

No. 144

AN ACT

To amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined," repealing certain sections; adding certain new sections; creating new administrative agencies; modifying the provisions regulating contracts for public work and purchases; and generally further reorganizing the conduct of the administrative work of the Commonwealth.

The Administrative Code of 1929.

Sections cited for amendment.

Act of April 9, 1929 (P. L. 177), amended.

Section 1. Be it enacted, &c., That sections 201, 202, 203, 401, 409, 448, 507, 508, 514, 518, 603, 1304, 1307, 1407, 1806, 1902, 2303, 2309, 2318, 2402, 2403, 2404, 2405, 2408, 2410, and 2604 of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards

and commissions shall be determined," be, and the same are hereby, amended to read as follows:

*Section 201. Executive Officers, Administrative Departments, and Independent Administrative Boards and Commissions.—The executive and administrative work of this Commonwealth shall be performed by the Executive Department, consisting of the Governor, Lieutenant Governor, Secretary of the Commonwealth, Attorney General, Auditor General, State Treasurer, Secretary of Internal Affairs, and Superintendent of Public Instruction; by the Executive Board, and the Pennsylvania State Police; by the following administrative departments: Department of State, Department of Justice, Department of the Auditor General, Treasury Department, Department of Internal Affairs, Department of Public Instruction, Department of Military Affairs, Insurance Department, Department of Banking, Department of Agriculture, Department of Forests and Waters, Department of Mines, Department of Highways, Department of Health, Department of Labor and Industry, Department of Welfare, Department of Property and Supplies, and Department of Revenue; and by the following independent administrative boards and commissions: Board of Game Commissioners, Board of Fish Commissioners, and The Public Service Commission of the Commonwealth of Pennsylvania.

All of the provisions of this act, which apply generally to administrative departments, or generally except to the Department of the Auditor General and the Treasury Department, shall apply to the Executive Board and to the Pennsylvania State Police.

Section 202. Departmental Administrative Boards, Commissions, and Offices.—The following boards, commissions, and offices are hereby placed and made departmental administrative boards, commissions, or offices, as the case may be, in the respective administrative departments mentioned in the preceding section, as follows:

- In the Department of State,
State Employees' Retirement Board;
- In the Department of Justice,
Board of Pardons,
Board of Commissioners on Uniform State Laws;
- In the Treasury Department,
Board of Finance and Revenue;
- In the Department of Internal Affairs,
Board of Property,
State Aeronautics Commission;

*This section is a reenactment of the original section of the act of April 9, 1929, (P. L. 177), without change. All proposed amendatory matter was eliminated in the passage of the bill.

In the Department of Public Instruction,
 State Council of Education,
 Pennsylvania State Board of Censors,
 Public School Employes' Retirement Board,
 Pennsylvania Historical Commission,
 Board of Trustees of Thaddeus Stevens Industrial
 School,
 Board of Trustees of Pennsylvania State Oral
 School for the Deaf,
 Board of Trustees of Home for Training in Speech
 of Deaf Children Before They Are of School
 Age, which shall hereafter be known as Board
 of Trustees of Home for Training in Speech of
 Deaf Children,
 Board of Trustees of Pennsylvania Soldiers' Or-
 phan School,
 Board of Trustees of West Chester State Teachers'
 College,
 Board of Trustees of Millersville State Teachers'
 College,
 Board of Trustees of Kutztown State Teachers'
 College,
 Board of Trustees of East Stroudsburg State
 Teachers' College,
 Board of Trustees of Mansfield State Teachers'
 College,
 Board of Trustees of Bloomsburg State Teachers'
 College,
 Board of Trustees of Shippensburg State Teachers'
 College,
 Board of Trustees of Lock Haven State Teachers'
 College,
 Board of Trustees of Indiana State Teachers'
 College,
 Board of Trustees of California State [Normal
 School] *Teachers' College*,
 Board of Trustees of Slippery Rock State Teachers'
 College,
 Board of Trustees of Edinboro State Teachers'
 College,
 Board of Trustees of Clarion State [Normal School]
Teachers' College,
 Board of Trustees of Cheyney Training School for
 Teachers,
 State Board of Medical Education and Licensure,
 State Board of Pharmacy,
 State Dental Council and Examining Board,
 State Board of Optometrical Examiners,
 State Board of Osteopathic Examiners,
 Osteopathic Surgeons' Examining Board,
 State Board of Examiners for the Registration of
 Nurses,

State Board of Undertakers,
 State Board of Veterinary Medical Examiners,
 State Board for the Examination of Public Accountants,
 State Board of Examiners of Architects,
 Anthracite Mine Inspectors' Examining Board,
 Mine Inspectors' Examining Board for the Bituminous Coal Mines of Pennsylvania,
 State Registration Board for Professional Engineers;

In the Department of Military Affairs,
 Armory Board of the State of Pennsylvania,
 Board of Trustees of Pennsylvania Soldiers' and Sailors' Home,
 State Athletic Commission;

In the Department of Banking,
 Board to License Private Bankers,
 Pennsylvania Securities Commission;

In the Department of Agriculture,
 State Farm Products Show Commission;

In the Department of Forests and Waters,
 Water and Power Resources Board,
 Geographic Board,
 Lake Erie and Ohio River Canal Board,
 Pennsylvania State Park and Harbor Commission of Erie,

Washington Crossing Park Commission,
 Valley Forge Park Commission,
 Fort Washington Park Commission;

In the Department of Mines,
 Anthracite Mine Inspectors,
 Bituminous Mine Inspectors;

*In the Department of Highways,
 State Bridge Commission;*

In the Department of Health,
 Sanitary Water Board,
 Anatomical Board;

In the Department of Labor and Industry,
 Workmen's Compensation Board,
 Workmen's Compensation Referees,
 State Workmen's Insurance Board;

In the Department of Welfare,
 State Council for the Blind,
 Pennsylvania Alcohol Permit Board,
 Board of Trustees of Eastern State Penitentiary,
 Board of Trustees of Western State Penitentiary,
 Board of Trustees of Pennsylvania Industrial Reformatory, *hereafter to be known as Board of Trustees of Pennsylvania Industrial School,*
 Board of Trustees of State Industrial Home for Women,

Board of Trustees of Pennsylvania Training School,

Board of Trustees of Allentown State Hospital,

Board of Trustees of Danville State Hospital,

Board of Trustees of Farview State Hospital,

Board of Trustees of Harrisburg State Hospital,

Board of Trustees of Norristown State Hospital,

Board of Trustees of Warren State Hospital,

Board of Trustees of Wernersville State Hospital,

Board of Trustees of Torrance State Hospital,

Board of Trustees of Ashland State Hospital,

Board of Trustees of Blossburg State Hospital,

Board of Trustees of Coaldale State Hospital,

Board of Trustees of Connellsville State Hospital,

Board of Trustees of Hazleton State Hospital,

Board of Trustees of Locust Mountain State Hospital,

Board of Trustees of Nanticoke State Hospital,

Board of Trustees of Philipsburg State Hospital,

Board of Trustees of Scranton State Hospital,

Board of Trustees of Shamokin State Hospital,

Board of Trustees of Laurelton State Village,

Board of Trustees of Pennhurst State School,

Board of Trustees of Polk State School,

Board of Trustees of Cumberland Valley State Institution for Mental Defectives,

Board of Trustees of Selinsgrove State Colony for Epileptics;

In the Department of Property and Supplies,

Board of Commissioners of Public Grounds and Buildings,

State Art Commission.

All of the foregoing departmental administrative boards and commissions shall be organized or reorganized as provided in this act.

Section 203. Advisory Boards and Commissions.—The following advisory boards and commissions are placed in and made parts of the respective administrative departments, as follows:

In the Department of Military Affairs,

State Military Reservation Commission,

State Veterans Commission;

In the Department of Forests and Waters,

State Forest Commission,

State Parks Commission,

Bushy Run Battlefield Commission;

In the Department of Health,

Advisory Health Board;

In the Department of Labor and Industry,

Industrial Board;

In the Department of Welfare,

State Welfare Commission;

In the Department of Property and Supplies,
General Galusha Pennypacker Monument Commis-
sion.

Section 401. Boards of Trustees of State Institutions.—The board of trustees of each of the State institutions hereinafter mentioned shall consist of nine members, and the head of the department having supervision over the institution ex officio.

