

VETOOES OF 1943

BILLS RETURNED TO THE LEGISLATURE BY THE GOVERNOR, WITH HIS OBJECTIONS THERETO, DURING ITS REGULAR SESSION ENDING MAY 8, 1943.

No. 1

AN ACT

To amend section seven of the act, approved the seventeenth day of May, one thousand nine hundred seventeen (Pamphlet Laws, two hundred eight), entitled "An act to regulate the practice of pharmacy and sale of poisons and drugs, and providing penalties for the violation thereof; defining the words 'drug' and 'poison'; and providing for the appointment of a board which shall have in charge the enforcement of said law, and the power to make rules and regulations for the enforcement of said law; and providing for the purchase of samples of drugs for determining their quality, strength, and purity," by requiring a copy of the latest edition of the Year Book of the Pennsylvania Pharmaceutical Association to be kept in every pharmacy.

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

Section 1. Section seven of the act, approved the seventeenth day of May, one thousand nine hundred seventeen (Pamphlet Laws, two hundred eight), entitled "An act to regulate the practice of pharmacy and sale of poisons and drugs, and providing penalties for the violation thereof; defining the words 'drug' and 'poison'; and providing for the appointment of a board which shall have in charge the enforcement of said law, and the power to make rules and regulations for the enforcement of said law; and providing for the purchase of samples of drugs for determining their quality, strength, and purity," is hereby amended to read as follows:

Section 7. That there shall be kept in every pharmacy a copy of the latest revision of the United States Pharmacopoeia, [and] the latest edition of the National Formulary, and the latest edition of the Year Book of the Pennsylvania Pharmaceutical Association, in which Year Book shall be kept a record of all exempt narcotic sales and sales of poisons, and, if homeopathic remedies are compounded and dispensed, a copy of the latest revision of the American Homeopathic Pharmacopoeia, or the Homeopathic Pharmacopoeia of the United States, which books must be open to the inspection of the Pennsylvania Board of Pharmacy or the agents thereof. Any person violating this section of this act of Assembly shall, upon conviction, be sentenced to pay a fine of ten dollars (\$10.00) and the costs of prosecution.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, May 8, 1943.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill No. 403, Printer's No. 531, entitled "An act to amend section seven of the act, approved the seventeenth day of May, one thousand nine hundred seventeen (Pamphlet Laws, 208), entitled 'An act to regulate the practice of pharmacy and sale of poisons and drugs, and providing penalties for the violation thereof; defining the words "drug" and "poison;" and providing for the appointment of a board which shall have in charge the enforcement of said law and the power to make rules and regulations for the enforcement of said law; and providing for the purchase of samples of drugs for determining their quality, strength, and purity,' by requiring a copy of the latest edition of the Year Book of the Pennsylvania Pharmaceutical Association to be kept in every pharmacy."

This bill further amends Section 7 of the Act of May 17, 1917, P. L. 208, which regulates the practice of pharmacy and sale of drugs and poisons.

The bill requires every registered pharmacy to have available on its premises the latest edition of the Year Book of the Pennsylvania Pharmaceutical Association, and to record therein all exempt narcotic sales and sales of poisons.

While those responsible for the introduction of the bill were moved by a desire to establish a needed improvement in the pharmacy business by requiring the keeping of a uniform poison and narcotic record in the same volume that contains all of the pertinent legislation relating to the operation of a pharmacy in Pennsylvania, the bill, nevertheless, has the serious defect that it prescribes the use of a book which will be under the exclusive control of a trade organization, and does not even provide that the book will be furnished at cost by those manufacturing it. This in effect would create a monopoly in the manufacturer which the law would not countenance.

For this reason the bill is not approved.

EDWARD MARTIN

No. 2

AN ACT

To validate and confirm certain contracts heretofore entered into by Boards of Township Supervisors, where the Township has received in maintenance and improvement of its highways a reasonable quid pro quo for such contracts; and to authorize, ratify, confirm and validate payments on such contracts by the Township; and to provide that no Township Supervisor shall be subject to surcharge for payments heretofore made on any such contract.

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

Section 1. That whenever any Board of Township Supervisors of any township of the Second Class shall have heretofore hired any work to be done, purchased any materials or made any contracts for

the township, the hiring, purchasing or making of which is authorized under the provisions of the Second Class Township Laws of the Commonwealth, and such Township has received in maintenance and improvement of its highways a reasonable quid pro quo for such hiring, purchasing or contracting, and no fraud or dishonesty on the part of the said Township Supervisors has been shown, then such hiring, purchasing and contracting shall be valid and binding on the township, and payment for such hiring, purchasing and contracting by the township is hereby authorized, ratified, confirmed and validated, notwithstanding the fact that such contract was legally null and void by reason of the fact that moneys were expended on contracts let for the repair and maintenance of the highways in excess of the sums budgeted and appropriated for such purposes, or that money was paid out of the township treasury upon appropriation not made according to law, or that no appropriation was made in the budget for such hiring, purchasing or contracting, or that disbursements were made without previous appropriation according to law and for payment of obligations legislatively declared to be beyond the power of the supervisors to incur, or by reason of any other defect in compliance with or for failure or omission to comply with the township laws of this Commonwealth regulating the hiring of any work to be done, the purchasing of any materials or the making of any contracts. No Board of Township Supervisors nor any member thereof shall be subject to surcharge for payments heretofore made by any Board of Township Supervisors on any such contract, even though judgment may have already been entered against any such township supervisors on any such contract.

Section 2. This act shall become effective immediately upon final enactment.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, May 8, 1943.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill No. 626, Printer's No. 467, entitled "An act to validate and confirm certain contracts heretofore entered into by Boards of Township Supervisors, where the Township has received in maintenance and improvement of its highways a reasonable quid pro quo for such contracts; and to authorize, ratify, confirm and validate payments on such contracts by the Township; and to provide that no Township Supervisor shall be subject to surcharge for payments heretofore made on any such contract."

This bill, if enacted into law, would authorize Township Supervisors in Townships of the Second Class to ratify and confirm illegal contracts previously made by Township Supervisors for work on township roads, or for the purchase of materials, if the township has received a reasonable return for the township moneys expended, and there has been no fraud or dishonesty on the part of the Township Supervisors. The bill paves the way for the validation of contracts which are null or void because the budget had been exceeded, contracts on which expenditures have been made without statutory authority or contracts which are or were invalid for any other defect in compliance with, or failure or omission to comply with, the laws relating to Second Class Townships. The latter provision, which is seemingly a catch-all, would

enable Supervisors to attempt validation of contracts made in violation of the constitutional debt limitation placed on townships, or the validation of contracts made without advertising and competitive bidding, or where the approval of the Department of Highways had not been secured for the expenditure involved, as required by the Second Class Township Code.

Under the provisions of the bill who is to determine whether there has been fraud or dishonesty? In many cases it might be the same supervisors who had violated the law, and they would be their own judge and jury concerning whether or not payments should be made on contracts illegally entered into by them. The same thing could also be said concerning the passing of judgment on the question of whether or not the township had received or was receiving a reasonable return for the township moneys to be expended. Sincerity of action should not excuse dereliction of duty by an elective officer who functions under statutory law. Any other view would lead to chaos.

The bill applies to all cases "whenever the Board of Township Supervisors of any township of the Second Class shall have heretofore hired any work to be done, purchased any materials or made any contracts for the township. . . ." The word "heretofore" may cover a long period of time. The purpose and effect of all laws which have been long in force for the protection of township treasuries would be swept away by such an enactment. Claims both ancient and difficult of proper investigation might arise. No matter what the intentions of the sponsors of the bill were, its evident possibilities are unsound, if not vicious.

Attention is directed to the fact that in one of the counties of the Commonwealth the court of common pleas very recently refused to set aside a surcharge of over \$11,000 made by the township auditors against the supervisors who had made expenditures under a contract illegally entered into by them. The Supreme Court of Pennsylvania affirmed the ruling of the lower court. Lower Nazareth Township Supervisors' Appeal, 341 Pa. 171. This case is typical of the possible cases, in what number a matter of conjecture, which might find an unsound solution if this bill becomes a law and provides an easy way out of dilemmas in which township supervisors may now be entangled. Although the Supreme Court of Pennsylvania in the Appeal of the Supervisors of Lower Nazareth Township hints that the Legislature is the proper place to seek an answer to the situation which arose therein, the instant bill goes too far in its effect on statutory law and varied and complex situations which may arise thereunder. The bill contravenes basic principles of sound government.

For these reasons the bill is not approved.

EDWARD MARTIN

VEToes

BILLS FILED IN THE OFFICE OF THE SECRETARY OF THE COMMONWEALTH BY THE GOVERNOR, WITH HIS OBJECTIONS THERETO, WITHIN THIRTY DAYS AFTER THE ADJOURNMENT OF THE LEGISLATURE ON THE 8TH DAY OF MAY, A. D. 1943.

No. 3

AN ACT

To further amend section four of the act, approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (Pamphlet Laws, two hundred eighty), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on nonpayment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," providing that all liens in favor of the Commonwealth, other than tax liens charged against real estate heretofore or hereafter sold for taxes by the county treasurers, are divested by such sales.

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

Section 1. Section four of the act, approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (Pamphlet Laws, two hundred eighty), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on nonpayment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," as last amended by the act, approved the twentieth day of June, one thousand nine hundred and thirty-nine (Pamphlet Laws, four hundred ninety-eight), is hereby further amended to read as follows:

Section 4. All taxes unpaid and so returned and docketed, as aforesaid, shall be a first lien, subject as hereinafter stated, on said real estate liable for the payment thereof, together with all charges, interest, expenses and fees added thereto for failure to pay promptly; and such liens shall have priority to and be fully paid and satisfied out of the proceeds of any judicial sale of said property before any mortgage,

obligation, claim, lien or estate with which said property may have or shall become charged or for which it may become liable, save and except only the costs of the sale and of the writ upon which it is made, and *tax* liens in favor of the Commonwealth of Pennsylvania, which shall have priority to [such tax] *the liens of such taxes so returned and docketed*. All taxes returned under this or any previous statute supplied hereby shall be first liens until sold, as hereinafter provided, or unless sooner discharged.

Section 2. In all cases where real property has heretofore been sold for taxes by the county treasurer as provided by the said act herein amended all liens which were filed of record against said property in favor of the Commonwealth, other than tax liens, are hereby declared to have been divested by such sale and it is hereby declared the intent of the Legislature that such liens shall hereafter be void and of no effect against such property.

Section 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Section 4. The provisions of this act shall become effective immediately upon final enactment.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, May 21, 1943.

I file herewith in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 536, Printer's No. 128, entitled "An act to further amend section four of the act, approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (Pamphlet Laws, 280), entitled 'An act relating to delinquent taxes on seated lands, and prescribing interest charges on nonpayment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances,' providing that all liens in favor of the Commonwealth, other than tax liens charged against real estate heretofore or hereafter sold for taxes by the county treasurers, are divested by such sales."

This bill would further amend Section 4 of the Act of May 29, 1931, P. L. 280, relating to delinquent taxes on seated lands, which gives priority to all Commonwealth liens over tax claims of political subdivisions, by providing that only Commonwealth tax liens shall have such priority. The bill also provides that in all cases where real estate has heretofore been sold for taxes by the county treasurer, as provided by the said act, all liens other than tax liens filed of record in favor of the Commonwealth, are declared to be divested by such sale.

This bill would place the judgments of the Commonwealth in a position less advantageous than that of other creditors, as the judgments of the Commonwealth would be divested while the judgments of other creditors would remain intact. The bill would necessitate

new proceedings to obtain judgment when the owner of property sold at a tax sale redeems the same within two years, and the right to proceed against property within the two-year redemption period when the property is vacant and abandoned would be lost. Much money would be lost the Commonwealth if this bill were passed. This bill is contradictory in principle and terms to that of House Bill No. 675, Printer's No. 715, which amends the same act, and the approval of both bills would produce confusion.

The Department of Public Assistance is opposed to the bill.

The Department of Revenue is opposed to the bill.

For these reasons the bill is not approved.

EDWARD MARTIN

No. 4

AN ACT

To amend section six of the act, approved the twelfth day of June, one thousand eight hundred seventy-eight (Pamphlet Laws, one hundred ninety-six), entitled "An act supplementary to an act, entitled 'An act to consolidate, revise and amend the penal laws of this Commonwealth,' approved the thirty-first day of March, Anno Domini one thousand eight hundred and sixty," by fixing the time for the commencement and prosecution of indictments for felonies committed by certain persons.

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

Section 1. Section six of the act, approved the twelfth day of June, one thousand eight hundred seventy-eight (Pamphlet Laws, one hundred ninety-six), entitled "An act supplementary to an act, entitled 'An act to consolidate, revise and amend the penal laws of this Commonwealth,' approved the thirty-first day of March, Anno Domini one thousand eight hundred and sixty," is hereby amended to read as follows:

Section 6. That indictments for *felonies* or misdemeanors committed by any officer, director, receiver, superintendent, manager, broker, attorney, agent, employe or member of any bank, body corporate or public company, municipal or quasi municipal corporation, may be commenced and prosecuted at any time within four years from the time the alleged offense shall have been committed.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, May 21, 1943.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 585, Printer's No. 458, entitled "An act to amend section six of the act, approved the twelfth day of June, one thousand eight hundred seventy-eight (Pamphlet Laws, 196), entitled 'An act supplementary to an act, entitled "An act to consolidate, revise and amend the penal laws of this Commonwealth," approved the thirty-first day of March, Anno Domini one thousand

eight hundred and sixty,' by fixing the time for the commencement and prosecution of indictments for felonies committed by certain persons."

This bill would amend Section 6 of the Act of June 12, 1878, P. L. 196, a supplement to the Act of March 31, 1860, P. L. 382, an act consolidating, revising and amending the penal laws of the Commonwealth, by fixing the time for the commencement and prosecution of indictments for felonies committed by certain persons.

The bill provides that indictments for felonies or misdemeanors committed by any officer, director, receiver, superintendent, manager, broker, attorney, agent, employe or member of any bank, body corporate or public company, municipal or quasi-municipal corporation may be commenced and prosecuted at any time within four years from the time the alleged offense shall have been committed. This bill would have to be construed as a statute of limitations, and the term "may be commenced" would have to be read "shall be commenced." In short, indictments for felonies committed by the above-mentioned persons would have to be commenced and prosecuted within four years from the time of the commission of the felony.

Murder is a felony. As a result, the bill would create an absurd situation. One of the before-mentioned persons who committed a murder would have to be indicted within four years, whereas any other person who committed a murder could be indicted at any time, there being no statute of limitations applying to murder. It would serve no useful purpose to make any further comment on this bill.

For these reasons the bill is not approved.

EDWARD MARTIN

No. 5

AN ACT

To amend clause three of section thirteen of article nineteen of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (Pamphlet Laws, five hundred eighty-one), entitled "An act for the better government of cities of the first class of this Commonwealth," by providing that persons certified by the Civil Service Commission as eligible for appointment or promotion to various positions, who are prevented from accepting such appointment or promotion because of their entrance into the armed forces of the United States Government during time of war, shall be retained on a preferred eligible list for such appointments or promotions until two years after the termination of hostilities in such war.

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

Section 1. Clause three of section thirteen of article nineteen of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (Pamphlet Laws, five hundred eighty-one), entitled "An act for the better government of cities of the first class of this Commonwealth," is hereby amended to read as follows:

Section 13. The commission shall adopt, amend, and enforce rules for the classified service, which shall have the force and effect of law. The rules shall provide:

* * * * *

3. For the creation of eligible lists, upon which shall be entered the names of successful candidates in the order of their standing in examination. Such lists shall remain in force not longer than two years: *Provided, however, That if any person, whose name appears upon such lists as eligible for appointment or promotion to any position in the classified service, shall be prevented from accepting such appointment or promotion by reason of his or her impending service or service in the armed forces of the Government of the United States, during any war in which the United States is engaged, the names of such persons shall be placed upon and retained upon a list of those who were eligible for appointment or promotion to the positions or offices, for which they have qualified by examination, until two years after the termination of hostilities in the war in which the United States is engaged, and if honorably discharged from such armed forces and physically fit to perform the duties of the respective positions or offices, they shall be eligible for and be given preference for appointment or promotion to, the position for which they did so qualify over any other persons qualifying in subsequent examinations.*

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, May 21, 1943.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 989, Printer's No. 360, entitled "An act to amend clause three of section thirteen of article nineteen of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (Pamphlet Laws, 581), entitled 'An act for the better government of cities of the first class of this Commonwealth,' by providing that persons certified by the Civil Service Commission as eligible for appointment or promotion to various positions, who are prevented from accepting such appointment or promotion because of their entrance into the armed forces of the United States Government during time of war, shall be retained on a preferred eligible list for such appointments or promotions until two years after the termination of hostilities in such war."

This bill would amend Clause 3 of Section 13 of Article XIX of the Act of June 25, 1919, P. L. 581, the act governing first class cities of the Commonwealth.

The bill would amend the aforesaid legislation by providing that when any person whose name appears on a list of eligibles for appointment or promotion to any civil service position in such cities shall be prevented from accepting such appointment or promotion because of his or her impending service or service in the armed forces of the United States during war time, such person shall be placed and retained upon a list of those who are eligible for appointment or promotion to such positions until two years after the termination of hostilities wherein the United States is engaged. If honorably discharged from such military service, and if physically fit to perform the duties of the position to which such person is eligible, he or she shall be given preference for appointment or promotion to the position qualified for over any other person qualifying in subsequent examination.

The Act of June 27, 1939, P. L. 1198, commonly called the Veterans' Preference Act, defined the word "soldier" to mean a person, male or female, who served in the military or naval service of the United States during any war in which the Nation was engaged, and who received an honorable discharge from such service. This act further provided that such soldiers should be given additional credits if successfully passing a civil service examination for a public position under the Commonwealth or any political subdivision thereof; and that if such soldier possesses the requisite qualifications and is eligible to appointment to a public position where no civil service examination is required, such soldier *must* be given preference. Indeed, said act made it mandatory to give preference to a soldier as therein defined, provided he possessed the proper qualifications and his name appeared on any eligible list certified as the result of any civil service examination, even though his name did not stand highest on such list; and further provided that the appointing power may give preference to a soldier who has passed an examination for a position and possesses the proper qualifications, even though his name does not appear on the list of eligibles at all. The Attorney General has ruled that the aforesaid Act of 1939 was the exclusive law relating to and governing preferential treatment of soldiers as defined in said act with relation to public positions. 1939-1940 Op. Atty. Gen. 190 (1940).

The Act of June 27, 1939, P. L. 1198, supra, was supplied by the Act of August 5, 1941, P. L. 872, which latter act almost verbatim reenacted the Act of 1939 and extended veterans' preference to apply to promotions in public positions, as well as to original appointments thereto.

