

residential premises is taken in trade by such builder as part of the consideration from the purchaser of a new previously unoccupied residential premises, [or] any transfer from a purchase money mortgagor to the vendor holding the purchase money mortgage whether pursuant to a foreclosure or in lieu thereof, *or conveyances to municipalities pursuant to acquisition by municipalities of tax delinquent properties at sheriff sale or tax claim bureau.*

\* \* \* \* \*

Act effective immediately.

Section 2. This act shall take effect immediately.

APPROVED—The 15th day of June, A. D. 1961.

DAVID L. LAWRENCE

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No. 214

AN ACT

Amending the act of June 24, 1937 (P. L. 2051), entitled "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," making editorial changes; removing certain functions vested in the State Board of Public Assistance; providing for work relief projects and the establishment of county boards and their powers and duties; and further providing for the disposition of Federal contributions.

Public Assistance Law.

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

Title and section 3, act of June 24, 1937, P. L. 2051, amended.

Section 1. The title and section 3, act of June 24, 1937 (P. L. 2051), known as the "Public Assistance Law," are amended to read:

AN ACT

New title.

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] *Welfare* and county boards of assistance hereby created for this purpose; authoriz-

ing the Department of Public [Assistance] *Welfare* 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.

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

Section 2. Section 4 of the act, amended June 26, 1939 (P. L. 1091), July 24, 1941 (P. L. 473), July 25, 1941 (P. L. 509), May 21, 1943 (P. L. 434), June 19, 1953 (P. L. 293) and August 22, 1953 (P. L. 1361), is amended to read:

Section 4 of the act, amended June 26, 1939, P. L. 1091, July 24, 1941, P. L. 473, July 25, 1941, P. L. 509, May 21, 1943, P. L. 434, June 19, 1953, P. L. 293, and August 22, 1953, P. L. 1361, further amended.

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

(a) To allocate to the several assistance programs funds with which to provide assistance and funds for administrative expenses, and as may be needed, from time to time, to keep reasonable emergency funds in the hands of local boards, which shall be used, subject to the rules, regulations and standards of the department, by the executive director for the furnishing of assistance and pensions respectively 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 the law, as to eligibility for assistance and as to its nature and extent: Provided, That whenever a recipient of public assistance as a prerequisite to receiving assistance or otherwise has been required to encumber in favor of the Commonwealth any property, or to give any bond, note or other obligation in any sum to secure the repayment of moneys received as assistance or for any other purposes, and such bonds, notes, judgments, mortgages or other obligations are thereafter assigned by the Commonwealth to any third party, the assignee shall not be entitled to collect, and the person liable for the payment of the lien or obligation shall not be liable for the payment of, any amount greater than the amount the assignee paid for the assignment, notwithstanding the face amount of such lien or obliga-

tion. This provision shall not be effective as to the collection of interest accruing after the date of the assignment or costs of collection.

(c) To exercise general supervision of the local boards, and to establish for such boards, rules, regulations and standards.

(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 Department of Health, Education and Welfare 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 department 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 amounts expended under the supervision of 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 expended 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. ]

(j) Whenever the department deems it necessary and advisable to purchase credit reports and other services, on a fee basis, for the purpose of supplementing the investigation of eligibility for assistance.

(k) To take measures not inconsistent with the purposes of this act and, [with the approval of the State Board of Public Assistance,] when other funds or facilities for such purposes are inadequate or unavailable, to provide for special needs of individuals eligible for assistance, to relieve suffering and distress arising from handicaps and infirmities, to promote their rehabilitation,

to help them if possible to become self dependent and to cooperate to the fullest extent with other public agencies empowered by law to provide vocational training, rehabilitative or similar services.

(1) Subject to the approval of the Governor, to contribute to the cost of, and cooperate in the operation of, work relief projects approved by him and submitted by any State administrative department, board or commission, or by any political subdivision of the Commonwealth, under \*and subject to the following provisions and conditions:

1. That all work relief projects under this act shall be voluntary on the part of any political subdivision of the Commonwealth.

2. That employment on such projects shall be limited to employable persons receiving general assistance.

3. That compensation for work on such projects shall be the prevailing rate of pay for that type of employment in the locality in which the employment is being performed.