The terms of the members of each such board shall be four years, and until their successors are qualified.

Five members of any such board shall constitute a quorum.

Each such board shall annually elect a president and vice-president from among its members, and a secretary and treasurer who need not be members of the board. The secretary and treasurer may be the same person. This section shall apply to:

- Board of Trustees of Thaddeus Stevens Industrial School,
- Board of Trustees of Pennsylvania State Oral School for the Deaf,
- Board of Trustees of Home for Training in Speech of Deaf Children,
- Board of Trustees of Pennsylvania Soldiers' Orphan School,
- Board of Trustees of West Chester State Teachers' College,
- Board of Trustees of Millersville State Teachers' College,
- Board of Trustees of Kutztown State Teachers' College,
- Board of Trustees of East Stroudsburg State Teachers' College,
- Board of Trustees of Mansfield State Teachers' College,
- Board of Trustees of Bloomsburg State Teachers' College,
- Board of Trustees of Shippensburg State Teachers' College,
- Board of Trustees of Lock Haven State Teachers' College,
- Board of Trustees of Indiana State Teachers' College,
- Board of Trustees of California State [Normal School] Teachers' College,
- Board of Trustees of Slippery Rock State Teachers' College,
- Board of Trustees of Edinboro State Teachers' College,
- Board of Trustees of Clarion State [Normal School] Teachers' College,
- Board of Trustees of Cheyney Training School for Teachers,

Board of Trustees of Pennsylvania Soldiers' and Sailors' Home,

Board of Trustees of Eastern State Penitentiary,

Board of Trustees of Western State Penitentiary,

Board of Trustees of Pennsylvania Industrial [Reformatory] School,

Board of Trustees of State Industrial Home for Women,

Board of Trustees of Pennsylvania Training School,

Board of Trustees of Allentown State Hospital,

Board of Trustees of Danville State Hospital,

Board of Trustees of Farview State Hospital,

Board of Trustees of Harrisburg State Hospital,

Board of Trustees of Norristown State Hospital,

Board of Trustees of Warren State Hospital,

Board of Trustees of Wernersville State Hospital,

Board of Trustees of Torrance State Hospital,

Board of Trustees of Ashland State Hospital,

Board of Trustees of Blossburg State Hospital,

Board of Trustees of Coaldale State Hospital,

Board of Trustees of Connellsville State Hospital,

Board of Trustees of Hazleton State Hospital,

Board of Trustees of Locust Mountain State Hospital,

Board of Trustees of Nanticoke State Hospital,

Board of Trustees of Philipsburg State Hospital,

Board of Trustees of Scranton State Hospital,

Board of Trustees of Shamokin State Hospital,

Board of Trustees of Laurelton State Village,

Board of Trustees of Pennhurst State School,

Board of Trustees of Polk State School,

Board of Trustees of Cumberland Valley State Institution for Mental Defectives,

Board of Trustees of Selinsgrove State Colony for Epileptics.

Section 409. Pennsylvania State Board of Censors.—The Pennsylvania State Board of Censors shall consist of three residents and citizens of Pennsylvania [two males and one female,] well qualified by education and experience to act as censors of motion-picture films and stereopticon views or slides. One member of the board shall be designated as chairman, one member as vice-chairman, and the other member as secretary thereof.

The chairman of the board shall receive a salary of four thousand eight hundred dollars per annum, and the vice-chairman and secretary shall each receive a salary of four thousand five hundred dollars per annum.

Two members of the board shall constitute a quorum.

Section 448. Advisory Boards and Commissions.—The advisory boards and commissions, within the several administrative departments, shall be constituted as follows:

(a) The State Military Reservation Commission shall consist of the Governor, the Major General commanding the National Guard of Pennsylvania, the Adjutant General, the Brigadier Generals commanding brigades, the Chief of Staff of the Twenty-eighth Division, and two other members to be appointed by the Governor.

The commission shall elect from among its members a chairman and a secretary.

(b) The State Veterans Commission shall consist of the Adjutant General, ex officio, and five members, all of whom shall have served in the armed forces of the United States while a state of war existed between the United States of America and another sovereign power, and shall be members in good and regular standing of a Pennsylvania branch, post, lodge, or club, of a recognized national veterans organization active in this Commonwealth.

Three members of the commission shall constitute a quorum.

The commission shall select from [their] *its* number a chairman and a secretary.

(c) The State Forest Commission shall consist of four persons, and the Secretary of Forests and Waters, ex officio, who shall be chairman thereof.

(d) The State Parks Commission shall consist of the Secretary of Forests and Waters, the chairman of the Pennsylvania Historical Commission, and four other citizens.

Four members of the commission shall constitute a quorum.

The State Parks Commission shall annually elect from among its members a chairman and vice-chairman.

[(d)] (e) Bushy Run Battlefield Commission.—The Bushy Run Battlefield Commission shall consist of the Secretary of Forests and Waters, and the chairman and secretary of the Pennsylvania Historical Commission, ex officio, and six other members, residing in the vicinity of the Bushy Run Battlefield State Park, and having a knowledge of and interest in the history of the locality wherein said park is situated.

The members of the commission shall annually elect a chairman and a secretary.

Five members of the commission shall constitute a quorum.

[(e)] (f) The Advisory Health Board shall consist of the Secretary of Health, and six members, a majority of whom shall be physicians, graduates of legally constituted medical colleges, and of at least ten years' experience in the practice of their profession, and one of whom shall be a civil engineer. The Secretary of Health shall be chairman of the board.

Three members of the board, together with the Secretary of Health, shall constitute a quorum.

[(f)] (g) The Industrial Board shall consist of the Secretary of Labor and Industry, and four additional members, one of whom shall be an employer of labor, one a wage earner, and one a woman. The Secretary of Labor and Industry shall be the chairman of the board.

Three members of the board shall be a quorum.

The members of the Industrial Board, other than the chairman, shall receive fifteen dollars per day while in the performance of their official duties.

[(g)] (h) The State Welfare Commission shall consist of the Secretary of Welfare, ex officio, and eight other members. The Secretary of Welfare shall be chairman of the board. The Secretary of Welfare and four other members of the board shall constitute a quorum.

[(h)] (i) The General Galusha Pennypacker Monument Commission shall consist of the Secretary of Property and Supplies, the president of the Pennsylvania Academy of Fine Arts of Philadelphia, and three other persons. The commission shall annually elect a president and secretary.

Three members of the commission shall constitute a quorum.

Section 507. Purchases.—It shall be unlawful for any administrative department, other than the Department of Property and Supplies, or for any independent administrative board or commission, or for any departmental administrative body, board or commission, or for any advisory board or commission, to purchase or contract for the purchase of any stationery, paper, printing, binding, ruling, lithographing, engraving, envelopes, or other printing or binding supplies, or any fuel, supplies, furniture, furnishings, or equipment, except

(a) [The Department of Highways, which shall have the right to purchase materials, supplies, and equipment, necessary for the construction and repair of highways, but this department shall not purchase directly any article which is upon the schedules of the Department of Property and Supplies. All such articles shall be purchased through the Department of Property and Supplies, as purchasing agency.]

[(b)] Any departments, boards, or commissions, which by law are authorized to purchase materials or supplies and pay for the same out of fees or other moneys collected by them, or out of the moneys appropriated to them by the General Assembly: Provided, That every such department, board, and commission, shall make its purchases through the Department of Property and Supplies, as purchasing agency, and all

such purchases shall conform to the [schedules] *effective supplies contracts* of the Department of Property and Supplies, unless in any case the Board of Commissioners of Public Grounds and Buildings shall specifically authorize a departure from such [schedule] *effective supplies contracts*.

[(c)] (b) Any department, board, or commission, having charge of a State institution, which may purchase perishable food-stuffs and fuel for such institution directly, and may purchase any article directly if it can, after competitive bidding, purchase the same, f. o. b. the institution, for a [less] price *equal to or less* than the Department of Property and Supplies can furnish it f. o. b. the institution, but all articles purchased directly hereunder shall conform to the specification contained in the [schedules] *effective supply contracts* of the Department of Property and Supplies, or, if the article be not included in the [schedules] *effective supply contracts*, then to the standard specification, if any, adopted by the Department of Property and Supplies for the commodity purchased, unless the Board of Commissioners of Public Grounds and Buildings shall have specifically authorized a departure from such specification.