If I were to approve House Bill No. 989, a person whose name was on an eligible list and who, before being appointed to a civil service position, was inducted into the armed service and was honorably discharged from such service within two years after the termination of hostilities, would be preferred for appointment to a civil service position *over any other person* qualifying in subsequent examinations. This would result in the anomalous situation of preferring such person in appointment to a civil service position over any other soldier, as defined in veterans' preference legislation, who successfully passed a civil service examination subsequent to his honorable discharge from the armed service. In short, one veteran would be preferred over another; and, a veteran who never had an opportunity to take a civil service examination would be subordinated to one who had already successfully passed such examination. I am convinced that the sponsors of this bill did not realize that such a result would obtain; and I am equally convinced that veterans' organizations would not for one moment desire such a result to occur.

While I am in sympathy with legislation validly preferring veterans, I cannot bring myself to believe that the sort of preference set up by this bill should exist. It would be discrimination amongst veterans; not preference of veterans.

For these reasons the bill is not approved.

EDWARD MARTIN

AN ACT

To amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "An act relating to the finances of the State Government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by providing for the manner of payment of escheators' fees, informants' commissions and other lawful charges due from moneys escheated to the Commonwealth, and escheatable moneys paid to the Commonwealth without escheat, designating the funds to which such moneys shall be credited and making an appropriation.

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

Section 1. The act approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties, affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," is hereby amended by adding thereto after section one thousand three hundred fourteen a new section to read as follows:

Section 1315. Manner of Payment of Escheators' Fees, Informants' Commissions and Other Charges Due from Escheated Moneys.—All moneys which shall be escheated to the Commonwealth and all moneys subject to escheat, but paid to the Commonwealth without escheat, and

transmitted to the Treasury Department, shall be credited to separate accounts which shall be designated "escheat accounts."

All escheators' fees, informants' commissions and other lawful costs in any case chargeable against any particular escheat account, shall be paid therefrom upon requisition of the Department of Revenue and warrant of the Auditor General, and so much of said moneys in such escheat account as may from time to time be necessary to pay such fees, commissions and charges against such escheat account, is hereby appropriated for such purposes.

When all escheators' fees, informants' commissions and other lawful charges against any escheated moneys or any funds subject to escheat but paid to the Commonwealth without escheat have been paid in any escheat case, or when there are no such fees, commissions or charges due, the Department of Revenue shall so certify to the Treasury Department. Upon receipt of the certification of the Department of Revenue that all such fees, commissions and charges have been paid in a particular escheat case, or that none are due, the Treasury Department shall transfer the net proceeds from that case, if it be from an escheated decedent's estate, to the State School Fund, and if it be from any other escheat or escheatable property, to the General Fund.

Section 2. All acts and parts of acts inconsistent herewith are hereby repealed.

Section 3. The provisions of this act shall become effective immediately upon final enactment.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, May 26, 1943.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 1064, Printer's No. 560, entitled "An act to amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, three hundred forty-three), entitled 'An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency

thereof, every State depository and every debtor or creditor of the Commonwealth,' by providing for the manner of payment of escheators' fees, informants' commissions and other lawful charges due from moneys escheated to the Commonwealth, and escheatable moneys paid to the Commonwealth without escheat, designating the funds to which such moneys shall be credited and making an appropriation."

This bill would amend The Fiscal Code (Act of April 9, 1929, P. L. 343), by requiring all moneys which would be escheated to the Commonwealth, and all moneys subject to escheat but which are paid to the Commonwealth without escheat, to be deposited in separate accounts to be known as "escheat accounts," and would authorize payment on requisition of the Department of Revenue from such accounts of all escheators' fees, informants' commissions, and other lawful costs in any case chargeable against any particular escheat account, after which the net amount standing to the credit of any escheat account, would be payable as now provided by law.

The Fiscal Code (Act of April 9, 1929, P. L. 343) in the main did away with special funds by requiring every penny of State revenue, with two exceptions immaterial here, to be paid intact into the State Treasury, thereby making it necessary for the General Assembly to make specific appropriations to defray the cost of collecting such revenues. That change made it possible for the first time to ascertain the actual revenues of the Commonwealth and at the same time made for better budgetary control of those expenditures. The system which this bill would establish would represent a step backward and would not be in harmony with the present fiscal policy.

The estimates of revenue for the next biennium from escheats are predicated upon the Commonwealth receiving the gross amount of proceeds from the escheats. Since under this bill the Commonwealth would receive only the net proceeds, it is apparent that this bill would impair the revenues upon which the budget for the next biennium is predicated.

For these reasons the bill is not approved.

EDWARD MARTIN

No. 7

AN ACT

To amend section five hundred thirty-six of the act, approved the eighteenth day of May, one thousand nine hundred eleven (Pamphlet Laws, three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," making further provision for the fiscal year in school districts of the second class.

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

Section 1. Section five hundred thirty-six of the act, approved the eighteenth day of May, one thousand nine hundred eleven (Pamphlet Laws, three hundred nine), entitled "An act to establish a public

school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," is hereby amended to read as follows:

Section 536. In all school districts of the second, third, and fourth class in this Commonwealth, the fiscal year shall begin on the first Monday of July each year: *Provided, That by resolution of the board of school directors of any school district of the second class, adopted by a two-thirds vote of the members thereof at a meeting of the board, after not less than ten days' notice of the fact that such resolution would be presented for action at such meeting, and upon approval of the Superintendent of Public Instruction, the fiscal year of such school district may be fixed so as to begin on the first day of January in each year instead of on the first Monday of July as hereinabove provided.*

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, May 26, 1943.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 369, Printer's No. 401, entitled "An act to amend section five hundred thirty-six of the act, approved the eighteenth day of May, one thousand nine hundred eleven (Pamphlet Laws, three hundred nine), entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith,' making further provision for the fiscal year in school districts of the second class."

This bill would amend Section 536 of the School Code so as to permit school districts of the second class, after resolution passed by two-thirds vote of the members of the board and on approval of the Superintendent of Public Instruction, to fix the fiscal year of the district to begin on the first day of January each year instead of on the first Monday of July.

The Department of Public Instruction points out that as a matter of policy, it is desirable for all school districts to have a uniform fiscal year and that at the present time, with the exception of school districts of the first class, which have a fiscal year beginning on January first, the fiscal year of all school districts begins on the first Monday of July.

The Department of Public Instruction further questions the authority given to the Superintendent of Public Instruction and in addition thereto, raises the question that this bill may make it possible for second class school districts during the 1942-1943 fiscal year to use a part of the income presumably intended for the 1943-1944 fiscal year.

For this reason the bill is not approved.

EDWARD MARTIN

AN ACT

To further amend section three and section thirty of the act, approved the eleventh day of May, one thousand nine hundred twenty-one (Pamphlet Laws, five hundred twenty-two), entitled, as amended "An act relating to dogs, and the protection of live stock, poultry, and game birds raised in captivity from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock, poultry, and game birds by dogs, and for live stock killed by, or dying from, rabies, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes, directing the payment of all moneys collected into the State Treasury; and providing penalties," by providing for the issuing of free licenses for seeing-eye dogs; providing additional penalties; and by increasing the amount of certain payments to be made by the Commonwealth for damage caused by dogs or rabies.

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

Section 1. Section three of the act, approved the eleventh day of May, one thousand nine hundred twenty-one (Pamphlet Laws, five hundred twenty-two), entitled, as amended "An act relating to dogs, and the protection of live stock, poultry, and game birds raised in captivity from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock, poultry, and game birds by dogs, and for live stock killed by, or dying from, rabies, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes, directing the payment of all moneys collected into the State Treasury; and providing penalties," as last amended by the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, four hundred fifty-six), is hereby further amended to read as follows:

Section 3. On or before the fifteenth day of January, one thousand nine hundred and twenty-two, and on or before the fifteenth day of January, of each year thereafter, the owner of any dog six months old or over shall apply to the county treasurer of his respective county, or to a qualified justice of the peace, alderman, magistrate, or notary public of his respective district, either orally or in writing, or to the Department of Revenue on a form prescribed by it, for a license for such dog owned or kept by him. Such application shall state the breed, sex, age, color, and marking of such dog, and the name and address of the last previous owner; and shall be accompanied by a license fee of one dollar for each male dog, and for each spayed female dog for

which the certificate of a veterinarian or the affidavit of the owner is produced, and by a license fee of two dollars each for all other female dogs, except when the license is issued by the Department of Revenue the applicant shall also pay an additional fee of ten cents for the issuing, recording, and reporting said license to the Department of Revenue and remitting fees and fines to the State Treasurer through the Department of Revenue. The county treasurers of the several counties of this Commonwealth shall be agents of the Commonwealth for the collection of said license fees; unless and until the Department of Revenue shall determine, with the approval of the Governor, to issue all of said licenses directly, and, for services rendered in collecting and paying over the same, the said agents shall be allowed to retain the sum of ten cents from the amount paid by each licensee, which amount shall be paid into the county treasury, except that said county treasurers may retain out of said fees amounts necessary to reimburse them for any expenses, including the compensation of necessary employes, incurred in the collection and transmission of money for the Commonwealth under the provisions of this act: Provided, however, That the number and compensation of such employes shall have been approved by the Department of Revenue. County Treasurers shall also be entitled to retain out of fees heretofore received hereunder amounts heretofore actually expended for the payment of expenses, including the compensation of employes actually incurred in the collection and transmission of money under the provisions of this act. Except as hereinbefore provided all fees heretofore retained under the provisions of this act shall be paid into the respective county treasuries.

Except also that blind persons owning seeing-eye dogs which are used for the purposes of leading and directing blind persons, upon furnishing a statement showing the need for the use of such dog, shall not be required to pay the license fee herein required and licenses shall be issued to such blind persons for seeing-eye dogs, free of all charges.

It shall be unlawful for any person to make any false statements or misrepresentations in procuring any such free license, and upon summary conviction before any alderman, justice of the peace or magistrate for a violation of this provision, shall be sentenced to pay a fine of ten dollars and costs of prosecution, or undergo imprisonment for not more than thirty days.

Section 2. Section thirty of the said act, as last amended by the act, approved the twenty-second day of May, one thousand nine hundred thirty-five (Pamphlet Laws, two hundred nineteen), is hereby further amended to read as follows:

Section 30. No payment shall be made for any item which has already been paid by the owner of the dog or dogs doing the injury. The fact that no such payment has been made shall be certified by the appraiser.

When any payment is made by the State for any live stock, including poultry or domestic game birds, injured by a dog, and live stock dying from or killed because of rabies, such payment shall not exceed one hundred dollars for each horse or mule; sixty dollars for each head of unregistered cattle; one hundred dollars for each head of registered cattle; ten dollars for each head of unregistered swine, sheep, or goats; twenty dollars for each head of registered swine, sheep, or goats; [three] four dollars for each full-grown goose; [three] four dollars for

each full-grown turkey or wild turkey; and one dollar *and fifty cents* for each head of other poultry; domestic game birds, or domesticated hare or rabbit; *and four dollars for each head of pedigreed-wingbanded or Record of Performance wingbanded poultry.* All appraisals under this act shall be at the actual value of the live stock, including poultry or domestic game birds, killed or injured.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, May 26, 1943.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 390, Printer's No. 724, entitled "An act to further amend section three and section thirty of the act, approved the eleventh day of May, one thousand nine hundred twenty-one (Pamphlet Laws, five hundred twenty-two), entitled, as amended 'An act relating to dogs, and the protection of live stock, poultry, and game birds raised in captivity from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock, poultry, and game birds by dogs, and for live stock killed by, or dying from, rabies, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes, directing the payment of all moneys collected into the State Treasury; and providing penalties,' by providing for the issuing of free licenses for seeing-eye dogs; providing additional penalties; and by increasing the amount of certain payments to be made by the Commonwealth for damage caused by dogs or rabies."

This bill would further amend Section 3 and Section 30 of the Act of May 11, 1921, P. L. 522, known as the "Dog Law of 1921", by providing for the issuing of free licenses for seeing-eye dogs, providing additional penalties and by increasing the amount of certain payments to be made by the Commonwealth for damage caused by dogs or rabies.

The name "Seeing-Eye Dog" is protected by copyright by an organization located in Morristown, New Jersey. There are other dogs which perform the same functions for the blind as the seeing-eye dogs, and these dogs are known as "Leaders", "Panthers", and "Dogs trained by the Hazel Hurst Foundation in California." We know of no reason why the owners of seeing-eye dogs should be preferred over the owners of other dogs similarly trained, or why the owners of other dogs similarly trained should be discriminated against. No doubt many blind persons have trained their own dogs to act as guides, and these owners should also be included in any bill similar to this one. The bill thus establishes a discriminatory status in favor of a commercial operation incident to the relief of the blind.

The bill also fails to provide a method or basis by means of which county treasurers may ascertain whether an applicant for a free license is the owner of a seeing-eye dog.

For these reasons the bill is not approved.

EDWARD MARTIN

No. 9

AN ACT

To further amend subsection (a) of section four of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws, two thousand forty-five), entitled "An act relating to the support of indigent persons publicly cared for or assisted; providing for the support of such persons by certain relatives, and for the recovery of public moneys expended for care and assistance from the property and estates of such persons; providing for guardians of the person and property of such persons; providing for the arrest and seizure and sale of the property of deserters; and providing procedure," providing for the divestiture of judgments obtained thereunder by county commissioners' sales heretofore or hereafter made.

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

Section 1. Subsection (a) of section four of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws, two thousand forty-five), entitled "An act relating to the support of indigent persons publicly cared for or assisted; providing for the support of such persons by certain relatives, and for the recovery of public moneys expended for care and assistance from the property and estates of such persons; providing for guardians of the person and property of such persons; providing for the arrest and seizure and sale of the property of deserters; and providing procedure," as amended by the act, approved the ninth day of June, one thousand nine hundred thirty-nine (Pamphlet Laws, three hundred ten), is hereby further amended to read as follows:

Section 4. Property of Indigent Persons Liable for Expenses Incurred for Support and Assistance.—(a) The real and personal property of any indigent persons shall be liable for the expenses of his support, maintenance, assistance and burial, incurred by any public body or public agency, if such property was owned during the time such expenses were incurred, or if the right to ownership of such property existed or was acquired during the time such expenses were incurred. Any public body or public agency may sue for moneys so expended, and any judgment obtained shall be a lien upon the real estate of such indigent person, and be collected as other judgments, except as to the real and personal property comprising the home and furnishings of such indigent person, which home shall be subject to the lien of such judgment but shall not be subject to execution on such judgment during the lifetime of the indigent person, surviving spouse, or dependent children. *Any judgment so obtained shall be divested by a sale of the property bound thereby, heretofore or hereafter made*

by the county commissioners in any case where the property has been purchased by the county at tax sale.

Section 2. This act shall become effective immediately upon final enactment.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, May 27, 1943.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 72, Printer's No. 684, entitled "An act to further amend subsection (a) of section four of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws, 2045), entitled 'An act relating to the support of indigent persons publicly cared for or assisted; providing for the support of such persons by certain relatives, and for the recovery of public moneys expended for care and assistance from the property and estates of such persons; providing for guardians of the person and property of such persons; providing for the arrest and seizure and sale of the property of deserters; and providing procedure,' providing for the divestiture of judgments obtained thereunder by county commissioners sales heretofore or hereafter made."

At present under Section 4 of the Act of May 29, 1931, P. L. 280, as amended, liens in favor of the Commonwealth are given priority to local tax liens. In *Engle's Estate*, 344 Pa. 535, the court held that Commonwealth judgments based on reimbursement agreements with confessions of judgments were liens against the real estate of a decedent and upon the sale of decedent's real estate for payment of debts were a lien on the land and should be paid before preferred or general creditors. Judgments of the Commonwealth of Pennsylvania, Department of Public Assistance, are thus declared to be liens of the Commonwealth, and as such are entitled to priority under Section 4 of the Act of May 29, 1931, P. L. 280, as amended. The Commonwealth also contends that its judgments are not divested by county commissioners' sales.

The reimbursement program of the Department of Public Assistance, Commonwealth of Pennsylvania, would be considerably hampered and jeopardized since by this bill, the Commonwealth would lose its liens or a considerable proportion of the 80,000 judgments presently of record against recipients of public assistance and on which the Commonwealth estimates that there will be a return of at least \$24,000,000.

For these reasons the bill is not approved.

EDWARD MARTIN

AN ACT

To further amend the first paragraph of section five hundred three of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by requiring cash payment of certain refunds due from the Commonwealth, and making an appropriation to the Board of Finance and Revenue for such purposes.

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

Section 1. The first paragraph of section five hundred three of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of money erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," as amended by the act, approved the fifth day of August, one thousand nine hundred forty-one (Pamphlet Laws, seven hundred ninety-seven), is hereby further amended to read as follows:

Section 503. Refunds of State Taxes, License Fees, Et Cetera.—The Board of Finance and Revenue shall have the power, and its duty shall be,

(a) To hear and determine any petition for the refund of taxes, license fees, penalties, fines, bonus, or other moneys paid to the Commonwealth and to which the Commonwealth is not rightfully or equitably entitled, and, upon the allowance of any such petition to refund such taxes, license fees, penalties, fines, bonus, or other moneys [out of any appropriation or appropriations made for the purpose, or to credit the account of the person, association, corporation, body politic, or public officer entitled to the refund].

Such refund shall be in the form of a cash payment of the amount found to be due the petitioner, unless the petitioner has an open account with the Commonwealth and requests a credit refund, in which event the petitioner's account shall be credited with the amount of the refund: Provided, however, That the provisions of this section shall not be deemed to deprive the Commonwealth of its right of set-off in any case. All such petitions must be filed with the board within two years of the payment of which refund is requested, except

Section 2. So much of the moneys in the General Fund as may be necessary for the payment of refunds and remissions under the aforesaid section five hundred three are hereby specifically appropriated to the Board of Finance and Revenue to be used for such purposes.

Section 3. The provisions of this act shall become effective immediately upon final enactment.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, May 27, 1943.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 936, Printer's No. 545, entitled "An act to further amend the first paragraph of section five hundred three of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, three hundred forty-three), entitled 'An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or

creditor of the Commonwealth,' by requiring cash payment of certain refunds due from the Commonwealth, and making an appropriation to the Board of Finance and Revenue for such purposes.'"

This bill would amend Section 503 of the Act of April 9, 1929, P. L. 343, otherwise known as The Fiscal Code of the Commonwealth of Pennsylvania, by requiring that refunds, authorized by the Board of Finance and Revenue, shall be made in cash unless the petitioner has an open account with the Commonwealth and requests a credit refund. The bill would allow the Commonwealth its right of set-off in any case where a cash refund would be requested.