4. That funds contributed to any such project by the Department of Public [Assistance] *Welfare* shall be used only for the purpose of paying the labor cost of such project, and such contribution shall not exceed an amount equivalent to fifty per centum (50%) of the amount of general assistance grant that would otherwise be payable to the recipients of general assistance who are employed upon any such project.

5. That the Governor shall appoint and fix the compensation of an administrator who shall serve directly under the Governor, and whose duty it shall be to examine all proposed work relief project agreements and the financial arrangements pertaining thereto for the purpose of recommending to the Governor whether or not such projects should be approved or disapproved. Subject to the approval of the Governor, the administrator shall also have the power and duty to determine all disputes regarding prevailing rates and to supervise, coordinate and regulate the operation of all work relief projects.

6. That all proposed work relief project agreements shall be in writing and approved by the sponsors thereof.

7. [It is hereby declared to be the legislative intent that the work relief authorized by this act shall not be in competition with work relief of the Federal Works Progress Administration. The Federal Works Progress Administration shall have precedence in requisitioning available employables receiving general assistance from the Department of Public Assistance.] No work relief

\* "the" in original.

project shall [in any event] be in substitution of [existing projects sponsored under existing Federal Work programs, or] work which the State or political subdivisions have undertaken, or contracts entered into by them, so as to [decrease the Federal funds available for work projects or so as to] displace any present or contemplated employment, but the work relief to which such employables are assigned shall be in addition and supplementary to any existing [Federal Work projects or to any existing] projects, work or contracts now being performed, undertaken or to be performed or undertaken in the usual and regular course of the needs and requirements of the State or any political subdivision [ : Provided, however, That the foregoing limitation shall not be construed to prevent the State undertaking, operating or completing Federal Works projects which, because of employment quotas, lack of funds or for any other reason, the Federal Works Progress Administration may be found to be unable to undertake, operate or complete].

8. That upon the termination of the employment of any employe assigned to any work relief project the general assistance grant to such employe shall be resumed immediately, if such employe is otherwise eligible for assistance.

9. That the Speaker of the House of Representatives, upon his request, shall have authority to examine any and all records, books or papers in the office of the administrator relating to work relief projects undertaken or to be undertaken under the provisions of this act, and for this purpose shall have free and full access to any and all such records, books or papers.

10. That any employe assigned to any project shall be dismissed if such employe shall be a member of a political committee or an officer of a political organization or shall solicit, make or receive a contribution for political purposes, or shall injure or benefit another employe, or threaten or promise to do so because of withholding a contribution for political purposes, because of any past or future vote, or because of taking or refraining from taking any political action.

Subsections (a) and (b), section 5 of the act, amended August 22, 1953, P. L. 1361, further amended.

Section 3. Subsections (a) and (b) section 5 of the act, amended August 22, 1953 (P. L. 1361), are amended to read :

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] *by the Governor with the advice and consent of two-thirds of all the members of the*

*Senate.* The board shall be composed as far as possible of persons engaged or interested in business, social welfare, labor, industry, education or public administration. 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] *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. Any member of a board who has served all or any portions of three consecutive three-year terms, as above specified, shall be ineligible for further reappointment until after one full term has passed.

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Section 4. Section 6 of the act is repealed.

Specific repeal.

Section 5. Section 7 of the act, amended June 26, 1939 (P. L. 1091), July 28, 1941 (P. L. 546), May 21, 1943 (P. L. 434) and August 22, 1953 (P. L. 1361), is amended to read:

Section 7 of the act, amended June 26, 1939, P. L. 1091, July 28, 1941, P. L. 546, May 21, 1943, P. L. 434 and August 22, 1953, P. L. 1361, further amended.

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] *Civil Service Act*, to appoint, transfer, lay off, suspend and remove its employes, which employes shall, on behalf of the board and under the supervision of the Executive Direc-

tor provide assistance in the territory under its jurisdiction, in \*accordance with law [Provided, however, That the county board may recommend to the Governor that any person employed by it be suspended or removed without regard to the laws regulating employment in the Department of Public Assistance. Upon receipt of such recommendation the Governor shall have power to suspend or remove such employe if he deems the same to the best interests of the public service].

