the approval of the State Board of Assistance, as to eligibility for assistance, and as to its nature and extent:

(a) Dependent Children. A dependent child is defined as any child under the age of sixteen who (1) resides with his mother, and has been deprived of the support of his father by his father's death, continued absence from home, or physical or mental incapacity, and (2) has resided in this Commonwealth for one year immediately preceding the date of application for as-

sistance, or has been born in this Commonwealth within one year immediately preceding the date of such application of a mother who has resided in this Commonwealth for one year immediately preceding the birth of the child.

(b) Aged Persons. An aged person is defined as one who (1) is seventy years of age, or more, or who, after December thirty-first, one thousand nine hundred thirty-nine, is sixty-five years of age, or more, (2) resides in this Commonwealth, and has so resided therein for five years during the nine years immediately preceding the date of making application for assistance, and has so resided continuously for one year immediately preceding the date of making such application, (3) is not, at the time of receiving assistance, an inmate of a public institution, and (4) has not conveyed or transferred his real or personal property of the value of five hundred dollars (\$500.00), or upwards, without fair consideration, within two years preceding the date of making such application.

Absence in the service of the Commonwealth, or of the United States, shall not be deemed to interrupt residence of an aged person in the Commonwealth, if a domicile has not been acquired outside the Commonwealth.

(c) Blind Persons. A blind person is defined as one who (1) is twenty-one years of age, or more, (2) has three-sixtieth or ten-two hundredths, or less, normal vision, (3) has resided in the Commonwealth for at least five years during the nine years immediately preceding his application for a pension, and has resided therein continuously for one year immediately preceding the application, (4) is not receiving assistance as an aged person during the period for which he is receiving assistance as a blind person, (5) is not, at the date of making application, an inmate of any prison, jail, insane asylum, or any other public reform or correctional institution. The pension of a blind person shall be 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 toward

Proviso.

pension 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.

(d) Other persons who have resided in Pennsylvania for at least one year immediately preceding the date of application for assistance, and need assistance to enable them to maintain for themselves and their dependents a decent and healthful standard of living.

(e) Any person within any group, defined in this section, who has a quasi-settlement in this Commonwealth until he is removed to his place of legal settlement.

Section 10. Trustees for Certain Beneficiaries.—The Department of Public Assistance may appoint a trustee to take charge of the expenditure of assistance granted any person under this act, when, in its opinion, such trustee is necessary. In any such case, payment shall be made direct to the trustee. A trustee shall serve without compensation, and shall be subject to such rules, regulations and accounting as the department shall prescribe.

Section 11. Assistance Due Deceased Beneficiaries.—Upon the death of any person entitled to assistance under this act, the Department of Public Assistance may authorize the payment of any assistance due to such person, to the spouse, child, father, mother, sister or brother (preference being given in the order named) of such deceased person, as the department directs, without requiring letters testamentary or of administration to be issued upon the estate of such person.

Section 12. Federal Contributions; Restitution.—(a) All contributions received by the Department of Public Assistance from the United States Government for assistance shall be paid into the State Treasury, through the Department of Revenue, and credited to the biennial appropriation made to the Department of Public Assistance for the purpose of carrying out the purposes of this act.

(b) So long as required as a condition of Federal participation, one-half of the net amount collected or recovered by way of restitution from any aged person, or from his estate, by or for the Department of Public Assistance, shall be promptly paid to the United States, and the remainder thereof shall be paid into the State Treasury, and shall be credited to the current appropriation to the Department for Public Assistance, as provided by law.

Section 13. Penalties.—Any person who, by means of a wilfully false statement or misrepresentation, or by impersonation or other fraudulent means, secures, or attempts to secure, or aids or abets any person in securing

assistance under this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars (\$1000.00), or to undergo imprisonment not exceeding one year, or both, at the discretion of the court, and also may be sentenced to make restitution of any moneys he has received by reason of any such false statement, misrepresentation or fraudulent means.

Section 14. Abolition of State Emergency Relief Board.—The State Emergency Relief Board is hereby abolished, except to the extent necessary to liquidate its affairs and its property, other than cash, and all its powers and duties are hereby transferred to the Department of Public Assistance. The Department of Public Assistance shall divide such property equitably among the county boards of assistance and the department. The affairs of the State Emergency Relief Board shall be liquidated, as soon as possible, under the direction of the Department of Public Assistance, and any balance of cash remaining from State appropriations, after paying all obligations, shall be paid into the State Treasury, to the credit of the General Fund. The Department of Public Assistance shall exercise the powers, and discharge the duties of the State Emergency Relief Board in each county through the present county relief board, or otherwise, until a county board of assistance is set up in the county, and then through such county board of assistance.

Section 15. Abolition of Certain Local Boards. — Each Board of Trustees of the Mothers' Assistance Fund and Board of Trustees of Pension Fund for the Blind is hereby abolished, except to the extent necessary to liquidate its affairs and its property, other than cash, and all its powers and duties, with respect to a county, are hereby transferred to the county board of assistance having jurisdiction in that county. After the effective date of this act, the affairs of each Board of Trustees of Mothers' Assistance Fund and Board of Trustees of Pension Fund for the Blind shall be liquidated, as soon as possible, under the direction of the Department of Public Assistance, and any balance of cash, after paying all obligations, shall be paid into the State Treasury, to the credit of the General Fund. Upon liquidation, each board of trustees shall be abolished, and all its property, other than cash, and its powers and duties, with respect to a county, are hereby transferred to the county board of assistance having jurisdiction in that county. After such liquidation, and until January first, one thousand nine hundred thirty-eight, each county shall pay contributions towards assistance and administrative expenses, on requisition of the county board of assistance, in-

stead of on requisition of the Board of Trustees of the Mothers' Assistance Fund.