Under the present law, the Board of Finance and Revenue makes cash refunds of taxes, license fees, penalties, fines and other moneys paid to the Commonwealth and to which the Commonwealth is not rightfully or equitably entitled, in all cases where a specific appropriation has been made to the Board, out of which payment of the refund can be made. Up to and including the biennium ending May 31, 1943, no appropriation had been made to the Board of Finance and Revenue for the purpose of making cash refunds of either State personal property or corporate taxes.

As the State personal property tax has been abolished in accordance with the tax reduction program recommended in my message to the Legislature, it became expedient and desirable to provide for the making of personal property tax refunds in cash, inasmuch as the majority of these taxpayers no longer have an open account with the Commonwealth. Provision was, therefore, made in the budget, covering the ensuing biennium, for cash refunds of personal property taxes.

No appropriation, however, has been requested, nor has one been made, for the refunding in cash of corporate taxes overpaid to the Commonwealth. The making of such refunds in the form of credits has proved to be both practicable and satisfactory in the past. To give to a corporate taxpayer, however, the right to demand a refund in cash or in the form of a credit, as this bill would provide, would disrupt and jeopardize the orderly system established for the settlement, collection and revision of corporate taxes. From a practical standpoint, therefore, the bill is not only undesirable but also meaningless in that there is no appropriation out of which refunds of corporate taxes could be made.

For these reasons the bill is not approved.

EDWARD MARTIN

No. 11

AN ACT

To amend clause (d) of section six hundred two and one-tenth of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special

or local, or any parts thereof, that are or may be inconsistent therewith," further regulating the power of directors of school districts in the sale of unused and unnecessary lands and buildings.

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

Section 1. Clause (d) of section six hundred two and one-tenth of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," which was added to said act, by the act approved the eleventh day of May, one thousand nine hundred and thirty-nine (Pamphlet Laws, one hundred seventeen), is hereby amended to read as follows:

Section 602.1. The board of school directors of any district is hereby vested with the necessary power and authority to sell unused and unnecessary lands and buildings, by any of the following methods and subject to the following provisions:

* * * * *

(d) The board of school directors may, at their discretion, when selling property as authorized in (a), (b), and (c), sell and convey said properties to the purchasers for the accepted consideration, payable partly in cash and partly in the form of a purchase money mortgage [(and bond)] to be [paid in not more than five years from the date thereof] *reduced five per cent per annum*, and bearing interest at [the rate of not less than five per centum] *a rate to be determined by the board of school directors*; said mortgage and bond to contain the customary provisions having to do with fire insurance and the payment of taxes, water rents, and assessments by the mortgagor and obligor.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, May 28, 1943.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 575, Printer's No. 349, entitled "An act to amend clause (d) of section six hundred two and one-tenth of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred nine), entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith,' further regulating the power of directors of school districts in the sale of unused and unnecessary lands and buildings."

This bill further amends Section 602.1 of the Act of May 18, 1911, P. L. 309, more commonly known as the School Code, by authorizing

the directors of a school district in selling unused and unnecessary lands and buildings to accept consideration payable partly in cash and partly in the form of a purchase money mortgage which is to be reduced five per centum annually and bearing interest at a rate to be determined by the board of school directors. In addition, it eliminates the necessity of a purchaser furnishing a mortgage bond.

Under the present law, such a purchase mortgage must not only be accompanied by a bond, but it must contain a provision for the payment of the principal indebtedness within five years from the execution thereof and it is required to bear interest at the rate of not less than five per centum.

The Department of Public Instruction does not approve the bill because it seriously questions the wisdom of making the maturity date a mortgage obligation due to a school for a period of twenty years instead of five years. In addition, it is apparent that it is desirable to retain the present provisions of the School Code, which require that a mortgage bond be given to accompany the mortgage. Further, the bill contains authority for the members of a school board in accepting a mortgage to fix the interest rate without any limitation such as presently exists, which requires that the minimum interest rate be five per centum. The removal of this limitation could result in abuse of authority by some school boards.

For these reasons the bill is not approved.

EDWARD MARTIN

No. 12

AN ACT

Authorizing the Department of Public Instruction, with the approval of the Board of Trustees of the Kutztown State Teachers College, to contract with the Borough of Kutztown for the right to connect the said college with the borough sewer system, and the payment of a part of the cost of construction of such sewer system; and making an appropriation.

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

Section 1. The Department of Public Instruction, with the approval of the Board of Trustees of Kutztown State Teachers College, is hereby authorized to enter into a contract with the Borough of Kutztown, Berks County, for the future right to connect the buildings of the said teachers college to the sewer system of the said Borough of Kutztown, if and when the said Board of Trustees deem is desirable, and for the immediate payment by the Commonwealth of a proportionate part of the cost of construction of such sewer system, based on the foot front assessment against the land of the said teachers college bordering on the streets along which the sewer mains are laid.

Section 2. The sum of one thousand seven hundred ninety-eight dollars and forty cents (\$1798.40) is hereby appropriated to the Department of Public Instruction for the payment of the Commonwealth's share of the cost of the construction of such sewer system.

Section 3. The provisions of this act shall become effective immediately upon final enactment.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, May 28, 1943.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 551, Printer's No. 407, entitled "An act authorizing the Department of Public Instruction, with the approval of the Board of Trustees of the Kutztown State Teachers College, to contract with the Borough of Kutztown for the right to connect the said college with the borough sewer system, and the payment of a part of the cost of construction of such sewer system; and making an appropriation."

This bill would authorize the Department of Public Instruction, with the approval of the Board of Trustees of the Kutztown State Teachers College, to contract with the Borough of Kutztown for the right to connect the college with the borough sewer system, and to pay part of the cost of the construction of the sewer system. The bill also provides an appropriation of \$1,798.40 for this purpose.

The Department of Public Instruction informs us that the teachers college in question has an adequate sewer plant, and that no commitments have been made with the borough with reference to the cost of the construction of the sewer system, as there does not appear any present necessity for the contract for which this bill makes provision. The department, however, takes cognizance of the fact a future need may develop for the provided facilities and offers no objection to the approval of the bill if funds are now available for the provided purposes.

The Office of the Budget Secretary has advised us, however, that no provisions were made in the budget for this item, and the small amount involved can be paid from the teachers college maintenance appropriation fund if ever there should develop a future need for the facilities in question.

For these reasons the bill is not approved.

EDWARD MARTIN

No. 13

AN ACT

To amend section one of the act, approved the second day of May, one thousand eight hundred ninety-nine (Pamphlet Laws, one hundred sixty-three), entitled "An act legalizing, and making it lawful to build, fences constructed in whole or in part of wire along the public highways, and as division fences," by authorizing the use of barbed wire and electric fences along highways; and conferring jurisdiction on the Pennsylvania Public Utility Commission with respect to electric fences.

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

Section 1. Section one of the act, approved the second day of May, one thousand eight hundred ninety-nine (Pamphlet Laws, one hundred sixty-three), entitled "An act legalizing, and making it lawful to build,

fences constructed in whole or in part of wire along the public highways, and as division fences," is hereby amended to read as follows:

Section 1. Be it enacted, &c.,* That it shall and is hereby declared to be lawful for any land owner within this Commonwealth to construct, build and maintain, along any of the highways of this Commonwealth, *electric fences or fences made in whole or in part of wire, with or without barbs*, subject at all times to such restrictions and prohibitions as may be imposed by the municipal authorities relative thereto.

Every electric fence, erected under the authority of this act, shall conform to and shall thereafter be maintained only in accordance with standards provided in rules and regulations adopted by the Pennsylvania Public Utility Commission for the protection of the public safety. The Pennsylvania Public Utility Commission shall have power on its own motion, after notice to all parties interested, and hearing thereon, to order the discontinuance of the use of electric energy in any such fence if in its judgment the same does not conform to the standards prescribed by its rules and regulations. Any person aggrieved by any such order of the commission may appeal therefrom in the same manner and within the same time as provided by law for appeals from orders of said commission.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, May 28, 1943.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 281, Printer's No. 753, entitled "An act to amend section one of the act, approved the second day of May, one thousand eight hundred ninety-nine (Pamphlet Laws, 163), entitled 'An act legalizing, and making it lawful to build, fences constructed in whole or in part of wire along the public highways, and as division fences,' by authorizing the use of barbed wire and electric fences along highways; and conferring jurisdiction on the Pennsylvania Public Utility Commission with respect to electric fences."

This bill would amend Section 1 of the Act of May 2, 1899, P. L. 163, by authorizing the use of barbed wire and electric fences along highways. By its terms, electric fences along highways could only be erected in accordance with standards provided in rules and regulations adopted by the Public Utility Commission. If these rules and regulations are violated the Public Utility Commission may order the discontinuance of the use of electric energy in the fence. If this be an enforcement provision, it is a very weak one. The Commission is given no power to assess penalties or compel the removal of such fence and it might require an army of State employes to see that the use of electric current was discontinued in fences which violate the rules and regulations of the Public Utility Commission, especially those fences charged with current from battery set-ups or home light plants. Thus it will be seen that the bill does not contain sufficient teeth to make this regulatory provision effective. Without enforceable rules and regulations electric fences should not be erected along public highways.

* "Et Cetera" in original.

The bill contains a conflict of authority. Section 1 states that electric fences shall be subject to "such restrictions and prohibitions as may be imposed by the municipal authorities"; also that "every electric fence . . . shall . . . be maintained only in accordance with standards provided in rules and regulations adopted by the Pennsylvania Public Utility Commission." Here we have a fertile breeding ground for contention and litigation, a situation which perhaps renders nugatory all attempted regulations in the bill. The bill carries no provision for the enforcement of rules and regulations which might be adopted by supervisors of second class townships where most electric fences would be erected. If over 1,500 second class townships in the Commonwealth adopted restrictions and prohibitions about electric fences, we might have a result which would be very confusing from a State-wide standpoint.

To place fences, owned privately, under the jurisdiction of the Public Utility Commission, would open a wide field of utility regulation. The jurisdiction of that body is over public utilities and the owner of a fence does not fall in such category. The regulation of electric fences along highways should be vested in the proper authorities of the various political subdivisions of the Commonwealth, police authorities or those responsible for public highways, and such authority, wherever vested, should be clothed with power to make a proper regulatory statute effective.

This matter should receive further and more careful consideration from the Legislature as statutory regulation is warranted. No matter what might be said about our desire to aid the farmers of Pennsylvania, especially in these days when material and labor are scarce, the bill contains so many defects that it cannot possibly be beneficial to the farmers and highway users of the Commonwealth.

For these reasons the bill is not approved.

EDWARD MARTIN

No. 14

AN ACT

Making an appropriation to the George Jr. Republic Association, Grove City, Pennsylvania.

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

Section 1. The sum of ten thousand dollars (\$10,000) is hereby specifically appropriated to the George Jr. Republic Association, Grove City, Pennsylvania, for the two fiscal years beginning June first, one thousand nine hundred forty-three, for the purpose of necessary apparatus, supplies and equipment, and for the making of needed repairs to the buildings used by the school.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 1, 1943.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 1110, Printer's No. 624, entitled "An act making an appropriation to the George Jr. Republic Association, Grove City, Pennsylvania."

This bill would make an appropriation of \$10,000 to the George Jr. Republic Association of Grove City for the purchase of necessary apparatus, supplies and equipment, and for the making of needed repairs to the buildings used by the school.

I have already approved House Bill No. 1106 which contains an appropriation of \$8,000 to this association for maintenance as compared to an appropriation of \$4,600 received by this association from the 1941 Session of the General Assembly (see Act No. 75-A, 1941 Appropriation Acts, page 105). The additional grant made by House Bill No. 1106 will enable the association to utilize other funds for the purposes contemplated by this bill.

For this reason the bill is not approved.

EDWARD MARTIN

No. 15

AN ACT

Authorizing the Department of Property and Supplies to acquire by gift from the Pennsylvania State College, on behalf of the Commonwealth of Pennsylvania, that certain tract of land in Northumberland Borough, County of Northumberland, upon which is located the home of Joseph Priestly, and now the property of the Pennsylvania State College, providing for the control, management and maintenance thereof by the said department and the Pennsylvania Historical Commission, authorizing the Pennsylvania Historical Commission to accept in trust from the American Chemical Society and other interested societies or individuals such moneys as they may see fit to present to the Commonwealth to assist in the maintenance and development of this property as a permanent memorial, authorizing the Pennsylvania Historical Commission to accept as gifts or loans such books, manuscripts, pamphlets, relics and furniture as interested societies or individuals may provide for the permanent utilization of the property as a museum of science; and making an appropriation.

Whereas, Joseph Priestly, a great scientist and humanitarian, was one of the most distinguished citizens of the Commonwealth of Pennsylvania, and

Whereas, His writings and experiments in the field of chemistry and electricity, and particularly his discovery of oxygen, contributed greatly to the scientific and industrial progress of Pennsylvania and the whole world, and

Whereas, His former home in the Borough of Northumberland is accordingly a shrine of international interest, and

Whereas, The Pennsylvania State College acquired this property in 1919 and has since maintained it, and

Whereas, The Pennsylvania State College has indicated a desire to transfer this shrine to the Commonwealth of Pennsylvania for preservation and maintenance as a permanent memorial, therefore

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

Section 1. The Department of Property and Supplies is hereby authorized to acquire by gift from the Pennsylvania State College on behalf of the Commonwealth of Pennsylvania that certain tract of land in Northumberland Borough, County of Northumberland, upon which is located the home of Joseph Priestly, and now the property of the Pennsylvania State College. The Pennsylvania State College may convey said property, subject to the terms of any lease held on said property by any person at the time of such conveyance, and the Secretary of Property and Supplies, after said property is acquired, shall have the power to rent to individuals, firms or corporations such property or any part thereof upon such terms and conditions as he may prescribe with the approval of the Pennsylvania Historical Commission in writing.

Section 2. The Pennsylvania Historical Commission, after said property is acquired, is hereby authorized to control, manage and maintain said property in accordance with powers vested in it by law, as a permanent memorial museum and historic shrine.

Section 3. The Pennsylvania Historical Commission is hereby authorized to cooperate and consult with an advisory board consisting of five members appointed by the Governor for terms of three years, and including representatives of the American Chemical Society, concerning such plans as shall be considered for the development of the property as a memorial to science.

Section 4. The Pennsylvania Historical Commission is hereby authorized to accept in trust as provided by law from the American Chemical Society, and other interested societies or individuals, such moneys as they may see fit to present to the Commonwealth to assist in the maintenance and development of this property as a permanent Priestly memorial.

Section 5. The Pennsylvania Historical Commission is hereby authorized to accept as gifts or loans as provided by law such books, manuscripts, pamphlets, relics, scientific apparatus or furniture as interested societies or individuals may provide, for the permanent utilization and development of the property as a museum and library of the history of science as well as a memorial to Joseph Priestly.

Section 6. The sum of three thousand dollars (\$3,000) or so much thereof as may be necessary, is hereby specifically appropriated to the Pennsylvania Historical Commission for the suitable maintenance and development of said property during the biennium beginning June first, one thousand nine hundred forty-three. Payment from such appropriation shall be made upon requisition in the manner provided by law.

Section 7. The provisions of this act shall become effective immediately upon final enactment.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 1, 1943.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objection, Senate Bill No. 350, Printer's No. 438, entitled "An act authorizing the Department of Property and Supplies to acquire by gift from the Pennsylvania State College, on behalf of the Commonwealth of Pennsylvania, that certain tract of land in Northumberland Borough, County of Northumberland, upon which is located the home of Joseph Priestly, and now the property of the Pennsylvania State College, providing for the control, management and maintenance thereof by the said department and the Pennsylvania Historical Commission, authorizing the Pennsylvania Historical Commission to accept in trust from the American Chemical Society and other interested societies or individuals such moneys as they may see fit to present to the Commonwealth to assist in the maintenance and development of this property as a permanent memorial, authorizing the Pennsylvania Historical Commission to accept as gifts or loans such books, manuscripts, pamphlets, relics and furniture as interested societies or individuals may provide for the permanent utilization of the property as a museum of science; and making an appropriation."

This bill would authorize the acquisition by gift of the Joseph Priestly home in Northumberland Borough, Northumberland County, by the Pennsylvania Historical Commission, from the Pennsylvania State College, and also would authorize the commission to accept in trust from the American Chemical Society and other interested societies or individuals such donations as they might make to the Commonwealth to assist in the maintenance and development of this property as a permanent memorial. The bill also would authorize the Pennsylvania Historical Commission to accept as gifts or loans such books, manuscripts, pamphlets, relics and furniture as interested societies or individuals might provide for the permanent utilization of the property as a museum of science. In addition, the bill would make an appropriation of \$3,000 for maintenance and development of the property.

This item was not included in the budget, and the condition of State revenue does not warrant the taking over at this time of additional historical sites to be maintained by the Commonwealth.

For this reason the bill is not approved.

EDWARD MARTIN

No. 16

AN ACT

Making an appropriation to the Monongahela Memorial Hospital Association, of Monongahela City, Pennsylvania.

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

Section 1. The sum of ten thousand dollars (\$10,000) or as much thereof as may be necessary, is hereby appropriated to the Monongahela

Memorial Hospital Association, of Monongahela, Pennsylvania, for the purpose of rebuilding and reequipping the laundry of said hospital, which was destroyed by fire on September twelfth one thousand nine hundred and forty-two, and against which the Commonwealth had a lien as provided for under the provisions of the act approved the ninth day of June, one thousand nine hundred and eleven (Pamphlet Laws, seven hundred thirty-six), entitled "An act making appropriations to institutions not wholly managed by the Commonwealth of Pennsylvania; liens on the premises of such institutions for the use of the Commonwealth, and providing for the collection thereof," which lien has been or is intended to be paid off out of the proceeds of fire insurance carried on said laundry by the hospital association in favor of the Commonwealth. The money hereby appropriated shall be paid over in accordance with law upon the payment and satisfaction of said existing lien and the entry of a new lien therefor in accordance with said act of Assembly.

Section 2. The provisions of this act shall become effective immediately upon final enactment.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 1, 1943.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 25, Printer's No. 190, entitled "An act making an appropriation to the Monongahela Memorial Hospital Association, of Monongahela City, Pennsylvania."

This bill would make an appropriation of \$10,000 to the Monongahela Memorial Hospital Association of Monongahela City, Pennsylvania, for the purpose of rebuilding and reequipping the laundry of the hospital which was destroyed by fire on September 12, 1942, and against which the Commonwealth had a lien under the provisions of the Act of June 9, 1911, P. L. 736. The appropriation would be available as soon as the lien of the Commonwealth is satisfied by the proceeds from the insurance carried on the laundry building destroyed by the fire.