In all other cases, such departments, boards, or commissions shall make purchases through the Department of Property and Supplies, as purchasing agency, and all purchases made by the Department of Property and Supplies, as purchasing agency hereunder, shall conform to the *specifications contained in the* [schedules] *effective supply contracts* of the department, *or, if the article be not included in the effective supply contracts, then to the standard specifications, if any, adopted by the department for the commodity purchased*, unless the Board of Commissioners of Public Grounds and Buildings shall specifically authorize a departure from such [schedules.] *effective supply contracts or specifications*.

[(d)] (c) Any department, board, or commission, which shall have been authorized in writing by the Department of Property and Supplies to make purchases in the field, not exceeding a specified amount, but records of all such purchases shall be transmitted periodically to the Department of Property and Supplies in such form as it may require.

Section 508. *Erection, Repairs, or Alterations of and Additions to Buildings.*—(a) No administrative department, except the Department of Property and Supplies, and no administrative board or commission, shall, except as in this act otherwise specifically provided, erect or construct, or contract for the erection or construction of, any new building, or make, or contract for making, any alterations or additions to an existing build-

ing, involving an expenditure of more than ten thousand dollars (\$10,000), and, in any case in which any other department or any board or commission is by this act authorized to erect or construct buildings, or make alterations or additions, such erection or construction shall be under the general supervision of the Department of Property and Supplies.

(b) All repairs to or alterations of existing buildings of the Commonwealth, *involving expenditures of more than one thousand dollars (\$1,000)*, shall be subject to inspection by, and the general supervision of, the Department of Property and Supplies, *which shall be notified thereof at least ten days prior to the execution of the contract, or if the work is not to be done under contract, then at least ten days prior to the commencement of the work*, and all plans and specifications for repairs to or alterations of buildings, under the control of departmental administrative boards and commissions, shall be subject to approval by the departments with which such boards or commissions are respectively connected.

(c) All plans and specifications for new buildings, and for alterations or additions to existing buildings, shall be subject to the approval of the department, board, or commission using or intending to use the building being erected or constructed, or to which an alteration or addition is being made, and, in the case of buildings used by or for the use of departmental administrative boards or commissions, the plans and specifications shall also be approved by the department with which the board or commission is connected.

(d) Buildings may be erected or constructed, or alterations or additions made, wholly or partially by the labor of employes or inmates or patients of State institutions, if, in the judgment of the agency responsible for the management of such institutions, and of the Department of Property and Supplies, the work can be properly and safely done by such employes, inmates, or patients. In such cases, the Department of Property and Supplies, or such agency of the State Government, or outside supervising engineer or engineering concern, as it may approve, shall have direct supervision of the work, and in all cases the Department of Property and Supplies shall have the right to inspect and generally supervise the work.

Section 514. Sale of Real Estate and Grants of Rights of Way or Other Rights Over or in Real Estate.—(a) Except as otherwise in this act expressly provided, a department, board, or commission, shall not sell or exchange any real estate belonging to the Commonwealth, or grant any easement, right of way, or other interest over or in such real estate, without specific

authority from the General Assembly so to do, but a department, board, or commission may, with the approval of the Governor, grant a license to any public service corporation to place upon, in, or over, *any land or bridge of or maintained by* the Commonwealth, any public service line, if such line will enable any State building or State institution to receive better service, or if such line is necessary for the service of persons living adjacent to the Commonwealth's land upon, in, or over which it is proposed to run the line, *or if the running of such line over a bridge will be more economical than the erection of a separate bridge for the line.* Every such license shall be revocable upon six months written notice by the Commonwealth, and upon such other proper terms and conditions as the department, board, or commission, with the approval of the Governor, shall prescribe, and unless any such line is primarily for the benefit of a State building or State institution, the license shall provide for the payment to the Commonwealth of compensation for the use of its property in such amount as the department, board, or commission granting it shall, with the approval of the Governor, prescribe.

(b) Any department, board, or commission, having control over lands of the Commonwealth underlaid with veins of coal, may, with the approval of the Governor, exchange part of such coal for coal in place, owned by private interests, which may be necessary to insure lateral or surface support for any building, reservoir, or structure erected or to be erected on such lands of the Commonwealth: Provided, That the coal given by the department, board, or commission, to private interests, shall be approximately equivalent in value to the coal received in exchange therefor; every such department, board, or commission is hereby authorized and empowered to execute and deliver and to receive legal instruments and deeds necessary to effectuate any exchange authorized hereunder, which instruments and deeds shall have the prior approval of the Department of Justice, and a copy thereof shall be filed with the Department of Internal Affairs.

Section 518. Meetings of Boards and Commissions.—Every *independent administrative board or commission*, departmental administrative board or commission, and every advisory board or commission, shall meet upon the call of the chairman *or president* thereof; at such times and places as the chairman *or president* shall designate, and at such times and places as the board or commission may by rule designate.

Section 603. List of Employes to Be Furnished to Certain State Officers.—[The heads of all] *All* administrative departments, [and the several independent ad-

ministrative] boards, and commissions shall, on the fifteenth day of June of each year, transmit to the Auditor General, the State Treasurer, and the Budget Secretary a complete list, as of June first preceding, of the names of all persons, except day-laborers, entitled to receive compensation from the Commonwealth for services rendered in or to the department, board, or commission, as the case may be. Such list shall show the position occupied by each such person, the date of birth and voting residence of such person, the salary at which or other basis upon which such person is entitled to be paid, the date when such person entered the service of the Commonwealth, whether such person has been continuously employed by the Commonwealth since that date, and all periods of service and positions held as an employe of the Commonwealth, *or such part of such information as the Governor may prescribe.*

Each month thereafter, the heads of the several administrative departments, and the several independent administrative boards and commissions, shall certify to the Auditor General, the State Treasurer, and the Budget Secretary any changes in the annual list of employes last transmitted to them which shall have occurred during the preceding month.

The information received by the Auditor General, the State Treasurer, and the Budget Secretary, under this section, shall be public information.

Section 1304. Professional Education and Licensure.—The Department of Public Instruction shall have the power, and its duty shall be:

(a) To determine, value, standardize, and regulate the preliminary education, both secondary and collegiate, of those to be hereafter admitted to the practice of medicine, dentistry, and pharmacy in this Commonwealth;

(b) To prepare and distribute circulars of information;

(c) To prepare uniform blank forms;

(d) To hold examinations, at suitable times and places to be designated by the Superintendent of Public Instruction, for the determination of the fitness of applicants unable to present satisfactory certificates, and to issue certificates to those found proficient;

(e) To establish reciprocity with other States as regards preliminary education and professional licenses;

(f) To determine and publish a standard high school course, [and] *to compile, cause to be published, from time to time, a list of [high schools, and other] elementary and secondary schools in this State, [conforming] which conform to the official standards promulgated by [of] the department, and take such steps as may be appropriate to raise the standard of elementary and*

secondary education: Provided, That nothing in this section shall be construed to conflict with the provisions of the statutes of this Commonwealth regulating the practice of medicine, dentistry, or pharmacy respectively;

(g) To keep the records of all of the professional examining boards established in the department;

(h) To issue all certificates and other official documents of the various professional examining boards in the department: Provided, however, That the officers and members, or any of them, of any such examining board, may also sign such certificates and other documents, if such board shall have taken action authorizing such signatures;

(i) To assist any professional examining board within the department, if, as and when, requested by such board;

(j) To cooperate with the several professions whose examining bodies are within the department, in the determination and establishment of standards of professional education;

(k) Whenever under any act of Assembly, enacted at the session of the General Assembly at which this act was passed, or at any subsequent session of the General Assembly, the right to practice any profession, or work at any trade or occupation, shall be conditioned upon examination, licensure, or registration, to hold such examinations, make such investigations, require such information, and do and perform all other acts which may be necessary to determine whether applicants for licensure or registration are qualified to practice the profession or work at the trade or occupation within this Commonwealth, and, in proper cases, to issue licenses and certificates of registration. In performing its duties under this clause, the department shall appoint an advisory committee, of not more than five members, of each profession, trade, or occupation, applicants to practice or work at which are examined and licensed hereunder. Each such committee shall assist the department in holding examinations, and passing upon information submitted. In cases in which there is a State association of the profession, trade, or occupation for which an advisory committee is to be selected hereunder, such State association may submit to the department, from time to time, a list of ten names of persons qualified for appointment on such committee, and the department's selection of a committee, or of persons to fill vacancies thereon, shall be made from the names submitted. Members of every advisory committee, appointed by the department under the authority hereby conferred, shall serve at the pleasure of the department, and shall be compensated at the rate of fifteen

dollars per diem for each day of service rendered to the department, and shall receive the expenses actually incurred by them while engaged in assisting the department, as herein provided, the payment of such expenses, however, to be subject to the rules and regulations of the Executive Board.

