

(\$100) dollars, or to undergo imprisonment not exceeding six (6) months, or both, at the discretion of the court.

\* \* \*

Section 13. Subsections (c) and (f) of section 13 of the act are repealed.

Section 14. Subsection (a) of section 13.1 of the act, added July 26, 1961 (P. L. 875), is amended to read:

Section 13.1. Application.—(a) Except as herein provided, every person applying for public assistance [including medical assistance for the aged] shall be required to sign a statement setting forth his or her financial status and such other facts as may be required by the Department of Public Welfare, in order to determine whether such person is entitled to public assistance [including medical assistance for the aged,] and shall also be required to sign, as part of his or her written application, his or her own bond to the Commonwealth without surety, containing a warrant of attorney to confess judgment in the penal sum of five hundred dollars (\$500), which bond shall be conditioned on the truth and lack of fraud and misrepresentation in any of the statements made by such applicant in his or her written application. Every such applicant shall make affidavit that the facts set forth in such statement are true and correct. Every person employed in the administration of public assistance shall have power to administer oaths for the purpose of carrying into effect the provisions of this section.

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Section 15. This act shall take effect September 1, 1965.

APPROVED—The 26th day of August, A. D. 1965.

WILLIAM W. SCRANTON

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No. 204

AN ACT

HB 1212

Relating to pensions, nursing home care and medical and other health care for the blind; prescribing powers and duties of the Department of Public Welfare in connection therewith, and prescribing penalties.

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

Section 1. Short Title and Legislative Intent.—This act shall be known, and may be cited, as the "State Blind Pension Law of 1965."

The legislative intent of this act is to provide pensions, paid entirely from Commonwealth funds, for certain blind persons, as authorized by section 17 of Article III of the Constitution of this Commonwealth, while assuring continued receipt by the Commonwealth of Federal funds now available for Federal-State blind pension grants for blind persons who are needy.

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

(1) “Blind person” means a person twenty-one years of age or older who has three-sixtieths or ten two-hundredths, or less, normal vision.

(2) “State blind pension” means a payment to any blind person who meets the eligibility conditions prescribed in section 5 of this act, or a payment in behalf of such blind person for medical or other health care, including nursing home care, but excluding inpatient hospital care and post-hospital care in the home provided by a hospital.

(3) “Department” means the Department of Public Welfare.

Section 3. Administration of Act.—This act shall be administered by the department without regard to any Federal laws or regulations respecting operation of a State plan for aid to the blind.

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

(1) To establish rules and regulations, consistent with law, as to the determination of eligibility for State blind pensions and as to the procedures necessary for administration of this act.

(2) To provide State blind pension to or in behalf of all blind persons who meet the eligibility conditions prescribed in section 5 of this act. Such State blind pensions shall be paid from funds appropriated to the department.

(3) To hear and determine appeals from actions of its employes affecting the rights of those applying for or receiving State blind pension.

Section 5. Eligibility for State Blind Pension.—The department shall provide a State blind pension to any blind person who:

(1) Resides in Pennsylvania, and (i) has resided therein for at least one year immediately preceding the date of application for State blind pension, or (ii) is a married woman residing with a husband who has resided in Pennsylvania for at least one year immediately preceding the date of her application for State blind pension;

(2) Is not an inmate of any penal institution or hospital for mental disease;

(3) Has actual annual income of his own of less than two thousand eight hundred eighty dollars (\$2,880);

(4) Owns real or personal property of a combined value of not more than five thousand dollars (\$5,000); and who

(5) Has not disposed of any property without fair consideration within the two years immediately preceding the date of application for State blind pension, or while receiving such pension, if ownership of such property, together with his other property, would render him ineligible for such pension.

With respect to the determination of eligibility for State blind pension, the value of real property shall be deemed to be its assessed value minus encumbrances; the value of personal property shall be deemed to be its actual value; and interest in property owned by the entireties shall be deemed to be a one-half interest. Determination of the amount of an applicant's income and the value of his property shall be made by the department without regard to any Federal laws or regulations respecting income and resources of applicants for aid to the blind.

Section 6. Amount of State Blind Pension.—Except as provided in section 7 of this act, the amount of State blind pension paid prior to November 1, 1965 to an eligible blind person having actual annual income of his own of two thousand forty dollars (\$2,040) or less shall be seventy dollars (\$70) monthly, and the monthly amount paid to any other eligible blind person shall be fixed in such amount that the sum of his actual annual income and State blind pension equals two thousand eight hundred eighty dollars (\$2,880) a year; the amount paid after October 31, 1965 to an eligible blind person having actual annual income of his own of one thousand nine hundred eighty dollars (\$1,980) or less shall be seventy-five dollars (\$75) monthly, and the monthly amount paid to any other eligible blind person shall be fixed in such amount that the sum of his actual annual income and State blind pension equals two thousand eight hundred eighty dollars (\$2,880) a year.

Section 7. Payment for Nursing Home Care.—The amount of State blind pension paid to or in behalf of an eligible blind person who is physically disabled and requires nursing home care, as prescribed by responsible physicians, shall be the excess of (1) the maximum amount paid by the department for nursing home care of recipients of assistance under the Public Assistance Law in like circumstances, over (2) the amount of the blind person's actual income, but shall in no case be less than the appropriate amount specified in section 6 of this act.