On December 9, 1942, the Department of Justice issued Formal Opinion No. 443, addressed to the Department of Welfare, advising that the proceeds received from the insurance carrier as a result of the fire at this institution were required by existing law to be paid into the State Treasury in satisfaction of the lien the Commonwealth had on the laundry building. Subsequently the General Assembly enacted Senate Bill No. 24 which made the proceeds received under the above circumstances available for the reconstruction of the property destroyed by fire. I approve Senate Bill No. 24 under date of March 8, 1943, so that the insurance proceeds which accrued to the Commonwealth as the result of the fire are now available for the reconstruction of the laundry building. Under these circumstances the appropriation made by this bill is unnecessary.

For these reasons the bill is not approved.

EDWARD MARTIN

AN ACT

Providing for the payment of moneys to school districts of the fourth class, the taxes of which have been reduced by the acquisition of certain lands and property by the Commonwealth.

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

Section 1. In all cases where the Commonwealth has at any time, since the first day of June one thousand nine hundred and eight, acquired any lands or property within the limits of any school district of the fourth class for use in connection with any educational, welfare or penal institution, and the amount of property within the school district, taxable for school purposes, has thereby been reduced and no provision has heretofore been made for reimbursing the school district, either in whole or in part, for the loss of such revenue, the board of school directors of any such school district shall, immediately after the effective date of this act, certify to the Auditor General and the Department of Public Instruction the assessed valuation of such lands and property at the time of such acquisition.

Section 2. After the effective date of this act the board of school directors shall from year to year, at the time of its annual levy of taxes for school purpose, certify to the Auditor General and Department of Public Instruction the rate of its levy for the next school year. Thereupon the Department of Public Instruction shall ascertain the amount of taxes which would have been collected upon the assessed valuation, certified as hereinbefore provided, at the rate of the levy so certified. Upon the ascertainment of such amount the same shall be paid by the Commonwealth from time to time from the general fund.

Section 3. This act is intended to make provision for payments by the Commonwealth to school districts in addition to all other payments now provided for by law, and shall not be construed to repeal or in anywise affect any other law making such provision.

Section 4. The provisions of this act shall become effective immediately upon final enactment.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 1, 1943.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 26, Printer's No. 416, entitled "An act providing for the payment of moneys to school districts of the fourth class, the taxes of which have been reduced by the acquisition of certain lands and property by the Commonwealth."

This bill provides that the Commonwealth shall annually reimburse fourth class school districts for the taxes on lands which have been acquired by the Commonwealth since June 1, 1908, for any educational, welfare, or penal institution, and have, therefore, been made untaxable.

It is also provided that the amount of reimbursement shall be annually determined by applying the tax rate of the district to the assessed value of the lands at the time they were acquired by the Commonwealth. The bill further provides the manner by which the reimburse-

ments due the various school districts are to be reported, and that the reimbursements provided for in this bill are to be paid from the General Fund.

Much can be said for the purpose of the bill, but the Office of the Budget Secretary advises that no appropriation was made in the budget for the provided reimbursements. Moreover, as pointed out by the Budget Secretary, the Department of Public Instruction can render financial aid to handicapped school districts and can give more consideration to those school districts which are financially distressed because of the fact that the Commonwealth has deprived them of some of their taxes by taking land for educational, welfare, or penal institutional use. If this bill were to be approved, it is obvious that a large deficiency would result because no funds were provided by the Legislature.

For these reasons the bill is not approved.

EDWARD MARTIN

No. 18

AN ACT

Relating to vocational rehabilitation; accepting the provisions and benefits of the act of Congress approved the second day of June, one thousand nine hundred and twenty, entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," providing for the rehabilitation of persons disabled in industry and their return to civil employment; imposing duties upon the Bureau of Rehabilitation, the Department of Labor and Industry and the State Treasurer.

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

Section 1. For the purpose of this act the term "persons disabled" shall be construed to mean any person who by reason of a physical defect or infirmity acquired in industry by accident, injury or disease, is or may be expected to be totally or partially incapacitated for remunerative occupation; the term "rehabilitation" shall be construed to mean the rendering of a person disabled fit to engage in a remunerative occupation.

Section 2. The Commonwealth of Pennsylvania does hereby accept the provisions and benefits of the act of Congress, entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June second, one thousand nine hundred and twenty, and will observe and comply with all requirements of such act.

Section 3. The State Treasurer is hereby designated and appointed custodian of all moneys received by the Commonwealth from appropriations made by the Congress of the United States for the vocational rehabilitation of persons disabled in industry, and is authorized to receive and provide for the proper custody of the same, and to make disbursements therefrom upon the order of the Bureau of Rehabilitation of the Department of Labor and Industry and warrant of the Auditor General.

Section 4. The Bureau of Rehabilitation in the Department of Labor and Industry is hereby designated as the State Board for the purpose of cooperating with the Federal Board for Vocational Education in carrying out the provisions and purposes of said federal act providing for the vocational rehabilitation of persons disabled in industry, and is empowered and directed to cooperate with said Federal Board in the administration of said act of Congress, to prescribe such courses of vocational training as may be necessary for the vocational rehabilitation of persons disabled in industry, and provide for the supervision of such training, and to direct the disbursement and administer the use of all funds provided by the Federal Government for the use of this State for the vocational rehabilitation of such persons.

Section 5. It shall be the duty of the Bureau of Rehabilitation of the Department of Labor and Industry of this Commonwealth to formulate a plan of cooperation in accordance with the provisions of this act and said act of Congress. Such plan shall become effective when approved by the Governor of the Commonwealth.

Section 6. The Bureau of Rehabilitation shall appoint a competent agent, who shall, under its direction and control, plan and supervise the work of rehabilitation in order that it shall meet the requirements of the federal act for the rehabilitation of persons disabled in industry. When such work in rehabilitation has been approved by the Bureau of Rehabilitation such bureau shall reimburse the Department of Labor and Industry from federal funds available for rehabilitation in so far as such administration meets the provisions of the federal act.

Section 7. It shall be the duty of the Chief of the Bureau of Rehabilitation to direct as hereinafter provided, and subject to the supervision provided in section six of this act, the rehabilitation of any persons disabled in industry or in any legitimate occupation, and their return to civil employment: Provided, That said duty of the chief of the bureau shall not be construed to apply to aged or helpless persons requiring permanent custodial care, or to blind or deaf persons under the care of any State or semi-State institution, or to any epileptic or feeble-minded person, or to any person who may not be susceptible to such rehabilitation.

Section 8. The Chief of the Bureau of Rehabilitation shall have power, with the approval of the Secretary of the Department of Labor and Industry.

(a) To establish relations with all public and private hospitals; to require prompt and complete reports of any disabled persons under treatment in such hospitals. The persons thus reported may be promptly visited by representatives of the Bureau of Rehabilitation, who shall make record of their condition and report to the chief of the bureau, who shall then determine whether the person is susceptible to rehabilitation. Such persons as may be found susceptible shall be acquainted by the chief of the bureau with the rehabilitation facilities offered by the State and the benefits of entering upon remunerative work at an early date. Any disabled person who chooses to take advantage of these rehabilitation facilities shall be registered with the chief of the bureau, and a report kept of every such person, and the measures taken for his or her rehabilitation. The chief of the bureau shall proffer to any such person counsel regarding the selection of a suitable occupation and of an appropriate course of training, and shall initiate definite

plans for beginning rehabilitation as soon as the physical condition of the person permits;

(b) To receive applications of any disabled persons for advice and assistance regarding their rehabilitation. The persons thus known to be disabled may be visited, examined and advised in the same manner and for the same purposes as specified in clause (a) of this section;

(c) To make a survey to ascertain the number and condition of disabled persons within the Commonwealth. The persons thus known to be disabled may be visited, examined, registered and advised in the same manner and for the same purpose as specified in clause (a) of this section;

(d) To arrange with the Superintendent of Public Instruction for training courses in the public schools in the Commonwealth in selecting occupations for disabled persons registered with the chief of the bureau;

(e) To arrange with any educational institution for training courses in selected occupations for disabled persons registered with the chief of the bureau;

(f) To arrange with any public or private organization, or commercial, industrial or agricultural establishment for training courses in selected occupations for disabled persons registered with the chief of the bureau;

(g) To arrange for social service for the visiting of disabled persons registered with the chief of the bureau, and of their families in their homes during the period of training, and after its completion to give advice regarding any matter that may affect rehabilitation;

(h) To make such studies and reports as may be helpful for the operation of this act;

(i) To cooperate with any department of the Federal Government, of the Government of this Commonwealth or with any private agency in the operation of this act.

Section 9. The Department of Labor and Industry, through the Bureau of Rehabilitation, shall have general supervision, management and direction of all matters within the provisions of this act, except that when the Bureau of Rehabilitation discovers disabled persons entitled to receive assistance or training under the provisions of this act, who desire to go into public educational institutions or classes or institutions of higher education in Pennsylvania, the names of such persons shall be certified to the State Board of Education, and when such persons enter these institutions or classes to receive training, such training shall be under the direct supervision and control of the State Board of Education.

Section 10. This act does not repeal or affect any of the provisions of the act approved the eighteenth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, one thousand forty-five), entitled "An act providing for the establishment of a Bureau of Rehabilitation in the Department of Labor and Industry, and conferring upon the Commissioner of Labor and Industry the power to supervise and direct the rendering of certain physically handicapped persons fit to engage in remunerative occupations, providing for the appointment of a chief of the bureau, subordinate officers and employes, and furnishing suitable accommodations; and making an appropriation."

Section 11. This act shall be in effect and operative so long as there are funds available for the use of this Commonwealth from appropriations made by the Congress of the United States, in pursuance of the act of Congress referred to in section two of this act, or similar systems, and no longer.

Section 12. The Secretary of the Commonwealth is hereby directed to forward a certified copy of this act to the Federal Board of Vocational Education.

Section 13. The act approved the second day of March, one thousand nine hundred and twenty-one (Pamphlet Laws, twelve), entitled "An act relating to vocational rehabilitation; accepting the provisions and benefits of the act of Congress approved the second day of June, one thousand nine hundred and twenty, entitled 'An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment,' providing for the rehabilitation of disabled persons and their return to civil employment, and providing for the cooperation of the State Board of Education and the Department of Labor and Industry in carrying out the provisions of this act," is hereby repealed in so far as it provides for the rehabilitation of persons disabled in industry.

All other acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 1, 1943.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 593, Printer's No. 434, entitled "An act relating to vocational rehabilitation; accepting the provisions and benefits of the act of Congress approved the second day of June, one thousand nine hundred and twenty, entitled 'An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment,' providing for the rehabilitation of persons disabled in industry and their return to civil employment; imposing duties upon the Bureau of Rehabilitation, the Department of Labor and Industry and the State Treasurer."

At present the rehabilitation program is administered under the Act of July 18, 1919, P. L. 1045, and the Act of March 2, 1921, P. L. 12. The latter act provided for the acceptance of the provisions of the benefits of the Act of Congress approved June 2, 1920, and the program was administered by the Bureau of Rehabilitation in the Department of Labor and Industry, the State Board for Vocational Education in the Department of Public Instruction, and the United States Office of Education of the Federal Security Administration.

I am informed that this bill would deprive the Commonwealth of Federal funds amounting to around \$400,000 for the next biennium, 1943-45. The present financial condition of the Commonwealth does not warrant the reduction in income from this source.

For these reasons the bill is not approved.

EDWARD MARTIN

AN ACT

To further amend section six hundred twenty-one of the act, approved the first day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, nine hundred five), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds," by permitting certain minors under eighteen years of age to operate certain commercial motor vehicles as paid operators for the duration of the present war and six months thereafter.

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

Section 1. Section six hundred twenty-one of the act, approved the first day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, nine hundred five), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds," as amended by the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, seven hundred fifty-one), is hereby further amended to read as follows:

Section 621. Unlawful for Person Under Eighteen (18) Years to Operate Motor Vehicle as a Paid Employee; *Exceptions*.—It shall be unlawful for any person under the age of [eighteen (18)] *seventeen (17)* years to operate a motor vehicle upon any highway as a paid employe, or *for any person under the age of eighteen (18) years, but not under the age of seventeen (17) years, to operate any motor vehicle, other than a commercial motor vehicle of the R or S class, upon any highway, as a paid employe; and it shall be unlawful for the duration*

of the present war and six months thereafter for any person to cause or permit any such operation. Before any person under the age of eighteen (18) years shall be issued an operator's license under the provisions of this section he shall furnish proof of his age satisfactory to the secretary.

Penalty.—Any person violating any of the provisions of this section shall, upon summary conviction before a magistrate, be sentenced to pay a fine of ten (\$10) dollars and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than five (5) days.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 3, 1943.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 592, Printer's No. 666, entitled "An act to further amend section six hundred twenty-one of the act, approved the first day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, nine hundred five), entitled 'An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds,' by permitting certain minors under eighteen years of age to operate certain commercial motor vehicles as paid operators for the duration of the present war and six months thereafter."

This bill would amend Section 621 of the Act of May 1, 1929, P. L. 905 (The Vehicle Code), as amended. However, it falls short of carrying out clearly the intention of its sponsor and its draftsman. The amendments of the bill make it unlawful for any person under the age of 17 years to operate a motor vehicle as a paid employe and also make it unlawful for any person under the age of 18 years, but not under the age of 17 years, to operate any motor vehicle, other than a commercial vehicle of the R or S class, as a paid employe.

Evidently the intention was to lower the age limit for paid operators of all motor vehicles to 17 years, except for those commercial motor vehicles having heavier weight classifications than the R and S class. Perhaps such meaning can be gotten from the foregoing amenda-

tory exceptions. Officials of the Department of Revenue, of which the Bureau of Motor Vehicles is a part, say they are unable to interpret the exceptions as stated in the bill. Most assuredly this portion of the bill is not good draftsmanship. It might prove troublesome to a court of record, and one shudders to think of the possible interpretations which might be made by the minor judiciary when hearing summary conviction cases for violations of this section.

The following amendatory provision of the bill is also objectionable:

“Before any person under the age of eighteen (18) years shall be issued an operator’s license under the provisions of this section he shall furnish proof of his age satisfactory to the secretary.”

The draftsman of the bill evidently thought that applications for paid operators’ licenses were made as such. This is error because operators’ licenses, whether for paid operators or not, are applied for and issued in the same manner. The paid operator feature of the law is purely a matter of enforcement. This amendment would place the burden on the Department of Revenue of inquiring of every applicant under the age of 18 years and over 16 years of age whether he expected to act as a paid operator. If he did, proof of his age would have to be furnished. To place the burden and expense on the Commonwealth of making the aforesaid inquiry on the many thousand applications received annually from persons who are 17 years of age makes the bill next to impossible. Had it been drawn properly, approval would have been readily given in view of the present manpower shortage.

For these reasons the bill is not approved.

EDWARD MARTIN

No. 20

AN ACT

To further amend section 2, to amend sections 3, 5 and 7, to add section 8.1, and to amend section 11 of the act, approved the twenty-first day of June, one thousand nine hundred thirty-nine (Pamphlet Laws, six hundred twenty-six), entitled “An act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class; creating and prescribing the powers and duties of a Board of Property Assessment, Appeals and Review; imposing duties on certain county and city officers; abolishing the board for the assessment and revision of taxes in such counties; and prescribing penalties,” by reducing the number of members of said board; further prescribing their powers and duties; fixing the qualifications and requiring examinations of employes of the board; and further regulating the making of assessments and valuations of real property.

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

Section 1. Section two of the act, approved the twenty-first day of June, one thousand nine hundred thirty-nine (Pamphlet Laws, six hundred twenty-six), entitled “An act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class; creating and prescribing the powers and duties of a Board of Property Assessment, Appeals and Review; imposing duties on certain county and city officers; abolishing the board for

the assessment and revision of taxes in such counties; and prescribing penalties," as amended in part by the act, approved the twenty-third day of May, one thousand nine hundred forty-one (Pamphlet Laws, forty-nine), is hereby further amended to read as follows:

Section 2. (a) The Board of Property Assessment, Appeals and Review shall consist of [seven] *three* members, who shall be citizens of this Commonwealth and all of whom shall have been residents of the county for at least ten years next prior to [his] *their* appointment, and [four] *each* of whom shall have not less than [five] *ten* years' practical experience as a registered real estate broker, [or real estate appraiser or assessor, one of whom shall have not less than five years' practical experience in securities transactions, necessitating a knowledge of the values of stock, bonds and other securities, one of whom shall have not less than five years' practical experience as a building construction engineer or civil engineer, and the seventh of whom shall have not less than five years' experience as a practicing attorney at law or registered real estate broker, or real estate appraiser or assessor] *next prior to his appointment and the last three years of which he shall have been actively engaged in the real estate business within the county.*

(b) The members of the board shall be appointed by the county commissioners.

(c) [The terms of the members first appointed shall begin on the first Monday of January, one thousand nine hundred and forty-two. Of such members first appointed three shall be appointed for terms of six years, two shall be appointed for terms of five years; and the two remaining members shall be appointed for terms of four years. Thereafter all] *Of the three members of the board provided for by this section, one shall be appointed for a term of six years beginning the first day of January one thousand nine hundred and forty-six, one for a term of six years beginning the first day of January one thousand nine hundred and forty-seven, and one for a term of six years beginning the first day of January one thousand nine hundred and forty-eight, unless the present members of the board shall resign or are removed from office, in which event the new board of three members shall be appointed immediately, one of the members to serve for a period of six years, one to serve for a period of five years, and one to serve for a period of four years. In the event that any member or members of the existing board, appointed before the effective date of this act, shall have tendered his resignation, whether or not such resignation shall have been accepted, the office of such member or members shall be deemed to be vacant. If, due to such vacancies, at the time this amendment becomes effective there shall be one or more, but less than three members remaining in office, one, or two new members, as the case may be, shall be appointed under the provisions of this amendment for such of the aforesaid terms as will effectuate the expiration of the terms of each of the said three members, one following another separated by one year. Such board shall be considered a new board under the provisions of this amendment and such provisions shall be effective as to such board in so far as applicable. In all other cases appointments to fill vacancies, happening by the expiration of a term, shall be for terms of six years, [All] and appointments to fill vacancies happening in any manner other than by the expiration of a term shall be filled for the unexpired term only. In such case, whether or not the vacancy happens by the expiration of a*

term, the appointment shall be made subject to the same requirements as in the case of the member whose vacancy is to be filled.