(b) To determine the number of its employes and to direct and supervise their services so as to attain the maximum degree of efficiency.

(b.1) To administer public assistance in the county and determine the eligibility for assistance of applicants and continued eligibility for assistance of persons receiving the same in accordance with law and the [general principles and policies determined by the State Board of Public Assistance] *rules, regulations and standards established by the Department of Public Welfare.*

(b.2) To take measures to promote the welfare and self-dependency of individuals and families eligible for assistance by helping them to secure rehabilitative, remedial or other constructive aid, through local community resources, or in the absence or inadequacy of such resources, through direct provision of such aid, in accordance with rules, regulations and standards adopted by the department [with the approval of the state board].

(c) To conform to the rules, regulations and standards, established by the Department of Public [Assistance] *Welfare.*

(d) To submit [assistance and administrative budgets to the Department of Public Assistance as the basis of the allocation of funds to the several assistance programs and for administrative costs] *reports and budget requests to the Department of Public Welfare as required.*

(e) 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] *Welfare* 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, except as otherwise hereinafter provided. 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]. Any person

\* "accordance" in original.

\*\* "the" in original.

applying for or receiving assistance may appeal to the common pleas court of the county in which such person resides from any decision of a county board of assistance or of the Department of Public [Assistance] *Welfare* refusing or discontinuing his assistance because he is deemed ineligible under section 9 of this act as a person who advocates or actively participates by an overt act or acts in a movement proposing a change in the form of government of the United States by means not provided for in the Constitution of the United States. Such appeal may be made within ten days after receipt by such person of a registered mail notice of the decision of the county board of assistance or of the Department of Public [Assistance] *Welfare*. The common pleas court as aforesaid shall give such person an opportunity for a fair hearing; at such hearing the burden of proof shall be on the department. The decision of the common pleas court on such appeal shall be final. All appeals from the county board to the Department of Public [Assistance] *Welfare* or from the Department of Public [Assistance] *Welfare* or county board of assistance to the common pleas court, as aforesaid, shall operate as a supersedeas of any order of said board or said Department of Public [Assistance] *Welfare* in all cases where the appellant is already receiving assistance.

(f) [To] *With the approval of the Secretary of Public Welfare*, to supervise the administration of and promote any other public function related to assistance, or to the work of the Department of Public [Assistance] *Welfare*, or of the county board of assistance, which [shall] *may* be committed to the board by a political subdivision of the Commonwealth [with the approval of the State Board of Public Assistance].

(g) To receive and spend contributions from any source for purposes related to assistance, or to the work of the Department of Public [Assistance] *Welfare*.

(h) To make recommendations to the Department of Public [Assistance] *Welfare* as to rules, regulations and standards as to eligibility for assistance, and as to its nature and extent.

(i) To study report and interpret its policies, problems and work, to the Department of Public [Assistance] *Welfare*, and to the public.

(k) To appoint committees of the county board or of local citizens in various communities of the county, as circumstances may require, to cooperate with the county board in—(1) supplying information as to the eligibility of persons for assistance; (2) recommending local policies; and (3) stimulating local employment; and, on petition of fifty or more residents of any community, it shall be mandatory upon the board to appoint a committee to function in such community.

(l) To encourage employable recipients of assistance to accept full or part-time employment, by providing that such recipients will again be granted assistance upon the termination of such employment, if in need thereof; and any rule or regulation of the Department of Public [Assistance or of the State Board of Public Assistance] *Welfare* or of the county board of assistance heretofore or hereafter adopted, contrary hereto, is hereby avoided.

(m) To appoint labor review committees, composed of representative citizens of the county, who shall serve without compensation, and whose duty it shall be to pass on the eligibility of any applicant for or recipient of general assistance who shall refuse an offer of employment and whose case shall be referred to such a committee by the county board.

(n) As need may require, to employ the services of commercial credit rating agencies for the purpose of determining eligibility for general assistance.

(o) Upon request by any adult resident of the Commonwealth, to furnish the address and amount of assistance with respect to persons receiving assistance about whom inquiry is made, but such information shall not be used for commercial or political purposes.