Section 1307. State Council of Education.—The State Council of Education shall have the power, and its duty shall be:

(a) Subject to any inconsistent provisions in this act contained, to continue to exercise the powers and perform the duties by law vested in and imposed upon the said council;

(b) To report and recommend to the Governor, and the General Assembly, legislation needed to make the public schools of this Commonwealth more efficient and useful;

(c) To equalize, through special appropriations for this purpose, or otherwise, the educational advantages of the different parts of this Commonwealth;

(d) To inspect and require reports of the educational work in the schools and institutions wholly or partly supported by the State, which are not supervised by the public school authorities: Provided, That a copy of the report of the inspection of any such institution, which may be made to the State Council of Education, shall be sent to the head of such institution;

(e) To encourage and promote agricultural education, manual training, domestic science, and such other vocational and practical education as the needs of this Commonwealth may, from time to time, require;

(f) To prescribe rules and regulations for the sanitary equipment, and inspection of school buildings, and to take such other action as it may deem necessary and expedient to promote the physical and moral welfare of the children in the public schools of this Commonwealth; *and to issue and have available for distribution to school directors, registered architects, and other persons applying therefor rules and regulations in regard to school house construction;*

(g) To investigate and make recommendations pertaining to the work of any schools of design, schools of industrial arts, or industrial schools, or other educational institutions, within the Commonwealth, to which the General Assembly may make an appropriation;

(h) To exercise all the powers, and perform all the duties, formerly vested in the State Board of Education;

(i) To change the name of any State normal school to State teachers' college, and to designate the certificates and degrees which such college shall confer;

(j) *To determine and promulgate standards for cer-*

tificates to teach in the elementary and secondary schools of this Commonwealth, which conform to the official standards promulgated by the Department of Public Instruction.

Section 1407. The Armory Board of the State of Pennsylvania.—The Armory Board of the State of Pennsylvania shall, subject to any inconsistent provisions in this act contained, continue to exercise the powers and perform the duties by law vested in the said board. It shall provide, equip, maintain, manage, and regulate armories, within the limits of this Commonwealth, for the use of the National Guard of Pennsylvania, as may now or hereafter be provided by law; and may, with the approval of the Governor, accept gifts of land, with or without buildings thereon, to be used for military purposes. The title to all such lands shall be taken in the name of the Commonwealth. It may also employ funds appropriated to it, for the purpose, to purchase, for armory purposes, any suitable building erected by any person or persons.

The board may also, with the approval of the Governor, sell any buildings or armory sites which are no longer being used for military purposes.

Section 1806. Parks.—The Department of Forests and Waters shall have the power, and its duty shall be:

(a) To supervise, maintain, improve, regulate, police, and preserve, all parks belonging to the Commonwealth, except the Pennsylvania State Park at Erie, Washington Crossing Park, Valley Forge Park, and Fort Washington Park.

(b) For the purpose of promoting healthful outdoor recreation and education, and making available for such use natural areas of unusual scenic beauty, especially such as provide impressive views, water falls, gorges, creeks, caves, or other unique and interesting features, to acquire, in the name of the Commonwealth, by purchase or gift, any lands which, in the judgment of the department, should be held, controlled, protected, maintained and utilized as State park lands. Such lands may be purchased or accepted subject to such reservations, if any, of mineral rights, rights of way, or other encumbrances as the department may deem not inconsistent with such holdings: Provided, however, That the amount expended for the acquisition of lands for State park purposes shall not exceed the amount specifically appropriated for such purposes, nor shall the purchase cost exceed fifty dollars per acre;

(c) To establish such rules and regulations, not inconsistent with law, for the control, management, protection, utilization, development, occupancy and use of the lands and resources of State parks, as it may deem necessary to conserve the interests of the Common-

wealth. Such rules and regulations shall be compatible with the purposes for which State parks are created;

(d) To see that conveniences and facilities for the transportation, shelter, comfort and education of people shall be so designed and constructed as to retain, so far as may be, the naturalistic appearance of State park areas, surroundings and approaches, and conceal the hand of man as ordinarily visible in urban, industrial and commercial activities;

(e) To lease for a period not to exceed ten years, on such terms as may be considered reasonable, to any citizen or organization of this Commonwealth a portion of any State park as may be suitable as a site for temporary buildings to be used for health, recreational or educational purposes, or for parking areas or concessions for the convenience and comfort of the public;

(f) To study, counsel and advise in reference to gifts of lands or money for park purposes;

(g) To counsel and advise in reference to the development of park lands by concessionaires with facilities and equipment for the accommodation and education of the public.

Section 1902. Mines.—The Department of Mines shall have the power, and its duty shall be:

(a) To see that the mining laws of the Commonwealth are faithfully executed, and, for that purpose, cause lawfully qualified mine inspectors to enter, inspect, and examine any mine or colliery within the Commonwealth and the works and machinery connected therewith;

(b) To give such aid and instruction to the mine inspectors, from time to time, as may be calculated to protect the health and promote the safety of all persons employed in and about the mines;

(c) To make such examinations and investigations as may be necessary to enable it to make recommendations upon any matters pertaining to the general welfare of coal miners and others connected with mining and the interests of mine owners and operators in the Commonwealth;

(d) Through a separate bureau, to take such steps as it may deem advisable to promote the welfare of the mining and mineral interests of the Commonwealth, and the use of the mineral products of Pennsylvania. The exercise of this function shall not in any way interfere with the safety work of the department.

Section 2303. Supervisory Powers.—The Department of Welfare shall have supervision over:

(a) All State institutions,

(b) All supervised institutions as defined in this article,

(c) All children's institutions within this Commonwealth,

(d) All maternity homes and hospitals within this Commonwealth,

(e) The administration of any system provided by the Commonwealth for assistance to mothers,

(f) Any labor or system of labor carried on in the penal, correctional or reformatory institutions of the State,

(g) Any system of reparation provided by the Commonwealth for relief from conditions caused by mine-caves, fire, flood or other casualty, and constituting a menace to public safety and welfare,

(h) *All boarding homes for children which have been licensed by the State.*

Section 2309. Transfer, Parole or Discharge of Patients.—The Department of Welfare shall have the power:

(a) To apply to the proper court for the transfer or removal of insane persons from county or district poorhouses, almshouses, hospitals, or in the custody of the directors or overseers of the poor, to the State hospitals for the insane;

(b) To transfer the indigent insane from State hospitals for the insane to the almshouses, poorhouses or prisons of the several counties charged with their maintenance;

(c) To transfer patients or inmates from one State hospital for the insane to another such hospital;

(d) To transfer a committed insane person from a licensed private hospital or institution to a State or licensed county hospital, and vice versa;

(e) To apply to the proper court for the removal to a hospital for the insane of any person imprisoned in a penitentiary or prison and believed to be insane;

(f) To [authorize the] transfer [of] a committed inmate from one type of institution under the supervision of the department to another type of institution under its supervision;

(g) To investigate, and be heard, before an order is made in any case to remove to any place of custody, other than a hospital, any criminal confined in a hospital by order of any court, or any lunatic committed to a hospital after an acquittal of crime.

The cost of the transfer or removal, and of the maintenance, of any insane person, transferred by or under the direction, or upon the application of the Secretary of Welfare, or other officer of the department pursuant hereto, shall be borne and paid in the manner provided by law in the case of any such transfer or removal.

All traveling expenses of indigent insane persons discharged by order of the department from any State

hospital for the insane, from the hospital to their respective homes, shall be paid by the hospital, the amount thereof to be refunded to such hospital from the appropriation for the care and relief of such indigent insane then current.

(h) To order and compel the parole or discharge of any person detained in any place as insane or of unsound mind, other than a person committed after trial and conviction for crime, or by order of court, but the department shall not make any such order, unless notice be given to the person having charge of the building in which, and to the person or persons at whose instance, the patient is detained, and reasonable opportunity given them to justify a further detention, and the department has caused the case of the patient to be personally attended and examined by its officer or agent.