Section 16. General Construction.—(a) The provisions of this act, so far as they are the same as those of existing laws, are intended as a continuation of such laws and not as new enactments. The repeal by this act of any act of Assembly, or part thereof, shall not revive any act, or part thereof, heretofore repealed or superseded. The provisions of this act shall not affect any act done, liability incurred, or right accrued or vested, or affect any suit pending, or to be instituted to enforce any right or penalty or punish any offense under the authority of such repealed laws.

(b) The provisions of this act shall be severable, and, if any provision hereof shall be held to be unconstitutional, the decision so holding shall not be construed to impair any other provisions of this act. It is hereby declared as the legislative intent that this act would have been adopted had any such unconstitutional provision not been included therein.

When effective.

Section 17. Effective Date and Saving Clause.—The provisions of this act shall become effective on the first day of July, one thousand nine hundred thirty-seven, except that—

(a) The Boards of Trustees of the Mothers' Assistance Fund, and the Boards of Trustees of Pension Fund for the Blind, shall continue, as now constituted by law, until liquidated under the provisions of this act, but shall not so continue after December thirty-first, one thousand nine hundred thirty-seven.

(b) The counties shall, until January first, one thousand nine hundred thirty-eight, continue to pay contributions towards assistance and administrative expenses, under the laws repealed by this act, and for such purposes, said laws shall be continued in force, but thereafter such assistance and expenses shall be paid by the Commonwealth.

Repeals.

Section 18. Repealer.—The following acts and their amendments and supplements are hereby repealed:

The act approved the tenth day of July, one thousand nine hundred nineteen (Pamphlet Laws, eight hundred ninety-three), entitled "An act providing for assistance to certain mothers; providing for the appointment of boards of trustees for the several counties of the Commonwealth, and for the appointment of a State supervisor and assistants, and fixing the salaries of such State supervisor and assistants; defining the powers and duties of boards of trustees, including the power of appointing assistants and investigators, and the distribution of funds at their disposal; providing for the apportionment of the State appropriation among the several

counties, and requiring counties coming under the provisions of the act to appropriate certain moneys; and providing penalties."

The act approved the nineteenth day of August, one thousand nine hundred thirty-two (Pamphlet Laws, eighty-eight), entitled "An act creating the State Emergency Relief Board, consisting of the Governor, the Lieutenant Governor, the Auditor General, State Treasurer, and the Speaker of the House of Representatives; prescribing its powers and duties; empowering the Governor to disburse moneys received from the Federal Government for the relief of the unemployed in accordance with plans adopted by the board; and making an appropriation," provided, that said act shall remain in force and effect for such time, and to the extent, necessary for the expenditure by the Governor of the moneys in or accruing to the Federal Unemployment Relief Fund, in accordance with such program pertaining to unemployment relief, as shall be promulgated by the Department of Public Assistance.

The act approved the ninth day of July, one thousand nine hundred thirty-five (Pamphlet Laws, six hundred twenty-one—Act number, two hundred twenty), entitled "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 counties, or by other trustees in certain cases; authorizing the 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."

The act approved the twenty-fifth day of June, one thousand nine hundred thirty-six (Pamphlet Laws, twenty-eight), entitled "An act providing for and regulating assistance to, and the burial of, certain aged indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the mothers' assistance funds of the several counties; authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons; authorizing the appointment of trustees for certain persons; providing for the recovery of moneys expended for assistance in certain cases; prohibiting political activity by employes of the board; providing substitute provisions in case Federal grants for old age assistance

shall fail for any reason; providing penalties; and repealing inconsistent acts."

All other acts or parts of acts, general, local, or special, inconsistent with this act, are hereby repealed.

APPROVED—The 24th day of June, A. D. 1937.

GEORGE H. EARLE

No. 400

AN ACT

To amend section one of the act, approved the twenty-eighth day of April, one thousand nine hundred thirty-seven (Act Number, one hundred eight), entitled "An act providing for the appointment and filling of vacancies in the office of members of the board of revision of taxes in counties of the first class," by making further provisions relative to the appointment of members of the said board.

Section 1,  
act of April  
28, 1937  
(Act No. 108),  
amended.

Section 1. Be it enacted, &c., That section one of the act, approved the twenty-eighth day of April, one thousand nine hundred thirty-seven (Act Number, one hundred eight), entitled "An act providing for the appointment and filling of vacancies in the offices of members of the board of revision of taxes in counties of the first class," is hereby amended to read as follows.

Section 1. Be it enacted, &c., That the board of revision of taxes in counties of the first class shall hereafter be appointed as follows:

One of the two members required to be attorneys at law, the one member required to be a construction engineer, and the one member required to be a real estate appraiser, shall be appointed by the county treasurer of the county.

One of the two members required to be attorneys at law, the one member required to be a civil engineer, and the one member required to be a real estate broker, shall be appointed by the county controller.

The one member required to be a business man, an accountant or a teacher in a recognized college or university specializing in any of the subjects hereinbefore prescribed as with sufficient experience qualifying a person for membership on the board, shall be appointed by the county treasurer and the county controller acting jointly:

[All vacancies shall be filled by the officer or officers who appointed the member whose place is to be filled] *Provided, however, That should the county treasurer and the county controller fail to appoint such member, within ten days of the effective date of this act, or within ten days of a vacancy in the office of such member, as the*