First paragraph, section 9 of the act, amended August 22, 1953, P. L. 1361, further amended.

Section 6. The first paragraph of section 9 of the act, amended August 22, 1953 (P. L. 1361), is amended to read:

Section 9. Eligibility for Assistance.—Any person residing within this Commonwealth shall hereafter be entitled to receive public assistance, as provided by law, without regard to the period of time he or she \*has resided therein, and the Department of Public [Assistance] *Welfare* shall grant assistance without regard to the period of time any person seeking public assistance and otherwise entitled thereto shall have resided within this State: Provided, however, That if the applicant for public assistance has resided in Pennsylvania for less than one year immediately preceding the date of making application for assistance, such person shall only be entitled to receive public assistance if he or she was last a resident of a state which by law, regulation or reciprocal agreement with Pennsylvania grants public assistance to a person who has resided therein for less than one year. A child less than one year of age is considered as deriving residence from either (1) a parent, or (2) other relative with whom he is living, as provided in this section. Except as hereinafter specifically otherwise provided in the case of pensions for the blind, all persons of the following classes, except those who hereafter advocate and actively participate by an overt act or acts

\* "had" in original.

in a movement proposing a change in the form of government of the United States by means not provided for in the Constitution of the United States, 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] *Welfare*, as to eligibility for assistance, and as to its nature and extent. Absence in the service of the Commonwealth or of the United States shall not be deemed to \*interrupt residence in the Commonwealth if a domicile has not been acquired outside the Commonwealth.

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Section 7. Section 10 of the act is amended to read: Section 10 of the act, amended.

Section 10. Trustees for Certain Beneficiaries.—The Department of Public [Assistance] *Welfare* 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 8. Section 12 and the first paragraph of subsection (c) of section 13 of the act, amended August 22, 1953 (P. L. 1361), are amended to read:

Section 12 and first paragraph, subsection (c), section 13 of the act, amended August 22, 1953, P. L. 1361, further amended.

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

(b) So long as required as a condition of Federal participation, the net amount collected or recovered by way of restitution from any person, or from his estate, by or for the Department of Public [Assistance] *Welfare*, for any assistance received to which the Federal Government contributed, there shall be promptly paid to the United States an amount equal to its proportionate share of the amount collected or recovered, and the remainder thereof shall be paid into the State Treasury, and shall be credited to the current appropriation to the Department of Public [Assistance] *Welfare*, as provided by law.

Section 13. Penalties.—\* \* \*

\* "interupt" in original.

## LAWS OF PENNSYLVANIA,

(c) The Department of Public [Assistance] *Welfare* shall have power and authority to make and enforce rules and regulations.

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APPROVED—The 15th day of June, A. D. 1961.

DAVID L. LAWRENCE

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No. 215

## AN ACT

Amending the act of March 10, 1949 (P. L. 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," providing for the retention of seniority upon a merger, jointure or union of districts.

Public School  
Code of 1949.

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

Subsection (b),  
section 1125, act  
of March 10,  
1949, P. L. 30,  
amended August  
10, 1951, P. L.  
1157, further  
amended.

Section 1. Subsection (b) of section 1125, act of March 10, 1949 (P. L. 30), known as the "Public School Code of 1949," amended August 10, 1951 (P. L. 1157), is amended to read:

Section 1125. Suspensions and Reinstatements; How Made.—

\* \* \* \* \*

(b) In cases in which suspensions are to be made, professional employes shall be retained on the basis of seniority rights, acquired within the school district of current employment, where no differences in rating are found. Seniority rights shall also prevail where there is no substantial difference in rating. In cases where there are substantial differences in rating of those under consideration for suspension, seniority shall be given consideration in accordance with principles and standards of weighting incorporated in the rating cards. *Where there is a merger, jointure or union district formed, all professional employes shall retain the seniority rights they had at the time of such merger, jointure or union.*

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APPROVED—The 15th day of June, A. D. 1961.

DAVID L. LAWRENCE

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No. 216

## AN ACT

Amending the act of March 10, 1949 (P. L. 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amend-