Section 2318. Boards of Trustees of State Institutions.—The board of trustees of each State institution within the Department of Welfare shall have general direction and control of the property and management of such institution. It shall have the power, and its duty shall be:

(a) Subject to the approval of the Governor, to elect a superintendent or warden of the institution, who shall, subject to the authority of the board, administer the institution in all its departments, and, if the board shall deem it advisable, a business manager;

(b) On nomination by the superintendent or warden, from time to time, to appoint such officers and employes as may be necessary;

(c) To fix the salaries of its employes in conformity with the standards established by the Executive Board;

(d) Subject to the approval of the Secretary of Welfare, to make such by-laws, rules, and regulations for the management of the institution as it may deem wise.

The boards of trustees of the several State institutions shall exercise the foregoing powers in the management of the following institutions:

Board of Trustees of Eastern State Penitentiary, of Eastern State Penitentiary at Philadelphia,

Board of Trustees of Western State Penitentiary, of Western State Penitentiary at Pittsburgh, and of the State Penitentiary at Rockview,

Board of Trustees of Pennsylvania Industrial [Reformatory,] *School*, of Pennsylvania Industrial Reformatory, *hereafter to be known as Pennsylvania Industrial School*, at Huntingdon,

Board of Trustees of State Industrial Home for Women, of State Industrial Home for Women at Muncy,

Board of Trustees of Pennsylvania Training School, of Pennsylvania Training School at Morganza,

Board of Trustees of Allentown State Hospital, of Homeopathic State Hospital for the Insane at Allentown,

Board of Trustees of Danville State Hospital, of State Hospital for the Insane at Danville, Pennsylvania,

Board of Trustees of Farview State Hospital, of State Hospital for the Criminal Insane at Farview,

Board of Trustees of Harrisburg State Hospital, of Harrisburg State Hospital at Harrisburg,

Board of Trustees of Norristown State Hospital, of State Hospital for the Insane of the Southeastern District of Pennsylvania at Norristown,

Board of Trustees of Warren State Hospital, of State Hospital for the Insane at Warren, Pennsylvania,

Board of Trustees of Wernersville State Hospital, of State Asylum for the Chronic Insane of Pennsylvania at South Mountain,

Board of Trustees of Torrance State Hospital, of Western State Hospital for the Insane, Torrance,

Board of Trustees of Ashland State Hospital, of State Hospital for Injured Persons of the Anthracite Coal Regions of Pennsylvania at Ashland,

Board of Trustees of Blossburg State Hospital, of Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania at Blossburg,

Board of Trustees of Coaldale State Hospital, of State Hospital of Coaldale, Schuylkill County,

Board of Trustees of Connellsville State Hospital, of Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania at Connellsville,

Board of Trustees of Hazleton State Hospital, of State Hospital of the Middle Coal Field of Pennsylvania at Hazleton,

Board of Trustees of Nanticoke State Hospital, of State Hospital of Luzerne County at Nanticoke,

Board of Trustees of Philipsburg State Hospital, of Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania at Philipsburg,

Board of Trustees of Scranton State Hospital, of State Hospital of the Northern Anthracite Coal Region of Pennsylvania at Scranton,

Board of Trustees of Shamokin State Hospital, of State Hospital of the Trevorton, Shamokin and Mount Carmel Coal Fields of Pennsylvania at Shamokin,

Board of Trustees of Locust Mountain State Hospital, of Locust Mountain State Hospital at Shenandoah,

Board of Trustees of Laurelton State Village, of Pennsylvania Village for Feeble-Minded Women at Laurelton,

Board of Trustees of Pennhurst State School, of State Institution for the Feeble-Minded and Epileptic of Eastern Pennsylvania at Pennhurst,

Board of Trustees of Polk State School, of State Institution for the Feeble-Minded of Western Pennsylvania at Polk,

Board of Trustees of Selinsgrove State Colony for Epileptics, of the State Colony for Epileptics at Selinsgrove.

Section 2402. Grounds, Buildings and Monuments in General.—The Department of Property and Supplies shall have the power, and its duty shall be:

(a) Subject to the powers by this act vested in the Board of Commissioners of Public Grounds and Buildings, to control and supervise the State Capitol Building, and the public grounds and buildings connected with the State Capitol, including the State Arsenal and the Executive Mansion, and to make, or supervise the making, of all repairs, alterations, and improvements, in and about such grounds and buildings, including the furnishing and refurnishing of the same, and also to have general supervision over repairs, alterations, and improvements to all other buildings, lands, and property of the State, except as in this act otherwise provided;

(b) To employ such *captains*, sergeants of police, and police officers, as may be necessary to preserve good order in the Capitol grounds and buildings, and fix their compensation: Provided, however, That the number and compensation of such *captains*, sergeants and officers shall be subject to the approval of the Governor. Such *captains*, sergeants and officers shall be known as the Capitol Police.

(c) To employ such help as may be reasonably necessary for the cleaning, care, and preservation of the Capitol grounds and buildings, and the furnishings therein, for operating the mechanical plants in the Capitol buildings and the Executive Mansion, and for service at the Executive Mansion;

(d) To contract in writing for and rent proper and adequate offices, rooms, or *other* accommodations, outside of the Capitol buildings, for any department, board, or commission, which cannot be properly and adequately accommodated with offices, rooms, and accommodations in the Capitol buildings; and, in all cases in which the head of a department, for such department or for a departmental administrative board or commission within such department, or an independent administrative board or commission, with the approval of the Executive Board, has established or is about to establish a branch office in any city or place outside of the capital city, with the approval of the Board of Commissioners of Public

Grounds and Buildings, to contract in writing for and rent such offices, rooms, and *other* accommodations, as shall be proper and adequate for such department, board, or commission. *The department shall rent such garages or contract for such garage space as may be necessary for the accommodation of State-owned automobiles, either in or outside of the capital city, at such rentals or rates as it shall deem reasonable.* The department may also, if the General Assembly shall have appropriated funds therefor, lease any lands which may be necessary for use by any department, board, or commission in the exercise of its powers or the performance of its duties. It shall be unlawful for any other department, board, commission, or agency of the State Government to enter into any leases, but the Department of Property and Supplies shall act only as agent in executing leases for departments, boards, and commissions, the expenses of which are paid wholly or mainly out of special funds, and, in such cases, the rentals shall be paid out of such special funds.

(e) To employ and, with the approval of the Governor, fix the compensation of such capable superintendents of construction, *engineers*, or inspectors as may be necessary properly to supervise building, repairing, altering, adding to, or improving State buildings, in cases in which the work is not being done directly by or under contract with the Department of Property and Supplies. Such superintendents, *engineers*, or inspectors shall see that the plans and specifications prepared and adopted for such new buildings or for repairs, alterations, additions, or improvements to existing buildings, shall be faithfully carried out, and shall, subject to appeal to and final decision by the head of the department, define, determine, and decide all questions of the proper interpretation of the plans and specifications which may be raised during the progress of the work.

(f) Out of funds appropriated to the department therefor, to purchase or condemn land, with or without buildings thereon, for the purpose of adding the same to any of the public lands or parks, or for use as sites for or in connection with arsenals, armories, military reservations, intermediate landing fields, hospitals, normal schools, teachers' colleges, penal or correctional institutions, or other institutions of the Commonwealth, whenever, in the judgment of the Governor, the purchase or condemnation of such land is necessary, or whenever such purchase or condemnation shall have been authorized by law, and an appropriation shall have been made therefor. The condemnation of land hereunder shall be in the manner provided by the act, approved the fifteenth day of July, one thousand nine hundred and

nineteen (Pamphlet Laws, nine hundred seventy-six), entitled "An act to authorize the Board of Commissioners of Public Grounds and Buildings to acquire property for the Commonwealth by proceedings in eminent domain, where the purchase of such property has either been authorized by law, or determined by the Board of Commissioners of Public Grounds and Buildings under existing laws, and an appropriation made therefor," its amendments and supplements. Except as otherwise in this act expressly provided, no other department, board, or commission of the State Government shall hereafter exercise the right of eminent domain for any of the purposes aforesaid, any other act of Assembly heretofore enacted to the contrary notwithstanding.