Section 8. Payment for Medical or Other Health Care.—In addition to the payments provided in sections 6 and 7 of this act, the department shall make payments, in behalf of persons eligible for State blind pension, for medical or other health care other than inpatient hospital

care, to the extent and in the amounts provided for such medical or other health care of recipients of general assistance under the Public Assistance Law.

Section 9. Provisions Respecting Repayment and Support from Relatives.—Notwithstanding any other provisions of law, no repayment shall be required of any State blind pension for which a blind person was eligible; and, with respect to the determination of eligibility for State blind pension, no relative shall be required to make any monetary or any other payments or contributions for the support or maintenance of the blind person.

Section 10. Application.—(a) Every person applying for State blind pension shall be required to sign a statement setting forth the nature and amount of his income, the nature and value of his property, and such other facts as may be required by the department in order to determine whether he is eligible for State blind pension; and shall also be required to sign, as part of his written application, his own bond to the Commonwealth, without surety, containing a warrant of attorney to confess judgment in the penal sum of five hundred dollars (\$500), which bond shall be conditioned on the truth and lack of fraud and misrepresentation in any of the statements made by such applicant in his written application. Every such applicant shall make affidavit that the facts set forth in such statement are true and correct. Every person employed in the department who has power to administer oaths for any purpose shall have power to administer oaths for the purpose of carrying into effect the provisions of this section.

(b) Whenever a blind person is unable to make application for State blind pension by reason of his illness or infirmity, application on his behalf may be made by a relative or by an official of any institution in which he is receiving medical care. Such application shall contain the statements required in subsection (a) of this section and a bond conditioned as therein provided, except that such applicant shall be permitted to make affidavit that the facts set forth in such statement are, to the best of his knowledge and belief, true and correct.

Section 11. Trustees for Certain Blind Persons.—The department may appoint a trustee to receive the State blind pension payments for which a blind person is eligible, when, in its opinion, such trustee is necessary. A trustee shall serve without compensation from the department, and shall be subject to such rules, regulations and accounting as the department shall prescribe.

Section 12. Protection of Information.—(a) The department shall have the power to make and enforce regulations:

(1) To protect the names of applicants for and recipients of State blind pension from improper publication and to restrict the use of information furnished to other agencies or persons to purposes connected with the administration of this act. Upon request by any adult resident of the Commonwealth, the department shall furnish the address and amount of State blind pension with respect to any persons about whom inquiry is made, but information so obtained shall not be used for commercial or political purposes.

(2) To protect the rights and interests of blind persons about whom personal or confidential information is in its possession.

(b) Such regulations shall not prevent or interfere with investigations by proper authorities as to the rights of persons to receive State blind pension or as to the amounts of State blind pension received.

Section 13. Penalties.—(a) Any person who, either prior to or at the time of, or subsequent to the application for State blind pension, 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, State blind pension 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 (\$1,000), or to undergo imprisonment not exceeding one year, or both, and shall be sentenced to make restitution of any moneys he has received by reason of such false statement, misrepresentation, impersonation, or fraudulent means.

(b) Any person employed in the administration of this act who, either directly or indirectly, influences or endeavors to influence the vote of any person applying for or receiving State blind pension under the provisions of this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one hundred dollars (\$100), or to undergo imprisonment not exceeding six months, or both.

(c) Any person knowingly violating any of the rules and regulations of the department made in accordance with this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one hundred dollars (\$100), or to undergo imprisonment, not exceeding six months, or both.

(d) Any person who, either prior to, or at the time of, or subsequent to the application for State blind pension, by means of a wilfully false statement or misrepresentation, or by impersonation or other fraudulent means, secures or attempts to secure under this act, State blind pension not exceeding three hundred dollars (\$300) shall, upon conviction thereof

in a summary proceeding, be sentenced to pay restitution of such amount of State blind pension, and to pay a fine of not more than two hundred dollars (\$200), and, in default of making restitution and the payment of the fine imposed, to undergo imprisonment not exceeding sixty days.

Section 14. Effective Date.—This act shall take effect immediately.

APPROVED—The 26th day of August, A. D. 1965.

WILLIAM W. SCRANTON

No. 205

AN ACT

HB 1277

Amending the act of June 3, 1937 (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating and changing the law relating thereto," further providing for the sale of alien non-resident hunting licenses.

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

Section 1. The third paragraph of section 303, act of June 3, 1937 (P. L. 1225), known as "The Game Law," amended July 30, 1963 (P. L. 360), is amended to read:

Section 303. Nonresident Hunting and Alien Nonresident License Fees.— \* \* \*

Every alien nonresident of this Commonwealth who is also a non-resident of the United States, upon written application made to the Department of Revenue, any county treasurer of Pennsylvania or any field division office of the Pennsylvania Game Commission, setting forth satisfactory evidence of his mental and physical fitness to carry and use firearms, unless any such person has been disqualified for a license in the manner hereinafter specified, and upon the payment to the Department of Revenue, any county treasurer in Pennsylvania or any field division office of the Pennsylvania Game Commission of the fees above designated for nonresidents shall be entitled to a nonresident hunter's license, and the proper tag issued therewith, but the Department of Revenue, the county treasurer or the field division office of the Pennsylvania Game Commission shall indicate on the face of the license that the holder is an alien nonresident.

APPROVED—The 26th day of August, A. D. 1965.

WILLIAM W. SCRANTON