(d) The board shall organize on the first Monday of January, one thousand nine hundred and forty-two and on the first Monday of January, every third year thereafter, or as soon after such days as possible, by electing one of its members as chairman and one as vice-chairman, who shall also serve as secretary of the board. [Both the chairman and the vice-chairman shall be members who have not less than five years' practical experience as registered real estate brokers or real estate appraisers or assessors.] *In the event the new board of three members is appointed or created as hereinbefore provided before the expiration of the term of the present board the new board shall organize immediately upon its appointment by electing one of its members as chairman and one as secretary.* Each member of the board shall give bond in [such amount] *the amount of ten thousand dollars (\$10,000)*, and with surety or sureties as the county commissioners shall approve, conditioned for the faithful performance of his duties as a member of the board. The chairman of the board shall receive an annual salary of eight thousand dollars (\$8,000); the [vice-chairman] *secretary* shall receive an annual salary of [seven thousand dollars (\$7,000)] *seven thousand five hundred dollars (\$7,500)*; and [each of] the other [members] *member* shall receive an annual salary of [six thousand dollars (\$6,000)] *seven thousand five hundred dollars (\$7,500)*.

(e) All of the members of the board, as well as all persons employed by them under the provisions of this act, shall devote their entire time to the duties of their office or employment, and shall not hold any other [remuneration] *remunerative* [office or] position [nor be engaged in any other business] outside of his position as a member or employe of the board.

(f) *No board member shall be discharged for political reasons, and no board member shall be discharged until after a public hearing before the board of county commissioners. The charges against the board member shall be made known at the meeting, and it shall require a vote of two members of the county commissioners to discharge a member of the board.*

(g) *The members of the board shall meet with the board of county commissioners during the first week of March and the first week of November of each year for the purpose of discussing the operation of the assessment department, including a general check on the correctness and equality of assessments, the number of appeals, the total amount of assessment increase and decreases, and to make criticisms, suggestions and recommendations to improve the accuracy, efficiency and procedure of the assessment department.*

Section 2. Sections three, five and seven of said act are hereby amended to read as follows:

Section 3. The board [shall] *may* appoint to serve at its pleasure [such number of] *ninety-five* subordinate and *ten* special assessors and such number of clerks, stenographers and other employes as the board shall deem requisite. The salaries or compensation of all employes of the board shall be fixed by the salary board of the county and together with the salaries of the members of the board, shall be paid out of the county treasury. When acting on the salary or compensation of any employe of the board, the chairman of the board shall sit

as a member of the salary board and the salary of no employe of the board shall be increased or decreased unless the chairman of the board, or a member of the board designated by him, is present at such salary board meeting. The number of regularly employed subordinate and special assessors shall not exceed one hundred and five at any one time, and they shall be compensated in keeping with the great importance and responsibility of their duties, the minimum salary of each such employe to be at the rate of two hundred fifty dollars (\$250) per month. All persons appointed by the board shall be qualified according to standards, not inconsistent with the provisions of this act, adopted by the board and pursuant to such oral and written examinations as [the board shall prescribe] will determine their fitness for the position which they now hold, such examinations to be completed on or before September thirtieth one thousand nine hundred forty-three.

No persons employed by the board may, after September thirtieth one thousand nine hundred forty-three, exercise or be given authority to fix assessments or valuations until after they have passed with a grade of at least eighty (80) per centum of perfection a written examination to be given by the board and to be so prepared as to reveal the knowledge of values and the methods of determining them possessed by such persons, such examinations to cover thoroughly the field of real estate assessing and appraising.

All employes who are given authority to fix valuations or assessments after successfully passing the examination aforesaid shall be required once every three years thereafter to take and pass a similar written examination with a grade of at least eighty (80) per centum of perfection. Upon completion of the examinations the questions asked in the examination shall be advertised once in at least one but not more than two daily newspapers published in the county.

The board shall have the sole authority to appoint the employes of the board and shall, by majority vote, reject any [proposed employes] candidates or applicants for such employment who in the opinion of the board are not qualified according to the standards and provisions of this act, and pursuant to such oral or written examinations as the board shall prescribe. The board shall not appoint any officer of any political organization, and may if necessary advertise for competent employes. The board shall by majority vote promote, demote or discharge any employes in the department who, in the opinion of the majority of the board, are deserving of such promotion, demotion or discharge or who are not needed. No employe shall be discharged or demoted for political reasons, and when an employe is discharged or demoted the board must give to such employe the specific reason for such action in writing. No member of the Board of Property Assessment, Appeals and Review and no employe of the board shall be permitted to hold any political office or take active part in political campaigns or elections.

Section 5. The board shall establish and maintain in its office a register open to public inspection which shall show the present assessment of all property in the county both real and personal, and from time to time as the same are made, all additions thereto and changes thereof, together with the signature of all persons responsible for any changes in the assessment or valuation of any such property and the reasons for any such changes. Such register shall show by a simple geographical arrangement, prepared according to streets where there

are streets, and consecutive street numbers where there are street numbers, the assessed value of each lot, plot and building, in such a manner that the property owners may conveniently compare the assessed value of their land and buildings with the land and buildings in their neighborhood, and shall show on the outside front cover the name of the assessor responsible therefor.

Section 7. The board [may] shall divide the county into three districts, as nearly equal as possible in subjects of taxation, and [may] shall provide that triennial assessments shall be made each year after one thousand nine hundred forty-five, but for only one of such three districts during any one year. In order to inaugurate such system, a triennial assessment [may] shall be made for the first district which shall include any city or cities of the second class within the county during the year [immediately following one in which a triennial assessment was made for the county as a whole] one thousand nine hundred forty-four and a triennial assessment [may] shall be made for the second [district] and third districts during the [second year following one in which a triennial assessment was made for the county as a whole] year one thousand nine hundred forty-five.

Section 3. The said act is hereby amended by adding thereto after section 8 a new section to read as follows:

Section 8.1 (a) In arriving at an assessed valuation, the assessor shall be required to take into consideration three main factors, namely, sales and holding prices in the general neighborhood, reconstruction cost and actual or estimated income. When estimating assessment value based on reconstruction cost, due consideration must be given to depreciation and obsolescence. In estimating assessment value based on income, due consideration must be given to repairs, maintenance and reserve for replacement of equipment necessary for proper operation of the building. The assessor also shall make due allowance for forced sales and high holding prices. After having taken the three main factors into consideration the assessor is then required to exercise his best judgment as to what the true actual value of the property is at the time.

(b) To insure equality of assessments throughout the county, each assessor shall annually compare the assessed values in his territory with the assessed value of comparable properties in adjoining territories, and at the proper time make such adjustments in assessments as may be necessary to bring about the proper equalization of assessed values.

(c) Assessors shall keep up-to-date files of the sales of property which occur in their assessment territory, as well as all building permits issued in their territory, showing the cost given in such permits and the price paid for properties sold in their territory. The assessor shall submit to the board each month a copy of the sales and building permits which occur in his territory, which records shall be then bound into and kept as a permanent record by the board open to public inspection.

(d) In any case where it is found that certain properties anywhere in the county are assessed glaringly higher than other properties of equal or higher market value are assessed in any other section or sections of the county, such inequality of assessments shall be sufficient reason for the dismissal of the members of the board from office, and upon reasonable proof of such inequalities it shall be the duty of the

county commissioners to remove the members of the board from office within ninety (90) days after proof of such inequalities was brought to the attention of the county commissioners.

(e) In any case where after the expiration of one year from the effective date of this act it shall be found that irregularities exist in assessments within the territory of any assessor, or that any irregularities of assessment exist between the assessments in one territory and the assessments in adjoining territories, such inequalities, if not corrected after notice given to the assessor of the same, shall be considered sufficient reason for the dismissal of the assessor or assessors involved, and upon proof of such inequalities, notice given and failure to correct the same, it shall be the duty of the board to remove the assessor or assessors responsible therefor from office.

Section 4. Section eleven of said act is hereby amended to read as follows:

Section 11. When the triennial assessments shall be fixed, either for the whole county or in districts thereof, notice of that fact shall be given, by publication in at least two newspapers of general circulation in the county, of the time when appeals will be heard and a copy of the assessments made in boroughs and townships shall be placed in some public place in each such borough or township by the assessor. The board shall adopt rules and regulations governing the right to and the holding of appeals, and the practice and procedure thereat. Such rules and regulations shall become effective only after public notice thereof as herein required in the case of notices of triennial assessments. After the hearing of appeals, the board shall take such action in regard thereto as may be right and proper, and give due notice to the appellant by registered mail.

The subordinate and special assessors shall, when required by the board, attend appeal hearings, but under no circumstances shall they be permitted to sit at appeal hearings as a member or as members of the board, and it shall be obligatory on the part of the board to display in a conspicuous place at such hearings a sign giving the names of the member or members of the board present and hearing such appeals.

Section 5. The members of the board holding office upon the effective date of this act shall continue to serve until the end of their respective terms or until they die, resign or are removed from office and the provisions of section two of the act prior to the adoption of the amendments made by this present act shall apply to such members.

Section 6. The provisions of this act shall become effective immediately upon final enactment.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 3, 1943.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 663, Printer's No. 732, entitled "An act to further amend section 2, to amend sections 3, 5 and 7, to add section 8.1, and to amend section 11 of the act, approved the twenty-first day of June, one thousand nine hundred thirty-nine

(Pamphlet Laws, 626), entitled 'An act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class; creating and prescribing the powers and duties of a Board of Property Assessment, Appeals and Review; imposing duties on certain county and city officers; abolishing the board for the assessment and revision of taxes in such counties; and prescribing penalties,' by reducing the number of members of said board; further prescribing their powers and duties; fixing the qualifications and requiring examinations of employes of the board; and further regulating the making of assessments and valuations of real property.'

There is only one second class county, namely, Allegheny County.

The bill would amend sections 3, 5, 7 and 11, further amend section 2 and add section 8.1, to said act. The act itself sets up a general scheme and procedure for the assessment and valuation of all taxable property in Allegheny County.

This bill would reduce the number of members of the Board of Property Assessment, Appeals and Review from seven to three members. Power of appointment of this board would remain in the county commissioners as heretofore. I am informed that in the last triennial assessment there were 22,000 appeals filed, and as it is the duty of said board to hear such appeals, it would appear to be a physical impossibility for a board of three members adequately to dispose of such a volume of appeals.

The bill further provides that no member of the board shall be discharged until after a public hearing before the county commissioners, but does not require that charges against a board member be made known to him until such hearing. This is unfair and contrary to our traditional system, in that anyone haled before a tribunal should be advised in advance of what charges he will have to meet.

The matter of assessments of property for purposes of taxation in Allegheny County is one of the highest importance and greatest concern, and has given rise to much public discussion and controversy. A committee appointed by the county commissioners of Allegheny County recently investigated the whole situation and made recommendations for its improvement. The conclusions of this committee were that legislation was not needed for the improvement of the system, but that administrative changes could accomplish the results recommended. In other words, the committee was of opinion that the remedy for the situation which obtains must come from within, and not from without. Legislation cannot improve administration.

I have already approved Senate Bill No. 356, Printer's No. 419, which amends the aforesaid Act of 1939, to allow appeals from the decisions of the court of common pleas on appeals from the board, to the Superior or Supreme Court as in other cases. Formerly the decisions of the court of common pleas on appeals from the board were final.

I have also approved House Bill No. 263, Printer's No. 178, which also amends the Act of 1939, by providing for at least thirty days' written notice to any taxable whose assessment shall be changed in such a manner that his taxes would be increased.

I have also approved House Bill No. 735, Printer's No. 328, which amends the Act of 1939, by further regulating in detail the method of providing for appeals from assessments, exonerations from taxation,

refunds of taxes, and imposing additional duties upon the Board of Property Assessment, Appeals and Review.

Furthermore, this bill would require that the board shall keep open to public inspection the present assessment of all property in the county, both real and personal. The result of this provision of the bill would be to allow snoopers of all sorts to gain intimate knowledge of bonds, stocks, and similar investments in personal property, owned by taxables. This would constitute an open invitation to unscrupulous persons engaged in the sale of questionable and worthless securities to descend upon the taxables of Allegheny County with their fraudulent schemes. In these days there is precious little privacy left to any citizen, and I for one am not willing to permit such further invasion of what privacy is left as this bill would permit. If no other sufficient reason were apparent why I should not approve this bill, this one, to my mind, would be adequate.

For these reasons the bill is not approved.

EDWARD MARTIN

No. 21

AN ACT

Authorizing and directing the Department of Highways to erect and construct and maintain as a post war construction project a toll bridge over the Ohio River at a point in the Borough of Aliquippa, in the vicinity of Franklin Avenue, and to provide the necessary approaches thereto; providing for the acceptance of Federal aid empowering counties to pay certain damages; providing for the collection of tolls on such bridge; and making an appropriation.

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

Section 1. The Department of Highways is hereby authorized and directed to erect and construct a toll bridge over the Ohio River at a point in the Borough of Aliquippa, in the vicinity of Franklin Avenue, and to acquire the necessary land for approaches thereto.

In the construction of said bridge and the approaches thereto the Department of Highways shall have all of the powers and authority conferred with respect to the relocation, widening or construction of State highways, including the exercise of the power of eminent domain. Any damages sustained by reason of taking property in the relocation, widening or construction of any such bridge and the approaches thereto shall be ascertained in accordance with laws applicable to the ascertainment of damages in relocating, widening or constructing State highways, and such damages when ascertained shall be paid by the Commonwealth or county or counties as may be agreed upon in accordance with the laws relating to State highways.

Section 2. The Department of Highways is hereby authorized to accept grants of funds from any Federal agency for the construction

of such bridge and the approaches thereto and connections with State highways. Any such moneys shall be held by the State Treasurer as custodian for the Department of Highways, and the same shall be paid out on requisition of the department without further appropriation.

Section 3. If such bridge is to be constructed under contract and to be paid for wholly or in part from Federal funds, and the project involves additional work to be contracted and paid for by a county or counties, the advertisement by the Department of Highways shall be the only advertising necessary, any other acts or requirements to the contrary notwithstanding.

Section 4. The Department of Highways shall have authority to make and carry out contracts, and to do every other act necessary to carry out the project herein authorized, and is authorized to conform to the requirements and rules and regulations of the proper Federal authorities with respect to such projects if Federal moneys are advanced for such project. Nothing herein contained shall in anywise diminish any authority or powers now or hereafter conferred on the Department of Highways by any other act of Assembly.

Section 5. The construction of the bridge for which funds as appropriated by this act shall be included among the various public works projects to be undertaken by the Commonwealth after the termination of the present war, as a means of facilitating the transition from a war to a peace economy.

Section 6. The Department of Highways shall, after the completion of such bridge, provide for the collection of tolls on such bridge until such tolls have been sufficient to reimburse in full the Commonwealth, the Federal Government or any Federal agency which advanced moneys, and any moneys paid by counties. Such tolls shall also be sufficient to pay for the maintenance of the bridge, its approaches and connecting highways during the period when tolls are collected, and to pay the compensation of all persons employed on or in connection with such bridge. As soon as the Commonwealth, the Federal Government, all Federal agencies, and all counties that advanced any moneys have been reimbursed in full, the bridge and its approaches and connecting highways shall be maintained by the Department of Highways, free of tolls for the use of the public.

Section 7. The sum of one million dollars (\$1,000,000), or so much thereof as may be necessary, is hereby specifically appropriated out of the Motor License Fund in the State Treasury to the Department of Highways for the construction of such bridge and the approaches thereto and for the payment of damages for property taken, injured or destroyed.

Section 8. The provisions of this act shall become effective immediately upon final enactment.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 3, 1943.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 1006, Printer's No. 582, entitled "An act authorizing and directing the Department of Highways to erect and construct and maintain as a post war construction project a

toll bridge over the Ohio River at a point in the Borough of Aliquippa, in the vicinity of Franklin Avenue, and to provide the necessary approaches thereto; providing for the acceptance of Federal aid empowering counties to pay certain damages; providing for the collection of tolls on such bridge; and making an appropriation.”

This bill authorizes and directs the Department of Highways, as a post-war project, to construct a toll bridge over the Ohio River at a point in the Borough of Aliquippa, Beaver County, in the vicinity of Franklin Avenue. The bill makes an appropriation of \$1,000,000 from the Motor License Fund for such purpose. The encumbrance of \$1,000,000 in the Motor License Fund, which shows diminishing receipts due to war conditions, for the future construction of this bridge is not justified at this time. Furthermore, it is doubtful whether the sum appropriated would be sufficient for such purpose.

Property damages would be very substantial if a bridge were constructed at the place designated in the bill. Approaches to the bridge would practically bisect the Jones & Laughlin Steel plant on the west, and cross the property of the A. M. Byers plant on the east. That section of the Jones & Laughlin plant which produces steel products in the rough would be separated from that portion which turns out finished products. The approach on the Byers plant would prevent expansion in the only direction in which this plant could grow. Extension of the approach for several blocks in Aliquippa Borough, because of the elevation which would be required to cross the tracks of the Pittsburgh & Lake Erie and the Aliquippa & Southern Railroads, would entail heavy property damages. Crossing of these railroads by the approach on the west side of the river, and the tracks of the Pennsylvania Railroad as well as six tracks of the A. M. Byers Company on the east side would require expensive grade separate structures.

In addition to the fact that the amount appropriated would appear to be insufficient to construct a bridge at this point, it is extremely doubtful if net tolls collected after construction would ever free the bridge from tolls in view of the heavy expenditure which would be involved. The bridge could hardly be of much more than local value since there is a modern free bridge only 1.88 miles from the bridge proposed for construction by this bill. That bridge connects Aliquippa and Ambridge. Through traffic between Pittsburgh and Beaver Falls has a choice of routes on either the east or west side of the river, and would not be particularly benefited by the proposed structure. The hazards on the Aliquippa-Monaca Road to the north of the proposed bridge are now being corrected by the Department of Highways at a cost of approximately \$1,250,000. In addition, there is an adequate hard surfaced highway connecting the business and residential sections of the Borough of Aliquippa with the free bridge to Ambridge.

For these reasons the bill is not approved.

EDWARD MARTIN

AN ACT

To amend the title and section one of the act, approved the twentieth day of April, one thousand nine hundred and five (Pamphlet Laws, two hundred thirty-nine), entitled "An act providing for and defining the rights, remedies, duties, and liabilities of purchasers of real estate at judicial sales, and of their grantees, heirs and devisees, and of the persons then in possession thereof," extending the provisions of said act to purchasers of real estate at tax sales and their grantees, heirs and devisees, and persons then in possession thereof.

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

Section 1. The title and section one of the act, approved the twentieth day of April, one thousand nine hundred and five (Pamphlet Laws, two hundred thirty-nine), entitled "An act providing for and defining the rights, remedies, duties, and liabilities of purchasers of real estate at judicial sales, and of their grantees, heirs and devisees, and of the persons then in possession thereof," are hereby amended to read as follows:

AN ACT

Providing for and defining the rights, remedies, duties, and liabilities of purchasers of real estate at judicial sales *and tax sales* and of their grantees, heirs and devisees, and* of the persons then in possession thereof.