(g) To erect or supervise the erection of all monuments which may now or hereafter be authorized by law, and to maintain and care for all monuments belonging to the Commonwealth which may now or hereafter be erected: Provided, That with regard to any monument which comes within the jurisdiction of an advisory board in the Department of Property and Supplies, the exercise of the powers hereby vested in the department shall be subject to approval or disapproval by such advisory board;

(h) Whenever loss or damage by fire or other casualty shall occur to any structure, building, equipment, or other property owned by the Commonwealth, and be reported to the department, to make an examination thereof, and, in its discretion, subject only to the approval of the Governor, to rebuild, restore, or replace the property damaged or destroyed, and, for that purpose, to have plans and specifications prepared and contracts executed, and to supervise the erection, construction, or replacement thereof, such rebuilding, restoration, or replacement to be in substantial accord with the original character, use, and purpose of the property damaged or destroyed. The cost of the materials furnished, and work and labor performed, under such contracts, shall be certified by the department to the Auditor General, who shall issue his warrant against the Insurance Fund of this Commonwealth, which warrant shall be paid by the State Treasurer, in the manner provided by law: Provided, That whenever the department shall have taken such action as will involve expenditures from said fund, it shall forthwith certify the probable amount of expenditure to the State Treasurer, who shall forthwith take such action as is necessary to provide funds sufficient to meet the obligations so entered into.

(i) To rent to individuals, firms, or corporations, such real estate, owned by the Commonwealth, as is not being used in connection with the work of any department, board, or commission thereof, upon such terms

and conditions as the Secretary of Property and Supplies may prescribe, with the approval of the Governor in writing: Provided, however, That no lease executed under the authority hereby conferred shall be for a longer term than one year and so on from year to year.

(j) *From time to time, to rent to persons, associations, or corporations, upon such terms as shall be approved by the Board of Commissioners of Public Grounds and Buildings, the auditorium in the South Office Building, Number Two, when it shall not be required for the Commonwealth's use.*

Section 2403. Standards and Purchases.—The Department of Property and Supplies shall have the power, and its duty shall be:

(a) To formulate and establish [standard] *standards* or specifications, *whenever practicable*, for [all] articles, materials, [and] supplies, *furnishings, and equipment* used by administrative departments, independent administrative, departmental administrative, and advisory boards and commissions, but no specification shall be fixed as a standard until it shall be approved by a majority of the departments, boards and commissions using the article, material or supply described in the specification.

(b) To enter into contracts for supplying all stationery, printing paper, and fuel, used in the legislative and other departments of the government, and for repairing and furnishing the halls and rooms used for the meetings of the General Assembly and its committees. All such contracts shall be awarded to the lowest responsible bidder below such maximum price, and under such regulations as are prescribed by this act, and shall be subject to the approval of the Governor, the Auditor General, and the State Treasurer.

(c) To purchase, in like manner, all other furniture, materials, or supplies, required by the legislative and other departments of the State Government, except as otherwise provided in this act;

(d) To distribute stationery, paper, and fuel to the legislative and other departments of the government, and arrange for the repairing and furnishing the halls and rooms used for the meetings of the General Assembly and its committees, upon requisition of the Governor, or of the appropriate administrative department or independent administrative board or commission, or the proper officer of the General Assembly, or of the judicial department, as the case may be: Provided, That all requisitions for furniture, materials, or supplies, required by any departmental administrative board, commission or officer, or any advisory board or commission, shall be made by the administrative department with which such departmental administrative board, commis-

sion or officer or such advisory board or commission is connected: And provided further, That the department shall not, without the consent of the Governor, honor any requisition from any administrative department, board or commission after the amount of any biennial appropriation for furniture, stationery, materials, and supplies allocated to such department, board, or commission by the Governor, shall have been expended for such department, board, or commission;

(e) To act as the purchasing agency for any administrative department, or independent administrative or departmental administrative board or commission, which by law is authorized to purchase materials or supplies and pay for the same out of fees or other moneys collected by it, or out of moneys specifically appropriated to it by the General Assembly, except that all departments, boards, and commissions, requiring perishable food-stuffs or fuel for use in State institutions may purchase such food-stuffs and fuel directly, and any department, board, or commission, having charge of a State institution, which is able, after competitive bidding, to purchase any article for a less price, f. o. b. the institution, than the price at which such article can be furnished by the Department of Property and Supplies, f. o. b. the institution, may purchase such article directly. All purchases made by the Department of Property and Supplies, as purchasing agency under this clause, shall conform to schedule, unless the Board of Commissioners of Public Grounds and Buildings shall specifically authorize a departure from schedule, and all purchases made directly for any State institution shall conform to the specification contained in the schedules, or, if the article be not included in the schedules, then to the standard specification, if any, adopted by the Department of Property and Supplies for the commodity purchased, unless the Board of Commissioners of Public Grounds and Buildings shall have specifically authorized a departure from such specification.

(f) To collect, and furnish on request, market prices and such other information as will be serviceable in purchasing to any institution receiving State funds directly or indirectly;

(g) To authorize any other department, or any board or commission, to make direct purchases in the field, not exceeding a specified amount, but the department shall require records of all such purchases to be transmitted to it periodically in such form as it may prescribe.

Section 2404. Bonds and Liability Insurance.—The Department of Property and Supplies shall have the power, and its duty shall be:

(a) To procure from a corporation or corporations,

authorized by law to act as sureties in the Commonwealth of Pennsylvania, good and sufficient bonds, which shall be approved by the Attorney General, and filed with the State Treasurer, to meet the requirements of law, in the case of all State officers and employes required by statute to give surety bonds to the Commonwealth for the faithful performance of their official duties or to account for State funds in their possession;

(b) To procure liability insurance covering vehicles owned by the Commonwealth, and operated by State officers or employes, *and, in its discretion, excess fire insurance on State buildings, and any other kind of insurance which it may be lawful for the Commonwealth, or any department, board, commission, or officer thereof, to carry and for which an appropriation has been made to the department.*

The department shall pay for such insurance, out of the moneys appropriated to it, except that it shall not pay for insurance covering officers, [and] employes, *or property* of the departments, boards, and commissions, whose expenses are wholly [or mainly] paid out of funds other than the General Fund of the State Treasury, and except officers, [and] employes, *and property* of State institutions. Insurance covering the officers, [and] employes, *and property* of such departments, boards, and commissions shall be paid for out of the special funds appropriated to them, and insurance covering the officers, [and] employes, *and property* of State institutions shall be paid for out of the moneys appropriated for their maintenance.

All *automobile liability* insurance procured by the Department of Property and Supplies hereunder shall protect both the Commonwealth and the State officer or employe operating the vehicle, against claims for damages for injury to person or property, within such limits as the department, with the approval of the Executive Board, shall prescribe.

Section 2405. Sale of Unserviceable Property.—The Department of Property and Supplies shall have the power, and its duty shall be, to receive from the several administrative departments, and independent administrative and departmental administrative boards and commissions, unserviceable personal property of this Commonwealth, to issue a receipt therefor, make a complete record thereof, and, *if no other department, board or commission is able to make use of the same presently, then*, as soon as convenient, to sell the same, either at public auction or private sale, in the city of Harrisburg, or elsewhere, as may be deemed advisable. [Provided, That, except] *Except* in the case of perishable property, such sales shall be advertised in not exceeding five newspapers of the Commonwealth, once a week for three

weeks, such advertisements to state the time, place, and conditions of any such sale; but, if, after such advertising, the department is unable to obtain a bid for the property, it may be demolished or destroyed: *Provided, That when the unserviceable property is located at a State institution, the department, in its discretion, may authorize such institution, without advertising, to obtain at least two bids in the locality where the property is located. Such bids shall be referred to the department, and, if it believes that the property will not realize a higher net sale price if transported to the Capitol for sale, the department may authorize the institution to sell the property locally to the highest bidder, to take a proper receipt therefor, and to transmit the proceeds to the department, to be by it paid into the State Treasury through the Department of Revenue:* And provided further, That whenever any department, board, or commission shall deliver to the Department of Property and Supplies any unserviceable personal property, and, at the same time, requisition the said department to furnish new property of a similar character to replace the unserviceable property delivered as aforesaid, or request said department, as purchasing agency, to purchase new property of a similar character, the Department of Property and Supplies, with the approval of the Board of Commissioners of Public Grounds and Buildings, shall endeavor to exchange the unserviceable property for or on account of the purchase price of the new property about to be purchased, but such unserviceable property shall not be delivered for or on account of the purchase price of any property at a lower valuation than the price which such unserviceable property would bring if sold in the open market for cash, and, to the extent that advertising any such unserviceable property for sale may be necessary to establish its market value, the Department of Property and Supplies is authorized and directed to advertise as hereinabove provided. The Department of Property and Supplies shall obtain from the person, partnership, or corporation, to which any personal property is delivered in exchange under the authority of this section, a receipt therefor, describing such personal property and specifying the value at which it was taken in exchange, and such receipt shall be delivered to the Auditor General, attached to the requisition for the payment of the balance of the purchase price due for the new property purchased. The proceeds of sales of personal property hereunder, shall be transmitted by the Department of Property and Supplies to the Department of Revenue, which shall transmit it to the Treasury Department to be credited to the fund out of which the property sold was originally purchased.