Section 1. Be it enacted, &c., That purchasers at judicial sales of real estate *and at sales held for the collection of unpaid taxes on real estate* in this Commonwealth, *including any political subdivision*, and grantees, heirs and devisees thereof, after confirmation of such sales where required, and after the execution, acknowledgment and delivery of the deeds therefor, may present a petition, under oath or affirmation, to the court out of which was issued the writ of execution or order by virtue of which said sales had, except in case of testatum writs, and then to the court of common pleas of the county in which the land is situate, setting forth:

(a) A description of the real estate sold, an averment of petitioner's title thereto, with a specific reference to the proceedings under which such sale was had; and, if the petitioner be a grantee, heir, or devisee of such purchaser, a statement of the method by which he derived title to such real estate.

(b) That the persons in possession are the defendants, as whose property such real estate was sold; or that such named persons came into possession mediately or immediately through a right or title derived from such defendants, or some of them, in the manner set forth, or an averment that the manner of their obtaining possession is unknown to petitioner.

(c) If the persons in possession be other than the defendants in the execution or order of sale, the petitioner's brief of title of said real estate, commencing at a point covering the title, if any, by right of which the persons in possession claim to retain such possession.

(d) That the persons in possession had notice of the title of petitioner, and declined to deliver up possession of said real estate to

* "and" omitted in original.

petitioner; or, if tenants for a term of years, with a right of possession paramount to petitioner, that they declined to execute a lease with petitioner for the balance of said term, or to attorn in writing to petitioner, on the terms and conditions of his letting with the previous owner; or that petitioner believes that the lease or attornment respondent was willing to execute was not upon the same terms and conditions as his letting with the previous owner; and praying that a citation issue to the persons in possession, commanding them to appear and answer said petition, and show cause, if any they have, why possession of such real estate should not be delivered to petitioner.

Whereupon the court shall issue a citation as prayed for, returnable at the expiration of fifteen days from the service thereof and of a copy of said petition, or at such subsequent time, not later than the next session of the court after the expiration of said fifteen days, as the court shall direct.

Section 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Section 3. The provisions of this act shall become effective immediately upon final enactment.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 3, 1943.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 201, Printer's No. 72, entitled "An act to amend the title and section one of the act, approved the twentieth day of April, one thousand nine hundred and five (Pamphlet Laws, 239), entitled 'An act providing for and defining the rights, remedies, duties, and liabilities of purchasers of real estate at judicial sales, and of their grantees, heirs and devisees, and of the persons then in possession thereof,' extending the provisions of said act to purchasers of real estate at tax sales and their grantees, heirs and devisees, and persons then in possession thereof."

Under Section 1 of the Act of 1905, supra, as amended by this bill, the purchaser at a tax sale would present a petition to the court which issued the writ of execution or order by virtue of which said sale was had. This provision would apply to cases under the Municipal Lien Act of May 16, 1923, P. L. 207, which provides for filing liens in the prothonotary's office, to be followed by judgment, execution and sale by the sheriff, but would not apply to a tax sale by a county treasurer, as authorized by the Act of May 29, 1931, P. L. 280, nor to tax sales by the city treasurers under the Third Class City Law of June 23, 1931, P. L. 932. Under these last two acts, no writ of execution or order is issued by the court; in fact, a court is not involved in tax sale proceedings until the sale is consummated. I doubt if the General Assembly intended the bill to be so limited in its application.

The bill repeals all acts and parts of acts inconsistent with its provisions. The Supreme Court of Pennsylvania, in the case of Second National Bank of Uniontown v. Hustead, 334 Pa. 421 (1939), stated that the object of the law of 1905, supra, is to enable the purchaser at a judicial or sheriff's sale, to secure possession of the property sold, immediately upon delivery of the deed. A lower court decision in 1941,

in the case of *Olshefskie v. Budock*, 41 D. & C. 373, ruled that the Act of 1905, *supra*, did not apply to sales held for unpaid taxes. Keeping this history in mind, the question arises as to whether the right of redemption is abolished by this bill. While we appreciate the desire of a purchaser of real estate at a judicial sale to promptly obtain possession of the property which he has purchased, we do not believe the Legislature intended to abolish the right of redemption which has so long been a principle of our tax sale law. Furthermore, if such a result was intended, the Legislature would have abolished it generally and not confined its action to the Act of 1923, *supra*. In order to avoid confusion and uncertainty in the law, I deem it better to withhold approval in order that this subject may be given further study.

For these reasons the bill is not approved.

EDWARD MARTIN

No. 23

AN ACT

To amend section two of the act, approved the second day of July, one thousand nine hundred thirty-seven (Pamphlet Laws, two thousand seven hundred seventy-two), entitled "An act to require certain records of oil and gas wells drilled in the Commonwealth showing the location of the same and the geologic formations encountered therein, and to make copies of such records available upon payment of prescribed fees; and providing fees and penalties," creating a special fund in the State Treasury to be known as the Topographic and Geologic Survey Fund; providing for the transfer of certain moneys into said fund by the Department of Internal Affairs; and making an appropriation thereof.

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

Section 1. Section two of the act, approved the second day of July, one thousand nine hundred thirty-seven (Pamphlet Laws, two thousand seven hundred seventy-two), entitled "An act to require certain records of oil and gas wells drilled in the Commonwealth showing the location of the same and the geologic formations encountered therein, and to make copies of such records available upon payment of prescribed fees; and providing fees and penalties," is hereby amended to read as follows:

Section 2. All such reports shall be certified by one of the owners of said well, or a duly designated official in case of a corporate owner, to be true and correct to the best of his or her knowledge and belief, and shall be accompanied by a filing fee of five dollars, payable to the Department of Internal Affairs, which fee shall be used for the copying, filing, preserving and mapping of said records, and preparing forms for such records, and for providing containers and transportation and storage facilities for samples when requested of well owners, and for the mapping locations of said wells.

The Department of Internal Affairs shall prepare and make available forms for the purpose of furnishing said records to the department at a fee of not to exceed five cents per copy.

The Department of Internal Affairs shall file and preserve all such records for a period of at least twenty years from the date received.

All moneys now in the Department of Internal Affairs to the credit of the Bureau of Topographic and Geologic Survey, and all moneys hereafter collected by such department under the provisions of this act, shall be deposited in a special fund in the State Treasury which is hereby created and which shall be known as the Topographic and Geologic Survey Fund. As much of said money from time to time in said fund as may be necessary is hereby appropriated to the Department of Internal Affairs for the proper conduct of its work in carrying out the provisions of this act.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 4, 1943.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 310, Printer's No. 95, entitled "An act to amend section two of the act, approved the second day of July, one thousand nine hundred thirty-seven (Pamphlet Laws, 2772), entitled 'An act to require certain records of oil and gas wells drilled in the Commonwealth showing the location of the same and the geologic formations encountered therein, and to make copies of such records available upon payment of prescribed fees; and providing fees and penalties,' creating a special fund in the State Treasury to be known as the Topographic and Geologic Survey Fund; providing for the transfer of certain moneys into said fund by the Department of Internal Affairs; and making an appropriation thereof."

This bill would amend Section 2 of the Act of July 2, 1937, P. L. 2772, which requires certain records of oil and gas wells in the Commonwealth to be filed with the Department of Internal Affairs, and prescribes certain filing fees, by establishing in the State Treasury a special fund into which such filing fees would be payable, and appropriating the fund to the department for the conduct of that part of its work.

The establishment of this special fund would be inconsistent with the fiscal policy inaugurated by the Act of May 6, 1927, P. L. 858, and continued by the Act of April 9, 1929, P. L. 343 (Fiscal Code), of reducing to a bare minimum the number of special funds in the State Treasury. In view of this policy, I recommended in my budget that the General Assembly abolish the State Forests and Waters Fund, which was created in 1937, notwithstanding the above fiscal policy. Recently I approved Senate Bill No. 377 which was enacted to carry out my budget recommendation.

For these reasons the bill is not approved.

EDWARD MARTIN

AN ACT

Making an appropriation to the Department of Forests and Waters to be used for the acquisition of land within the limits of the "Bucktail State Park," and prescribing the uses to be made of such land.

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

Section 1. The amount of ten thousand dollars (\$10,000), or so much thereof as may be necessary, is hereby specifically appropriated to the Department of Forests and Waters to be used for the acquisition of land within the limits of the "Bucktail State Park", as defined by the provisions of the act approved the second day of June, one thousand nine hundred thirty-three (Pamphlet Laws, one thousand four hundred fifteen), entitled "An act dedicating and setting aside certain lands in Cameron and Clinton Counties as a public park and pleasure-ground to be known as 'Bucktail State Park', and imposing certain powers and duties in connection therewith upon the Department of Forests and Waters and the Department of Justice of the Commonwealth." No funds may be expended for the purchase of land under the authority of this act until the title to such land shall be approved by the Attorney General of the Commonwealth. The land acquired under the authority of this act shall be controlled, supervised and utilized in accordance with the provisions of the aforesaid act approved the second day of June, one thousand nine hundred thirty-three (Pamphlet Laws, one thousand four hundred fifteen).

Section 2. The provisions of this act shall become effective immediately upon final enactment.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 4, 1943.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 307, Printer's No. 570, entitled "An act making an appropriation to the Department of Forests and Waters to be used for the acquisition of land within the limits of the 'Bucktail State Park', and prescribing the uses to be made of such land."

This bill would appropriate \$10,000 to the Department of Forests and Waters to be used for the acquisition of land within the boundaries of Bucktail State Park in Cameron and Clinton Counties, as defined by the Act of June 2, 1933, P. L. 1415.

The Bucktail State Park was named in commemoration of the members of the Bucktail Regiment which embarked from Driftwood, Cameron County, in April of 1861, upon rafts of their own construction to hasten their arrival at the imperiled State Capitol.

While, under normal conditions, the purchase of these lands is very desirable, I believe it would be more fitting and appropriate to honor the Bucktail Regiment by devoting State funds to a use more closely allied to the war effort, rather than the acquisition of additional lands, which will increase our problems of administration and personnel.

With transportation restricted, most of our youth serving in the armed forces, and men and women busy in war industries, the opportunity for our citizens to use our parks will be greatly curtailed, and under these conditions it is unnecessary to add acreage to our parks.

For these reasons the bill is not approved.

EDWARD MARTIN

No. 25

AN ACT

Making an appropriation to the Department of Property and Supplies for the acquisition of lands and the erection of new buildings and service systems and the alteration and extension of existing buildings and service systems for the use of the Soldiers' Orphan School at Scotland, Pennsylvania.

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

Section 1. The sum of one hundred thousand dollars (\$100,000), or so much thereof as may be necessary, is hereby specifically appropriated to the Department of Property and Supplies for the acquisition of additional land for the Soldiers' Orphan School at Scotland, and for the construction of new buildings, the addition to and alteration of present buildings, the construction of a new sewage system and water and electric light lines, and the alteration and extension of existing sewage systems and water and electric light lines for use and occupancy by the said Soldiers' Orphan School.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 4, 1943.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 415, Printer's No. 572, entitled "An act making an appropriation to the Department of Property and Supplies for the acquisition of lands and the erection of new buildings and service systems and the alteration and extension of existing buildings and service systems for the use of the Soldiers' Orphan School at Scotland, Pennsylvania."

This bill would make an appropriation of \$100,000 to the Department of Property and Supplies in behalf of the Soldiers' Orphan School at Scotland, Pennsylvania, for (1) the acquisition of additional land, (2) the construction of new buildings and alteration of present buildings, (3) the construction of a new sewage system and the extension of existing sewage systems, and (4) the construction and extension of water and electric lines.

While the expenditure of State funds for these purposes might be desirable in normal times, I am of the opinion that during the present war emergency the expenditure of State funds should be limited to

matters which are absolutely essential for the conduct of the State government. Moreover, it would be impossible, during the present war, to carry out the construction program contemplated by this bill due to the shortage of labor and materials.

For these reasons the bill is not approved.

EDWARD MARTIN

No. 26

AN ACT

Making an appropriation to the Trustees of the Pennsylvania State College for expenditure by the School of Mineral Industries, under the supervision of the Department of Mines, for the purpose of developing new uses and markets for slate and slate products.

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

Section 1. The sum of thirty-five thousand dollars (\$35,000), or so much thereof as may be necessary, is hereby specifically appropriated to the Trustees of the Pennsylvania State College for the two fiscal years beginning June first, one thousand nine hundred and forty-three, for expenditure by the School of Mineral Industries, under the supervision of the Department of Mines, for the purpose of carrying on economic and technical research and investigation to discover and develop new scientific chemical, industrial, domestic and other uses and new and extended markets for slate and slate products, and for employing engineers, chemists, technical experts, assistants, clerks, stenographers and other employes, and purchasing such machinery, supplies, equipment, apparatus and other things necessary in the furtherance of the aforesaid research and investigation.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 4, 1943.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objection, House Bill No. 428, Printer's No. 635, entitled "An act making an appropriation to the Trustees of the Pennsylvania State College for expenditure by the School of Mineral Industries under the supervision of the Department of Mines for the purpose of developing new uses and markets for slate and slate products."

This bill would make an appropriation of \$35,000 to the Trustees of Pennsylvania State College for the two fiscal years beginning June 1, 1943, for expenditure by the School of Mineral Industries in carrying on economic and technical research and investigation to discover new uses and new markets for slate and slate products. The appropriation would be expended under the supervision of the Department of Mines.

I have already approved Senate Bill No. 145 which makes a substantial appropriation to the Trustees of Pennsylvania State College for

the above period for the use of the School of Mineral Industries in making research and investigation of long range basic problems affecting the mineral industries of this Commonwealth. The appropriation made by that bill will be available, among other things, for the purpose contemplated by this bill.

For this reason the bill is not approved.

EDWARD MARTIN

No. 27

AN ACT

Authorizing the Department of Property and Supplies to acquire by purchase, gift, lease or condemnation, on behalf of the Commonwealth of Pennsylvania, land adjacent to the Daniel Boone Homestead, or so much thereof as may be necessary to properly honor the pioneer Daniel Boone on the farm where he was born; providing for the control, management, improvement, preservation, restoration and maintenance thereof; authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation.

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

Section 1. For the purpose of further perpetuating and preserving the Daniel Boone Homestead in Exeter Township, Berks County, Pennsylvania, where Daniel Boone the pioneer was born, and upon which the Commonwealth has already made extensive improvements and is in the process of restoring the original Homestead and outbuildings, the Department of Property and Supplies, with the advice of the Pennsylvania Historical Commission, is hereby authorized to acquire by purchase, gift, lease or condemnation, the tract of ground adjoining the present Daniel Boone property of the Commonwealth of Pennsylvania, especially the land comprising approximately ten acres along the southerly boundary thereof, which formerly formed part of the original farm belonging to Daniel's father Squire Boone, and to specifically improve, plant and protect the same as an historical and recreational spot for the people of the Commonwealth, and to acquire the tract of land fronting on the State Highway and adjoining the Daniel Boone Homestead property originally acquired by the Commonwealth, and the additional piece of land recently acquired by the Commonwealth on the north, which land to be acquired contains a house and barn and other outbuildings, and to acquire such other ground as the Pennsylvania Historical Commission shall deem necessary or important to acquire for the completion, enlargement and use of the Daniel Boone Homestead property.

Section 2. The sum of seven thousand five hundred dollars (\$7,500), or so much thereof as may be necessary, is hereby appropriated to the Department of Property and Supplies for the acquisition of the land adjacent to the Daniel Boone Homestead, the improvements, restoration, preservation and maintenance of the same and the buildings thereon erected, and the expense incurred in carrying out the provisions of this act. Payment from said appropriation shall be made by requisi-

tion of the Secretary of the Department of Property and Supplies in the manner provided by law.

Section 3. This act shall become effective immediately upon final enactment.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 4, 1943.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objection, House Bill No. 496, Printer's No. 658, entitled "An act authorizing the Department of Property and Supplies to acquire by purchase, gift, lease or condemnation, on behalf of the Commonwealth of Pennsylvania, land adjacent to the Daniel Boone Homestead, or so much thereof as may be necessary to properly honor the pioneer Daniel Boone on the farm where he was born; providing for the control, management, improvement, preservation, restoration and maintenance thereof; authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation."

This bill is a companion bill to House Bill No. 1098, Printer's No. 563, and provides an appropriation of \$7,500 to the Department of Property and Supplies, which is authorized to acquire, with the advice of the Pennsylvania Historical Commission, certain land adjacent to the Daniel Boone Homestead in Berks County to permit the straightening out of the present boundary lines in order to make more complete the restoration and preservation of this historical place. While the Commonwealth has already acquired this property and expended considerable money on it in an effort to preserve it, I believe that it is not necessary to make the expenditures provided for by this bill at this time.

For this reason the bill is not approved.

EDWARD MARTIN

No. 28

AN ACT

Making an appropriation to the Pennsylvania State College to advance the tobacco interest of this Commonwealth.

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

Section 1. The sum of ten thousand dollars (\$10,000), is hereby specifically appropriated to the Pennsylvania State College for the purpose of advancing the interests of tobacco growers in this Commonwealth by experimental work with a view of improving existing types of tobacco and shade grown wrappers and other nicotine bearing plants, of overcoming diseases destructive to tobacco and other nicotine plants, of perfecting processes of curing, fermentation, sweating and packing of tobacco, and of securing and using correct types of fertilizers.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 4, 1943.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objection, House Bill No. 531, Printer's No. 586, entitled "An act making an appropriation to the Pennsylvania State College to advance the tobacco interest of this Commonwealth."

This bill would make an appropriation of \$10,000 to Pennsylvania State College for the purpose of advancing the interests of tobacco growers in this Commonwealth by experimental work designed to improve existing types of tobacco, overcoming diseases destructive to tobacco and other nicotine plants, perfecting processes of curing, fermentation, sweating and packing of tobacco and of securing and using correct types of fertilizers.

I have already approved House Bill No. 1029 which makes a substantial appropriation to Pennsylvania State College for the support of research and investigation directed toward the development and production of superior strains of crops and livestock and to promote more efficient methods of producing and marketing such products. The appropriation made by that bill will be available, among other things, for the purposes contemplated by this bill.

For this reason the bill is not approved.

EDWARD MARTIN

No. 29

AN ACT

To further amend sections four and nine of the act, approved the first day of May, one thousand nine hundred and thirteen (Pamphlet Laws, one hundred thirty-eight), entitled "An act defining vocational education; providing for the establishment and regulation of vocational schools; and providing for State aid in the maintenance thereof, and for the payment of tuition by certain school districts, and reimbursement thereof by the State," providing for future rehabilitation programs in public schools and changing the provisions for reimbursement and maximum rates to be charged.

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

Section 1. Section four of the act, approved the first day of May, one thousand nine hundred and thirteen (Pamphlet Laws, one hundred thirty-eight), entitled "An act defining vocational education; providing for the establishment and regulation of vocational schools; and providing for State aid in the maintenance thereof, and for the payment of tuition by certain school districts, and reimbursement thereof by the State," as last amended by section three of the act, approved the first day of July, one thousand nine hundred and thirty-seven (Pamphlet Laws, two thousand five hundred forty-eight), is hereby further amended by adding after clause (c) a new clause to read as follows:

Section 4. Any school district may, through its board of school directors—

* * * * *

(d) *Contract with public or private agencies for the use of its vocational school facilities for the education and training of the employes, prospective employes or trainees of such public or private agencies. The rates charged for such educational services shall include the following terms prorated on a scheduled student hour basis and no others (1) General Control; (2) Instruction, less State appropriation for salaries; (3) Auxiliary Agencies; (4) Operation of Plant; (5) Maintenance of Plant; (6) Fixed Charges; (7) Capital Outlay, exclusive of buildings and grounds, to be charged off at depreciation rates to be established by the State Board for Vocational Education.*

Section 2. Section nine of said act, as last amended by the act, approved the fifth day of August, one thousand nine hundred forty-one (Pamphlet Laws, seven hundred ninety-three), is hereby further amended to read as follows:

Section 9. The Commonwealth, in order to aid in the maintenance of approved local or joint vocational industrial, vocational homemaking and vocational agricultural schools, or departments, shall, as provided in this act, pay annually from the treasury to school districts and unions of school districts, maintaining such schools or departments, by order on the State Treasurer, signed by the Superintendent of Public Instruction, as the executive officer of the State Board for Vocational Education, from funds appropriated by the Legislature for that purpose or otherwise available, and in addition to the amounts paid to such school districts under the provisions of section one thousand two hundred and ten of an* act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, amounts computed in accordance with the following schedules.

Districts of the First Class. The Commonwealth shall reimburse, as hereinafter provided, districts of the first class to the extent of twenty-five per centum (25%) of the sum expended for salaries during the previous school year by such district or unions of districts for approved instruction in practical and related technical subjects in day vocational schools or departments, and for approved instruction in practical *and* related technical [and academic] subjects in part-time cooperative schools or departments.

Districts of the Second, Third, and Fourth Classes. The Commonwealth shall reimburse, as hereinafter provided, districts of the second, third, and fourth classes which have a true valuation per teacher of assessable property exceeding two hundred thousand dollars (\$200,000) to the extent of forty per centum (40%) of the sum expended for salaries during the previous school year by such district or unions of districts for approved instruction in practical and related technical

* "the" in original.

subjects in day vocational schools or departments and for approved instruction in practical *and* related technical [and academic] subjects in part-time cooperative schools or departments; and that the amount paid to a school district in any of the foregoing classes which has a true valuation per teacher of more than one hundred thousand dollars (\$100,000) and not more than two hundred thousand dollars (\$200,000) shall be forty-five per centum (45%) of the sum expended for salaries during the previous school year by such district or unions of districts for approved instruction in practical and related technical subjects in day vocational schools or departments and for approved instruction in practical *and* related technical [and academic] subjects in part-time cooperative schools or departments; and that the amount paid to a district in any of the foregoing classes which has a true valuation per teacher of assessable property of not more than one hundred thousand dollars (\$100,000) shall be fifty per centum (50%) of the sum expended for salaries during the previous school year by such district or unions of districts for approved instruction in practical and related technical subjects in day vocational schools or departments and for approved instruction in practical *and* related technical [and academic] subjects in part-time cooperative schools or departments: Provided, [That districts of the fourth class shall be reimbursed to the extent of twenty per centum (20%) of the sum expended for salaries during the previous school year by such districts or unions of districts for approved instruction in academic subjects in approved rural community vocational schools: Provided further] That no district shall receive a reimbursement of more than eighty per centum (80%) of any one teacher's salary from either Federal or State funds or from both.

[Whenever two or more school districts unite by joint agreement, approved by the Superintendent of Public Instruction, for the purpose of providing and maintaining approved vocational instruction as a part of the school program, the Commonwealth shall, as provided in this act, pay annually from the treasury to such unions of school districts the sum of five hundred dollars (\$500) so long as such joint agreement is in effect.]

Local or joint evening vocational industrial, evening vocational home-making and evening vocational agricultural schools, department or part-time vocational agricultural classes or vocational retraining classes, shall be reimbursed, annually, for the full sum which was expended from July one, one thousand nine hundred thirty-seven to June thirty, one thousand nine hundred and [forty-five] *forty-three*, and thereafter, eighty per centum (80%) of the sum which was expended for the salaries of part-time agricultural teachers and evening vocational school teachers and supervisors during the previous school year by such school district or unions of districts for approved instruction in practical and related technical subjects.

Local or joint vocational distributive occupational schools, departments or classes shall be reimbursed for the full sum which was expended up to June thirty, one thousand nine hundred and [forty-five] *forty-three*, and, thereafter, eighty per centum (80%) of the sum which was expended for the salaries of distributive occupational education teachers for approved instruction during the previous school year by such school districts or unions of districts.

If and when the Congress of the United States provides funds for additional types of vocational education other than those provided in this act, the State Board for Vocational Education shall have the authority to establish rules and regulations governing the administration of these funds.

School districts and unions of school districts shall be reimbursed for the travel expenses of vocational teachers, coordinators, supervisors, and directors, in the conduct of approved vocational schools, departments and classes, annually from the treasury, to school districts and unions of school districts, eighty per centum (80%) of the sum expended for approved travel.

Section 3. The provisions of this act shall become effective on the first day of July, one thousand nine hundred and forty-three.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 4, 1943.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 770, Printer's No. 759, entitled "An act to further amend sections four and nine of the act, approved the first day of May, one thousand nine hundred and thirteen (Pamphlet Laws, 138), entitled 'An act defining vocational education; providing for the establishment and regulation of vocational schools; and providing for State aid in the maintenance thereof, and for the payment of tuition by certain school districts, and reimbursement thereof by the State,' providing for future rehabilitation programs in public schools and changing the provisions for reimbursement and maximum rates to be charged."

This bill would further amend Section 4 of the Act of July 1, 1913, P. L. 138, more commonly known as the Vocational Education Act, by providing that any school district may contract with public or private agencies for the use of its vocational facilities for the education and training of the employes, prospective employes, or trainees of such public or private agencies. In addition, it establishes a schedule governing the charges which are to be made by a school district for the use of its vocational school facilities.

The bill also would amend Section 8 of the same act by revising the established schedule of reimbursement from the Commonwealth for the maintenance of approved local or joint vocational schools. One item of reimbursement which the bill proposes to eliminate is the sum of \$500, which is annually given by the Commonwealth to approved joint vocational schools. In addition, the bill eliminates reimbursement for academic teachers of vocational schools, and reduces the reimbursements for the part-time classes of such school.

This bill was introduced for the purpose of bringing the reimbursements to the various vocational schools in line with available funds provided for in the budget for the next fiscal biennium. While the bill as originally written was very meritorious, it is apparent that the amendments have so changed its purpose that the proposed reduction and elimination of subsidies will place an undue financial burden on the many school districts, and, consequently, will necessitate a dis-

continuance or curtailment of their vocational programs. It is my desire to avoid such undesirable results. Beside, I am not unmindful of the fact that the Commonwealth from the inception of the vocational programs has always provided very liberal subsidies in order to properly encourage the installation and carrying on of such programs.

For these reasons the bill is not approved.

EDWARD MARTIN

No. 30

AN ACT

Making an appropriation to the Board of Finance and Revenue for the payment of certain moral claims against the Commonwealth.

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

Section 1. The sum of four hundred forty dollars and twenty-nine cents (\$440.29), or so much thereof as may be necessary, is hereby specifically appropriated out of the General Fund to the Board of Finance and Revenue for the purpose of paying the claim or claims of any person or persons who has heretofore been committed as an indigent mental patient in any mental hospital or mental institution, and who, while an inmate therein, was regularly employed at manual labor, and subsequently thereto moneys received by such inmate from a Federal pension which should have been used by the guardian of such inmate for the support and maintenance of the wife or family of such inmate, was unjustly paid by the said guardian to the Commonwealth as reimbursement for moneys spent by the Commonwealth for the maintenance cost of such inmates.

Payments of any such claim or claims may be made to any such inmate or his wife upon requisition of the Treasury Department for the Board of Finance and Revenue upon proof before said board of the facts hereinbefore cited.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 4, 1943.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objection, House Bill No. 1063, Printer's No. 614, entitled "An act making an appropriation to the Board of Finance and Revenue for the payment of certain moral claims against the Commonwealth."

This bill would appropriate the sum of \$440.29 out of the General Fund to the Board of Finance and Revenue for the purpose of paying the claim or claims of any person or persons who, while an inmate of a mental institution, had been employed at manual labor and subsequently had received moneys from a Federal pension, which were paid by the guardian to the Commonwealth for the maintenance cost

of such inmate or inmates instead of being used by the guardian for the support and maintenance of the wife or family of such inmate or inmates. The bill would provide further that payment of such claims may be made to any such inmate or his wife upon requisition of the Treasury Department for the Board of Finance and Revenue upon proof of the facts outlined in the bill before the Board.

We have been unable to ascertain the circumstances which occasioned the introduction of this bill. Therefore, as the purpose for the appropriation cannot be ascertained, I cannot pass intelligently upon this bill.

For this reason the bill is not approved.

EDWARD MARTIN

No. 31

AN ACT

Authorizing the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of Allentown State Hospital, to acquire a certain tract of land for the use of said hospital; and making an appropriation therefor.

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

Section 1. The Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of Allentown State Hospital, is hereby authorized to purchase in the name of the Commonwealth of Pennsylvania, the following tracts of land.

(1) A certain tract of land of approximately one hundred sixty-four acres, known as the Riegel property in East Allen Township, Northampton County, surrounded on three sides by present property of said hospital and constituting valuable acreage both for farm production and proposed future building sites for essential development of the institution.

(2) A certain tract of land of approximately twenty-eight acres, known as the Bilheimer property situated in East Allen Township, Northampton County, surrounded on three sides by land already owned by the Commonwealth to eliminate private ownership and use of farm buildings located within a few hundred feet of a colony building, and to enable additional administrative efficiency of patients and farm activity.

Section 2. Said tracts of land, when purchased, shall be added to the lands of the Homeopathic State Hospital for the Insane, at Allentown. The deeds of conveyance shall be deposited with the Secretary of Internal Affairs.

Section 3. The said lands shall not be acquired until the titles thereto have been approved by the Department of Justice.

Section 4. The sum of twenty-three thousand five hundred dollars (\$23,500), or so much thereof as may be necessary, is hereby appropriated to the Department of Property and Supplies for the payment of the purchase price of said tracts of land and the expenses incidental thereto, including title searches.

Section 5. This act shall become effective immediately upon final enactment.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 4, 1943.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objection, House Bill No. 1074, Printer's No. 561, entitled "An act authorizing the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of Allentown State Hospital, to acquire a certain tract of land for the use of said hospital; and making an appropriation therefor."

This bill would authorize the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of Allentown State Hospital, to purchase two tracts of land in East Allen Township, Northampton County, Pennsylvania. The bill would make an appropriation of \$23,500 to the Department of Property and Supplies for this purpose.

While the purchase of this land might be desirable, under normal conditions, nevertheless, I am of the opinion that the present war emergency makes it imperative that the expenditure of public funds be limited to matters absolutely essential to the conduct of the State government.

For this reason the bill is not approved.

EDWARD MARTIN

No. 32

AN ACT

Making an appropriation to the Department of Property and Supplies for the restoration, improvement and equipment of the Pottsgrove Mansion in the borough of Pottstown, on the advice and subject to the approval of the Pennsylvania Historical Commission.

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

Section 1. The sum of twenty thousand dollars (\$20,000), or as much thereof as may be necessary, is hereby specifically appropriated out of the General Fund to the Department of Property and Supplies, for the purpose of completing the work of the restoration of the building known as the Pottsgrove Mansion in the borough of Pottstown, Montgomery County, acquired by the Commonwealth pursuant to the provisions of the act, approved the fifth day of August, one thousand nine hundred forty-one (Pamphlet Laws, eight hundred thirty), and for the construction of walls, fences, paths, roads, parking area, minor service, building, grading and landscaping, purchase of necessary materials, purchase of furniture, furnishings and antiques, and professional fees necessary in the completion of Pottsgrove Mansion, as outlined.

All of said work shall be done on the advice of the Pennsylvania Historical Commission, and subject to its approval.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 4, 1943.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objection, House Bill No. 1105, Printer's No. 564, entitled "An act making an appropriation to the Department of Property and Supplies for the restoration, improvement and equipment of the Pottsgrove Mansion in the borough of Pottstown, on the advice and subject to the approval of the Pennsylvania Historical Commission."

This bill appropriates the sum of \$20,000 to the Department of Property and Supplies for the purpose of providing for the restoration, improvement and equipment of the Pottsgrove Mansion in the Borough of Pottstown.

When the Pottsgrove Mansion was acquired by the Commonwealth from the Historical Society of the Borough of Pottstown as a result of legislation passed during the 1941 Session of the Legislature, it was the understanding of all parties concerned that the property would be restored at no cost to the Commonwealth. It has since developed that the elimination of the Work Projects Administration has rendered it impossible to complete the restoration as originally planned. While the purposes of this bill are very worthy and the proposed restoration would make an excellent post-war project, I deem it to be inadvisable for the restoration to be undertaken at this time under existing conditions.

For this reason the bill is not approved.

EDWARD MARTIN

No. 33

AN ACT

Creating a Safety Commission as an Independent Administrative Commission of the Commonwealth, and defining its powers and duties.

WHEREAS, The Commonwealth has adopted an elaborate system of laws designed to assure safety on the highways and in industry, but notwithstanding these laws and efforts at their enforcement through State and local agencies and periodic inspections and campaigns of education in which the public schools and many public spirited organizations have joined, accidents continue to mount annually, and,

WHEREAS, The experience of other states has been that by providing proper administrative agencies, by coordinating safety work in the field of enforcement, engineering and education, and by engaging in never-ending safety campaigns, much may be accomplished to reduce the number of accidents, therefore

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

Section 1. There is hereby created the Pennsylvania Safety Commission, which shall be an Independent Commission and shall have all the powers conferred and perform all the duties vested in such commissions by the Administrative Code of 1929, and its amendments.

The commission shall be composed of the Secretary of Revenue, the Secretary of Highways, the Superintendent of Public Instruction, the Secretary of Labor and Industry, the Secretary of Mines, the Chairman of the Public Service Commission, the Commissioner of the Pennsylvania State Police, and the executive director hereinafter provided for.

Four members of the commission shall constitute a quorum.

The Governor shall appoint an executive director, who shall be designated as the Director of Public Safety, and who shall be qualified by experience in safety work, and who shall be a member of the commission, and who shall receive such salary as the Governor may determine, and who shall be accountable only to the Governor.

The members of the commission, other than the executive director, shall not receive any additional compensation, but shall be reimbursed for all expenses necessarily incurred in the discharge of their duties.

Section 2. It shall be the duty of the Safety Commission:

(a) To formulate and develop plans and methods for increasing safety on the public highways, in industry and in the home, for the prevention of accidents, and to supervise the execution of such plans and methods;

(b) To aid in the promotion of safety education in the public schools, in the home and in industry;

(c) To conduct never-ending campaigns of public safety education;

(d) To ascertain highway, home and industrial accident hazards and devise and suggest means for their elimination;

(e) To coordinate the work of the several departments, commissions and agencies of the state dealing with safety, law enforcement and education in methods of safety, and receive reports from any department, board, commission or agency of the Commonwealth;

(f) To deal with complaints and consider suggestions made by the public with regard to safety measures;

(g) To perform all such other duties in connection with safety measures as may be referred to it by any agency of the state government;

(h) Generally to perform and exercise such functions as, in the opinion of the commission, will reduce the number of accidents, and safeguard life and property;

(i) To develop statistics and obtain information and data from other states as to their methods and devices for eliminating and reducing accidents;

(j) To cooperate with other states or any departments, bureaus, commissions or agencies thereof, in the furtherance of the purposes of this act;

(k) To recommend such legislation as may be deemed necessary for the reduction and elimination of accidents.

Section 3. The Director of Public Safety, with the approval of the Governor, shall appoint such personnel, in accordance with the Administrative Code of 1929, as may be deemed necessary to carry into effect the provisions of this act, and fix their compensation, which, together with the salary of the Director of Public Safety and expenses of the

members of the commission, shall be paid from appropriations made to the commission for such purposes.

Section 4. The commission shall have power to assign to the Director of Public Safety and other subordinates the performance of any of the duties imposed by this act, and any ex-officio member of the commission may assign any deputy or other person in his respective department, commission or agency to sit as a member of the commission in his stead.

Section 5. The sum of forty thousand dollars (\$40,000), or so much thereof as may be necessary, is hereby specifically appropriated to the Safety Commission for the two fiscal years beginning the first day of June, one thousand nine hundred forty-three, for the payment of the salary and compensation of the executive director and other employes of the commission, for the expenses of maintaining and operating automobiles and other motor equipment, for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles, for the payment of telephone, telegraph and express charges, for postage, supplies and printing and for other incidental expenses deemed necessary by the commission in carrying on its work.

Section 6. All acts and parts of acts inconsistent herewith are hereby repealed, but nothing in this act shall be construed as affecting, suspending or otherwise interfering with any of the functions relating to highway safety and to accident prevention now being performed by any administrative department, board or commission of the Commonwealth.

Section 7. The provisions of this act shall become effective immediately upon final enactment.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 4, 1943.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 164, Printer's No. 398, entitled "An act creating a Safety Commission as an Independent Administrative Commission of the Commonwealth, and defining its powers and duties."

This bill would create the Pennsylvania Safety Commission as an independent administrative commission of the Commonwealth. It would have all the powers conferred upon independent commissions by The Administrative Code of 1929, as amended. The commission would be composed of the Secretaries of Revenue, Highways, Labor and Industry, Mines, the Superintendent of Public Instruction, the Chairman of the Pennsylvania Public Utility Commission, and the Commissioner of the Pennsylvania State Police. It would have an executive director to be appointed by the Governor, and who would be known as the Director of Public Safety.