Section 2408. Procedure for Erection of Buildings

and Alterations or Additions to Existing Buildings.—Whenever the General Assembly shall have appropriated money to the Department of Property and Supplies, or to any other department, or to any administrative board or commission, for the erection of new buildings, or sewage or filtration plants, other service systems, or athletic fields, or other structures, or for alterations or additions to existing buildings, or to such plants, systems, fields, or structures, to cost more than ten thousand dollars (\$10,000), the following procedure shall apply, unless the work is to be done by State employes, or by inmates or patients of a State institution or State institutions, or unless the department, board, or commission to which the General Assembly has appropriated money for the foregoing purposes is, by this act or by the act making the appropriation, authorized to erect, alter, or enlarge buildings independently of the Department of Property and Supplies, or under a different procedure:

(a) If the appropriation is to a department other than the Department of Property and Supplies, or to a board or commission, such department, board, or commission shall notify the Department of Property and Supplies as soon as it is ready, to have plans and specifications for the work prepared;

(b) Promptly after such notice, in such cases, or promptly after any appropriation made to it becomes available, the Department of Property and Supplies shall select an architect *and, if necessary, an engineer* to design the work, and prepare the specifications therefor, but, in the case of building to be done for the use of any other department, or any board or commission (unless the building is on the Capitol grounds), the selection of the architect *and engineer, if any*, shall be subject to approval by such department, board, or commission, and, in case of departmental administrative boards or commissions, by the departments with which such boards or commissions are respectively connected;

(c) The Department of Property and Supplies shall enter into a contract with the architect [selected] *and engineer, if any*, which [contract] shall provide a date for the completion of the plans and specifications, and that the plans and specifications must meet with the approval of the department, board, or commission for which the building is being erected, altered, or enlarged (unless the building is on the Capitol grounds), and, in the case of departmental administrative boards or commissions, of the departments with which such boards or commissions are respectively connected, that the *drawings and specifications* must be approved by the Department of Property and Supplies, that the exterior design of the building must be approved by the State Art Commission, and

that the plans and specifications must be approved by the Department of Labor and Industry, and the Department of Health, to the extent to which those departments, respectively, have jurisdiction to require the submission to them for approval of certain features of the building. Such architect *and engineer, if any*, in preparing plans and specifications, shall [work under the supervision of] *consult with* the department, board, or commission for which the building is to be erected, altered or enlarged (unless the building is on the Capitol grounds), but the Department of Property and Supplies shall insist upon the prompt completion of the plans and specifications, within the time prescribed in the architect's [contract] *and engineer's contracts*, unless it shall agree to an extension thereof.

Every department, board, or commission, whose approval of plans or specifications is required hereunder, shall, [give prompt and thorough consideration to] *within sixty days after submission thereof by the architect, approve or disapprove* all sketches, drawings, specifications, and other documents, [presented by the architect,] and shall inform the architect of decisions in such reasonable time as not to delay him in his work.

(d) Upon the completion of the plans and specifications, and their approval by all necessary State agencies, the Department of Property and Supplies shall invite proposals, by advertisements inserted at least three times in not less than six or more than twelve newspapers of large general circulation in different parts of the Commonwealth. The first and last publications of any such advertisement shall be at least ten days apart, and the department shall not advertise hereunder in more than three newspapers in the same county.

(e) The department may invite proposals, either for completely erecting, altering, or adding to any building, or separately for parts of the work, or both. Whether it shall invite proposals for part of the work, and, if so, for what parts, shall rest within the sole discretion of the department.

(f) All proposals shall be accompanied by certified or bank checks, in such amounts or percentages of the amounts of the proposals as shall be specified in the advertisement, and shall be publicly opened and tabulated at the time and place specified in the advertisement.

(g) The department shall, as soon as practicable, award the contracts to the lowest responsible *qualified* bidder, but it shall have the right to reject any or all bids, to waive technical defects and to accept or reject any part of any bid, if in the judgment of the department, the best interests of the Commonwealth shall require it;

(h) No proposal for any contract shall be considered

unless accompanied by a certified or bank check as prescribed by the department at the time of advertising. A bidder who shall have accompanied his proposal with a certified or bank check, as aforesaid, and to whom a contract shall have been awarded, must, within ten days after such award, substitute for said check a surety performance bond for not less than fifty per centum (50%) or more than one hundred per centum (100%) of the bid price of the work, as shall have been prescribed by the department in its invitation for proposals, and an additional bond in a sum not less than fifty per centum (50%) and not more than one hundred per centum (100%) of the contract price of the work, as prescribed by the department in its invitation for proposals, conditioned that the contractor will promptly pay for all material furnished and labor supplied or performed in the prosecution of the work, whether or not the material or labor enter into and become component parts of the building. Such additional bond shall be held by the Department of Property and Supplies for the use of every party who, whether as subcontractor or otherwise, has furnished material or supplied or performed labor in the prosecution of the work, as above provided, and who has not been paid therefor; and, among other things, shall provide specifically that any such party may bring a suit thereon, in the name of the Commonwealth, for his, their, or its own use, prosecute the same to final judgment for such sum or sums as may be justly due, and have execution thereon: Provided, however, That the Commonwealth shall not be liable for the payment of any costs or expenses of any such suit. [Such] Each surety bond, required hereunder, shall have as surety a surety company authorized to transact business in this Commonwealth, or two individual sureties approved by the Department of Justice.

(i) No contract shall be valid or effective unless a certified copy thereof, detail break-down sheet of the work, and contract price of the work involved, shall have been filed in the offices of the Auditor General, the State Treasurer, and the department; board, or commission for which the work is to be done, [within twenty days after the award;] promptly after the execution of the contract;

(j) The enforcement of all contracts provided for by this section shall be under the control and supervision of the Department of Property and Supplies. In the event that the Department of Property and Supplies and the contractor cannot agree on any of the general conditions of the contract, and on the specifications, such disagreement shall be subject to decision by the Department of Justice, and its decision shall be final.

(k) The Department of Property and Supplies shall

examine all bills on account of the contracts entered into under the provisions of this section, and, if they are correct, the department shall certify that the materials have been furnished, or that the work or labor has been performed in a workmanlike manner and in accordance with the contract, approve the bills, and issue its requisition therefor, or forward its certificate to the proper department, board, or commission, as the case may be;

(1) The Department of Property and Supplies shall have the right to engage the services of any consulting or supervising engineer or engineers, whom it may deem necessary for the proper designing of or inspection or supervision of buildings erected, altered, or enlarged by the department hereunder;

(m) Changes in the plans or specifications, or both, may be made after their approval, only with the consent of all of the departments, boards and commissions whose approval of the original plans or specifications, or both, was necessary hereunder.

(n) *If the appropriation is to a department, other than the Department of Property and Supplies, or to a board or commission, the Department of Property and Supplies shall award and enter into the contract as agent for the department, board, or commission to which the appropriation was made.*

Section 2410. Method of Awarding Contracts for Public Printing and Binding.—All contracts for public printing and binding shall be for terms of not less than one or more than four years.

The department shall have the right to divide such printing and binding into as many classes, and enter into as many contracts therefor, as it shall deem proper and advisable in carrying out the provisions of this act, and to make classifications and prepare specifications, schedules, and contracts, *and to specify, in any contract for printing, the machinery and equipment which must be owned or leased before the contract will be awarded to a bidder.*

Not less than two months prior to the termination of any contract now existing, or the termination or expiration of any contract hereafter entered into, the department shall advertise for proposals for public printing and binding, which advertisements shall be published for at least three days, the first and last publications to be at least ten days apart, in one or more newspapers of general circulation published in Philadelphia, Pittsburgh, Harrisburg, and five other places within the Commonwealth. *Such advertisement shall specify the special qualifications, if any, as to machinery and equipments.*

All proposals shall be submitted upon blanks furnished by the department, on or before the time fixed for opening proposals, and each proposal shall be in

duplicate, one of which shall be marked "Duplicate Proposal." Each proposal shall be accompanied by a certified or bank check to the order of the State Treasurer in such an amount as shall be determined by the department and designated in the advertisement.