The object of the creation of the commission would be for it to formulate and develop plans for increasing safety on highways, in industry and in the home; to aid in promoting safety education in the public schools, homes and industry; to ascertain hazards and suggest means for their elimination; to coordinate the work of the several departments, commissions and agencies of the Commonwealth which deal with safety; and like functions. The bill carries an appropriate

tion of \$40,000 for the maintenance of the commission for the two fiscal years beginning June 1, 1943.

Practically all of the functions which the commission created by this bill would perform are already performed by various departments, commissions and agencies of the Commonwealth. In many respects the work of these several departments, commissions and agencies with relation to safety, is highly specialized and is peculiar to such agencies. For example, the Department of Labor and Industry carries out elaborate operations relating to safety, pursuant to specific statutory provisions. The Pennsylvania Public Utility Commission has its peculiar functions with relation to safety measures required of public utilities. The Department of Revenue has been and is now performing certain duties and functions relating particularly to highway safety, safety in industry and in the home, through its Division of Safety. This work includes the promotion of safety education in the schools, the home and industry. For some years a committee composed of representatives of the Departments of Revenue and Public Instruction and the Pennsylvania State Police have been coordinating the activities of the several departments relative to highway safety and education. The Department of Mines engages in safety work relating to mines of a highly specialized and technical nature. The Department of Highways has its Safety Section.

In short virtually all of the work which the commission would perform, if this bill became a law, is already being performed, and well performed, by other agencies of the Commonwealth. To try to consolidate all of this diversified work would, so I am advised, detract from the efficiency thereof, and would lead to confusion rather than to workable coordination.

I am also advised that the appropriation carried by the bill would be entirely inadequate to support the cost of the maintenance of the commission and its work. A result of this would be a decrease in safety work rather than an increase, a crippling of such work rather than improvement and augmentation.

For these reasons the bill is not approved.

EDWARD MARTIN

No. 34

AN ACT

To amend section three of the act, approved the twenty-seventh day of May, one thousand eight hundred forty-one (Pamphlet Laws, four hundred), entitled "An act relating to the election of county treasurers, and for other purposes," by changing certain provisions as to the ineligibility of certain county officers to election as county treasurer.

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

Section 1. That section three of the act, approved the twenty-seventh day of May, one thousand eight hundred forty-one (Pamphlet Laws, four hundred), entitled "An act relating to the election of county

treasurers, and for other purposes," is hereby amended to read as follows:

Section 3. No judge, clerk, or prothonotary of any court, register of wills, recorder of deeds, county commissioner, or county auditor, shall be eligible to [election] *serve* as county treasurer, during their continuance *in* office, nor shall any [county commissioner, or] county auditor be eligible until the expiration of one year next after the term for which they shall have been elected, nor shall any county treasurer *serve* in such office for more than two years, in any term of four years.

Section 2. This act shall become effective immediately upon its final enactment.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 4, 1943.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 355, Printer's No. 418, entitled "An act to amend section three of the act, approved the twenty-seventh day of May, one thousand eight hundred forty-one (Pamphlet Laws, 400), entitled 'An act relating to the election of county treasurers, and for other purposes,' by changing certain provisions as to the ineligibility of certain county officers to election as county treasurer."

At present Section 3 of the Act of May 27, 1841, P. L. 400, which this bill would amend, provides that no judge, clerk or prothonotary of any court, register of wills, recorder of deeds, county commissioner or county auditor, shall be eligible to election as county treasurer during their continuance in office, that no county commissioner or county auditor shall be eligible to election as county treasurer until the expiration of one year next after the term for which they shall have been elected, and that no county treasurer may serve in such office for more than two years in any term of four years. This bill would remove the bar against the aforesaid officials being *elected* as county treasurer during their continuance in office, and would substitute for such bar a prohibition against such officials *servng* as county treasurer during their continuance in office. It would also remove the interdiction against a county commissioner being eligible for the county treasurership until the expiration of one year next after the term for which he shall have been elected. No cogent reason has been advanced why the firmly-established policy which had its inception in Section 3 of the Act of May 27, 1841, P. L. 400, and which has obtained for over a century, should be altered or abandoned. To my mind the approval of this bill would encourage and facilitate an undesirable rotation in office. I am unwilling to lend my assistance to undermining and overcoming the traditional and salutary policy, tried and tested by time, which the Act of 1841 instituted.

For these reasons the bill is not approved.

EDWARD MARTIN

No. 35

AN ACT

Making an appropriation to the Department of Forests and Waters, for use by the Water and Power Resources Board in making necessary repairs to the Pymatuning Swamp project, and for the purpose of making further surveys in connection therewith.

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

Section 1. The sum of ten thousand dollars (\$10,000) is hereby specifically appropriated to the Department of Forests and Waters, for use by the Water and Power Resources Board in making necessary repairs to the Pymatuning Swamp project, and to complete surveys in connection therewith.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 4, 1943.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objection, Senate Bill No. 378, Printer's No. 314, entitled "An act making an appropriation to the Department of Forests and Waters, for use by the Water and Power Resources Board in making necessary repairs to the Pymatuning Swamp project, and for the purpose of making further surveys in connection therewith."

This bill would make an appropriation of \$10,000 to the Department of Forests and Waters for use by the Water and Power Resources Board in making necessary repairs to the Pymatuning Swamp project and to complete surveys in connection therewith.

I have already approved House Bill No. 1101 (General Appropriation Act of 1943) which, among other things, makes an appropriation to the Department of Forests and Waters for the general expenses of that department which may be utilized for making the repairs and completing the surveys contemplated by this bill.

For this reason the bill is not approved.

EDWARD MARTIN

No. 36

AN ACT

Authorizing the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of the Philadelphia State Hospital, to acquire a certain tract of land for the use of said hospital, and making an appropriation therefor.

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

Section 1. The Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of the Philadelphia State Hospital, is hereby authorized to purchase, in the name of

the Commonwealth of Pennsylvania, a certain tract of land known as the Tomlinson Farm, of approximately sixty acres, situated within the bounds of the City of Philadelphia, contiguous to land already owned and administered by the Commonwealth at the said Institution, so as to avoid private ownership and development, and to provide building sites for immediate contemplated construction to relieve serious overcrowding and to provide acreage for the production of vegetables to replace that taken out of production by the location of recently erected buildings.

Section 2. Said tract or tracts of land, when purchased, shall be added to the lands of the Philadelphia State Hospital. The deeds of conveyance shall be deposited with the Secretary of Internal Affairs.

Section 3. The said lands shall not be acquired until the titles thereto have been approved by the Department of Justice.

Section 4. The sum of fifteen thousand dollars (\$15,000), or so much thereof as may be necessary, is hereby appropriated to the Department of Property and Supplies for the payment of the purchase price of said tract of land and the expenses incidental thereto, including title searches.

Section 5. This act shall become effective immediately upon final enactment.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 4, 1943.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objection, Senate Bill No. 411, Printer's No. 411, entitled "An act authorizing the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of the Philadelphia State Hospital, to acquire a certain tract of land for the use of said hospital, and making an appropriation therefor."

This bill would authorize the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of the Philadelphia State Hospital, to purchase a certain tract of land located in the City of Philadelphia, containing approximately 60 acres, contiguous to land now owned by the Commonwealth and being used by the Philadelphia State Hospital. The bill would make an appropriation of \$15,000 for this purpose.

While the purchase of this land might be desirable under normal conditions, nevertheless, I am of the opinion that during the present war emergency the funds of the Commonwealth should be safeguarded and utilized only for matters absolutely essential to carrying on the functions of the State government.

For this reason the bill is not approved.

EDWARD MARTIN

AN ACT

Authorizing the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of Danville State Hospital, to acquire certain tracts of land for the use of said hospital, and making an appropriation therefor.

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

Section 1. The Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of Danville State Hospital, is hereby authorized to purchase in the name of the Commonwealth of Pennsylvania, the following tracts of land:

(1) A certain tract of land of approximately twelve acres, including residence, known as the William Diebert property, situated in Mahoning Township, Montour County, contiguous to the present property of said hospital, so as to avoid private ownership of said property, and to make possible the use of said lands for the said hospital;

(2) A certain tract of land of approximately forty-three acres, including residence, known as the Harry J. and Elizabeth Schenck property, situated in Mahoning Township, Montour County, contiguous to the present property of said hospital, so as to avoid private ownership of said property, and to make possible the use of said lands for said hospital;

(3) A certain tract of land of approximately fifty-nine perches, known as the Jacob Springer property, situated in Mahoning Township, Montour County, contiguous to the present property of said hospital, so as to avoid private ownership of said property, and to make possible the use of said lands for the said hospital;

(4) A certain tract of land of approximately ninety acres, including house, barn and other outbuildings, known as the Daniel Blizzard Farm, situated in Mahoning Township, Montour County, contiguous to the present property of the hospital, to acquire the valuable farm land for use of said hospital, in order to provide more wholesome work opportunities for patients and also for additional food and forage for use at said Institution.

Section 2. Said tract of land, when purchased, shall be added to the lands of the State Hospital for the Insane, at Danville, Pennsylvania. The deeds of conveyance shall be deposited with the Secretary of Internal Affairs.

Said lands shall not be acquired until the titles thereto have been approved by the Department of Justice.

Section 3. The sum of sixteen thousand four hundred dollars (\$16,400), or as much thereof as may be necessary, is hereby appropriated to the Department of Property and Supplies for the payment of the purchase price of said tract of land and the expenses incidental thereto, including title searches.

Section 4. This act shall become effective immediately upon final enactment.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 4, 1943.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objection, Senate Bill No. 428, Printer's No. 413, entitled "An act authorizing the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of Danville State Hospital, to acquire certain tracts of land for the use of said hospital, and making an appropriation therefor."

This bill would authorize the Department of Property and Supplies, with the approval of the Governor, and the Board of Trustees of the Danville State Hospital, to acquire by purchase four tracts of land in Mahoning Township, Montour County, for the use of the Danville State Hospital. The bill would appropriate \$16,400 for this purpose.

While the purchase of this land might be desirable under normal conditions, I am of the opinion that it would not be proper during the present war emergency. The expenditure of public funds at this time should be limited to matters absolutely essential to carrying on the functions of State government.

For this reason the bill is not approved.

EDWARD MARTIN

No. 38

AN ACT

Making an appropriation to the Department of Welfare, for the purchase of furniture and equipment for the Philadelphia State Hospital.

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

Section 1. The sum of one hundred fifty thousand dollars (\$150,000), or as much thereof as may be necessary, is hereby specifically appropriated to the Department of Welfare for the purchase, through the Department of Property and Supplies, of furniture and equipment necessary for the furnishing of three newly constructed buildings, for the housing of sixteen hundred patients at the Philadelphia State Hospital.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 4, 1943.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objection, Senate Bill No. 463, Printer's No. 213, entitled "An act making an appropriation to the Department of Welfare, for the purchase of furniture and equipment for the Philadelphia State Hospital."

This bill would make an appropriation of \$150,000 to the Department of Welfare for the purchase of furniture and equipment neces-

sary for the furnishing of three newly constructed buildings for the housing of 1600 patients at the Philadelphia State Hospital.

I have already approved House Bill No. 1101, known as The General Appropriation Act of 1943, which contains an appropriation of \$28,000,000 to the Department of Welfare for the maintenance and the purchase of equipment, furniture and furnishings necessary for the proper conduct of State Mental Hospitals, including the Philadelphia State Hospital. The appropriation contained in that act may be utilized for the purchase of furniture and equipment required in the newly constructed buildings at the Philadelphia State Hospital. Under these circumstances the bill is not necessary.

For this reason the bill is not approved.

EDWARD MARTIN

No. 39

AN ACT

Creating a commission to make a study and investigation of strip mining; directing such commission to make a report and recommendations to the General Assembly; conferring certain powers upon such commission, including the power to issue subpoenas, administer oaths and affirmations, retain employes and expend funds; and making an appropriation.

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

Section 1. There is hereby created a commission which shall be composed of three members of the Senate, to be appointed by the President pro tempore thereof, and three members of the House of Representatives, to be appointed by the Speaker thereof.

It shall be the duty of such commission:

(1) To investigate strip mining and coal stripping operations in this Commonwealth, the effects thereof, and the problems in connection with the same;

(2) To confer with the Secretary of Mines, and inspectors of the Department of Mines;

(3) To engage in any research necessary to discover effective remedies for such problems;

(4) To make recommendations as to legislation which might be enacted by the General Assembly, for the effective regulation and control of strip mining and for remedy of problems in connection therewith.

The commission shall make its report to the General Assembly not later than the first day of February, one thousand nine hundred forty-five.

Section 2. The persons appointed as members of said commission shall meet immediately after appointment, and select one of their members to act as chairman of the commission. The commission shall be assisted by the Secretary of Mines and employes of the Department of Mines.

The commission shall have access to the maps, plans, reports and other records of the Department of Mines in connection with strip mining.

The commission may, in addition, employ and fix the compensation of a secretary and such counsel, engineers, experts, clerks, stenographers and investigators as they deem necessary to perform the duties imposed by this act. The members of the commission shall receive no compensation for their services, but shall be reimbursed for living and traveling expenses necessarily incurred in the performance of their duties.

Section 3. The said commission shall have power to issue subpoenas under the hand of its chairman, requesting and commanding any person or persons to appear before them, and to answer such questions touching matters properly being inquired into by the commission, and to produce such books, papers, records and documents as the commission may deem necessary. Such subpoenas may be served upon any person, and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said commission shall have power to administer oaths and affirmations to witnesses appearing before the commission. Any person who shall wilfully neglect or refuse to testify before said commission, or to produce any books, papers, records or documents, shall be subject to the penalties provided by the laws of the Commonwealth, in such cases.

Section 4. The sum of five thousand dollars (\$5,000), or so much thereof as may be necessary, is hereby specifically appropriated to the commission for the payment of the expenses of its members in connection with the work required hereby, and for the payment of the compensation and expenses of the secretary, counsel, engineers, experts, clerks, stenographers and investigators for postage, telegraph and telephone charges, for witness fees allowed by the commission, for supplies and printing, and for all other expenses deemed necessary and proper by the commission.

Section 5. The provisions of this act shall become effective immediately upon final enactment.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 4, 1943.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objection, Senate Bill No. 498, Printer's No. 251, entitled "An act creating a commission to make a study and investigation of strip mining; directing such commission to make a report and recommendations to the General Assembly; conferring certain powers upon such commission, including the power to issue subpoenas, administer oaths and affirmations, retain employes and expend funds; and making an appropriation."

This bill would create a commission composed of three members of the Senate to be appointed by the President pro tempore thereof, and three members of the House of Representatives to be appointed by the Speaker thereof. It would be the duty of the commission (1) to investigate strip mining and coal stripping operations in this Commonwealth, the effects thereof and the problems in connection with the same, (2) to confer with the Secretary of Mines and inspectors of the Department of Mines, (3) to engage in any research necessary to discover effective remedies for such problems, and (4) to make recom-

mendations as to legislation which might be enacted by the General Assembly for the effective regulation and control of strip mining and for remedy of problems in connection therewith.

The commission would be required to make its report to the General Assembly not later than February 1, 1945. The bill would make an appropriation of \$5,000 for the necessary expenses of the commission.

The Joint State Government Commission and the Department of Mines both have ample authority to make the survey, investigation and recommendations which this bill would authorize the commission, which would be created by it, to make. Accordingly the bill is unnecessary.

For this reason the bill is not approved.

EDWARD MARTIN

No. 40

AN ACT

To further amend section one thousand seven hundred seven of the act, approved the eighteenth day of May, one thousand nine hundred eleven (Pamphlet Laws, three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by allowing certain pupils to attend schools in other districts.

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

Section 1. Section one thousand seven hundred seven of the act, approved the eighteenth day of May, one thousand nine hundred eleven (Pamphlet Laws, three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as last amended by section nine of the act, approved the first day of June, one thousand nine hundred thirty-three (Pamphlet Laws, one thousand one hundred fifty-two), is hereby further amended to read as follows:

Section 1707. Pupils residing in a school [districts] *district* in which no public high [schools are] *school is* maintained may attend, during the entire term, the [high schools in other districts which are] nearest or most [convenient to their homes] *conveniently located high school of such class as they may desire to attend*. Pupils who reside in a school district in which no public high school, other than a vocational high school is maintained, may attend, during the entire term, the nearest or most conveniently located academic high school. *Pupils who reside in a school district in which an academic or vocational high school is maintained, but whose program of studies does not include a commercial course approved by the State Council of Education, may attend during the entire term the nearest or most conveniently located*

high school which does provide such an approved commercial course, at the expense of the school board of the district in which they live. In any district which maintains a high school whose program of studies terminates before the end of the twelfth year, pupils who have satisfactorily completed the program of studies there available in other than vocational schools or departments, or have completed a program of studies equivalent to said program of studies in some other school or schools, may attend, at the expense of the school board of the district in which they live, and for the purpose of pursuing academic or commercial studies of a higher grade, the nearest or most conveniently located high school of such type as they may desire to attend giving further high school work: Provided, That pupils wishing to attend a high school in a district other than the one in which they reside shall obtain the consent of the board of school directors of the district in which such high school is located before attending the same: And provided further, That where pupils desirous of having their tuition paid in a high school in another district, on account of having completed such program of studies in their own district, or its equivalent in some other school or schools, they must present to the board of their own district, and the board of the district in which they wish to attend, a certificate from the county superintendent who has jurisdiction over the district in which they live, that they have satisfactorily completed the equivalent of said program of studies: And provided further, That the board of school directors of the district in which the said pupil and/or pupils reside may, by agreement in writing, provide for the attendance and tuition of the said pupil and/or pupils without the necessity of the said pupil and/or pupils taking the county examination, with the approval of the county superintendent in writing. County superintendents are hereby authorized and in cases where the boards of the districts have not agreed as hereinbefore provided for, required to examine such pupils, and, if entitled, to issue to them the necessary certificate.

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 4, 1943.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 581, Printer's No. 409, entitled "An act to further amend section one thousand seven hundred seven of the act, approved the eighteenth day of May, one thousand nine hundred eleven (Pamphlet Laws, 309), entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith,' by allowing certain pupils to attend schools in other districts."

This bill would further amend Section 1707 of the Act of May 18, 1911, P. L. 309, more commonly known as the School Code, by providing that any pupil who resides in a school district maintaining a high school in which the program of studies does not include a commercial

course approved by the State Council of Education, may attend the entire term in the nearest or most conveniently located high school, which does provide such approved commercial course. The bill further provides that the school district in which he resides, shall pay the costs of his instruction or tuition.

The provisions of this bill would prove most financially burdensome to many rural school districts, and in addition result in seriously depleting their high school enrollments.

For these reasons the bill is not approved.

EDWARD MARTIN