The Secretary of Property and Supplies shall open all proposals received, publicly, and shall proceed publicly to award the contract or contracts for which bids were asked, to the lowest responsible *qualified* bidder or bidders below the maximum price or prices fixed in the schedule or schedules prepared by the department, and, if any such bidder refuses or neglects to accept a contract awarded to him, within ten days, then such contract may be awarded to the next lowest *responsible qualified* bidder, and so on until such contract shall be awarded and accepted: Provided, however, That the department shall have the right to reject any or all bids, and, when all bids shall be so refused, the department shall advertise again for proposals, giving at least ten (10) days' notice thereof by advertisement, and said proposals shall be opened, awarded, and approved in like manner as hereinbefore provided: And provided further, That all contracts awarded shall be severally void, unless first approved by the Governor, the Auditor General, and the State Treasurer.

The certified or bank checks of all unsuccessful bidders, to whom no contracts were awarded, shall be returned to the makers thereof, but any bidder, to whom a contract has been awarded, and who has neglected or failed to enter into the contract or contracts awarded to him in the manner and upon the terms herein provided, shall be liable to the Commonwealth for the difference between the amount of his bid and the bid of the person or persons to whom said contract shall afterwards be awarded, and, in addition thereto, all costs and expenses necessarily incurred by reason of his neglect or failure, and, as liquidated damages therefor, there shall be retained by the Commonwealth, out of the amount of said certified or bank check, the amount required to reimburse the Commonwealth for such loss.

No contract shall be entered into with any contractor until after such contractor *shall have satisfied the department that he is the owner or lessee of sufficient machinery and equipment properly and promptly to perform and execute any orders given to him under the proposed contract, and has furnished a sufficient bond to the Commonwealth, in such form and amount as may be prescribed by the department, conditioned for the faithful performance of the terms of the contract, and shall have, as surety, a surety company authorized to act as surety in this Commonwealth, said bond and the terms thereof to be approved by the Attorney General.*

No public printing and binding shall be performed for any department, board, commission, or other agency of the State Government, or any officer thereof, unless authorized in writing by the department, and no printing or binding whatsoever shall be done by the contractor, at the expense of the Commonwealth, except upon such written order or authorization, and the contractor shall not proceed with any work until he shall have received from the department a written order and full instructions therefor.

The rates of compensation for the public printing and binding, for all objects of charge against the Commonwealth by the contractor, shall be according to the schedules set out in the specifications furnished by the department and incorporated in the contract; and no printing and binding, or other work or material whatsoever, shall be done or furnished by the contractor that is not set forth in the schedules or specifications incorporated in the contract, unless authorized in writing by the department and the price therefor designated by it; and, if the contractor shall proceed with any such printing and binding without such authorization in writing, the department shall have the right to condemn such unauthorized work, whereupon the contractor shall not be entitled to receive any compensation whatsoever therefor; or the department, if it shall accept such unauthorized printing and binding, shall fix a reasonable price therefor, which said price shall in no case exceed the lowest rate or rates at which the same can be obtained elsewhere by said department, and said contractor shall be bound by the rate or rates so fixed by said department and shall in no case recover any additional sum or amount.

There shall be provided by the department, and incorporated in every contract made hereunder, provision for delivery of all printing, binding, and other work done by the contractor, the time when delivery must be made, and reasonable penalties for delay in such delivery.

The department may award contracts for emergency public printing and binding, from time to time, as the necessity arises, by securing competitive bids without advertising therefor, but every such contract shall be void unless approved by the Governor, the Auditor General, and the State Treasurer.

Section 2604. *State Game Refuges and Farms.*—The Board of Game Commissioners shall have the power to *acquire lands, with or without mineral reservations, by*

purchase, lease, or gift, and to establish and maintain State Game Refuges and Game Farms for the protection and propagation of game, as may now or hereafter be authorized by law.

Section 2. That at the end of Article four of said act, a new section is hereby added, to read as follows: Section 449 added.

Section 449. State Bridge Commission.—The State Bridge Commission shall consist of the Secretary of Highways, the Auditor General, and three other persons, of whom two shall be experienced in business.

Three members shall constitute a quorum.

The commission shall annually elect a chairman from among its members, a secretary, and a treasurer. The same person may serve as secretary and treasurer, and it shall not be necessary for the secretary or treasurer to be a member of the board. The board may also, in its discretion, select a bank or trust company to serve as treasurer.

The members of the commission, other than the Secretary of Highways and Auditor General, shall receive salaries of five thousand dollars per annum, and the secretary and treasurer shall receive such compensation as the commission may determine, with the approval of the Governor. All salaries and expenses of members and officers of the commission, and of all employes selected by the Secretary of Highways for the work of the commission, shall be paid out of the revenue accruing from the operation by the commission of toll bridges, unless the General Assembly shall at any time expressly appropriate money for the payment of such salaries and expenses, or any part thereof.

Section 3. That at the end of Article five of said act, the following new sections are hereby added, to read as follows: Sections 522 and 523 added.

Section 522. Wage Specifications in Contracts for Public Works.—The specifications upon which contracts are entered into by the Commonwealth for the construction, alteration, or repair of any public work shall, as far as possible, contain the minimum wage or wages which may be paid by the contractor or his subcontractors for the work performed by laborers and mechanics employed on such public work, and such laborers or mechanics shall be paid not less than such minimum wage or wages.

Every contract entered into upon such specifications shall stipulate a penalty of an amount equal to twice the difference between the minimum wage contained in said specifications and the wage actually paid to each such laborer or mechanic for each day during which he has been employed at a wage less than that prescribed

in said specifications. Every officer or person designated as inspector of the work to be performed under any such contract, or to aid in the enforcing of the fulfillment thereof, shall, upon observation or investigation, report to the department, board, or commission which made the contract award, all violations of minimum wage stipulations, together with the name of each laborer or mechanic who has been paid less than that prescribed by the specifications, and the day or days of such violation. All such penalties shall be withheld and deducted, for the use of the Commonwealth, from any moneys due the contractor, by the officer or person whose duty it shall be to authorize the payment of moneys due such contractor, whether the violation of the minimum wage stipulation of the specifications is by the contractor or by any of his subcontractors.

Section 523. Reciprocal Limitations upon the Purchase of Supplies and Materials.—It shall be unlawful for any administrative department, board, or commission to specify for or permit to be used in or on any public building or other work erected, constructed, or repaired at the expense of the Commonwealth, or to purchase, any supplies, equipment, or materials manufactured in any state which prohibits the specification for or use in or on its public buildings or other works or the purchase of supplies, equipment, or materials not manufactured in such state.

Subsection (f)
added to section
1208.

Section 4. That at the end of section twelve hundred and eight of said act, a new subsection is hereby added, to read as follows:

(f) With the approval of the Governor, to execute leases or licenses, with or without consideration, granting to the government of the United States, or any agency thereof, or to any county or municipality within this Commonwealth, the right to erect, operate, and maintain, upon intermediate landing fields belonging to the Commonwealth, boundary lights and other equipment and air navigation facilities, but all such leases and licenses shall be revocable upon six months' notice, and shall require the lessee or licensee, at its own expense, to maintain any structures erected by it under its lease or license.

Section 2010
added.

Section 5. That at the end of Article twenty of said act, a new section is hereby added, to read as follows:

Section 2010. State Bridge Commission.—The State Bridge Commission shall have the power, and its duty shall be, to acquire, maintain, and operate intrastate toll bridges, and, for the purpose of acquiring such bridges, to enter into such agreements, issue such revenue bonds or other securities, and perform such other

functions as shall, from time to time, be prescribed by law.

Section 6. Constitutionality.—It is the intention of the General Assembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof, the remaining provisions of the act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein.

Section 7. This act shall take effect immediately upon its approval by the Governor. When effective.

APPROVED—The 1st day of June, A. D. 1931.

GIFFORD PINCHOT