

# VETOES OF 1963

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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 FIRST DAY OF AUGUST, 1963.

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No. 1

## AN ACT

Amending the act of June 27, 1947 (P. L. 1095), entitled, as amended, "An act providing for the regulation of mining of anthracite coal by the open pit or strip mining method and for the conservation and improvement of lands affected directly or indirectly by such mining; requiring operators to register, pay a license fee and secure a permit to engage in strip mining and file a bond conditioned for compliance with \*this act; requiring backfilling of stripping pits and leveling and planting lands affected to prevent erosion and the pollution of waters and to protect public health, safety and welfare; conferring powers and imposing duties upon the Department of Mines and Mineral Industries; providing for appeals, and imposing penalties, and making appropriations," providing for the use of funds derived from filing fees for the purpose of backfilling and restoration.

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

Section 1. Section 7, act of June 27, 1947 (P. L. 1095), known as the "Anthracite Strip Mining Law," amended September 2, 1961 (P. L. 1194), is amended to read:

Section 7. Upon application by the operator, the permit may be renewed from year to year so as to cover the number of acres embraced in the original permit which have not been stripped, and an additional permit may be issued at any time to the operator to cover acres which are not included in a previous permit and which the operator estimates will be the area of land affected during the following year. No license fee shall be charged for a renewal permit and the fee for an additional permit shall be calculated at the rate of twenty-five dollars (\$25) per acre for the number of acres which the operator estimates will be the area of land affected during the following year. All such moneys received by the department shall be deposited in a special fund with the State Treasurer and shall be expended by the Department of Mines and Mineral Industries in payment of the cost of administering the provisions of this act. *After administrative costs have been paid, the unencumbered and unexpended balance in this special fund may be used to pay the cost of backfilling and planting and other purposes re-*

\* "the" in original.

quired by this act. Each application for a permit shall be accompanied by a bond as herein provided.

Section 2. This act shall become effective immediately.

VETO No. 1

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, August 13, 1963.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 170, Printer's No. 472, entitled "An Act amending the act of June 27, 1947 (P. L. 1095), entitled, as amended, 'An act providing for the regulation of mining of anthracite coal by the open pit or strip mining method and for the conservation and improvement of lands affected directly or indirectly by such mining; requiring operators to register, pay a license fee and secure a permit to engage in strip mining and file a bond conditioned for compliance with this act; requiring backfilling of stripping pits and leveling and planting lands affected to prevent erosion and the pollution of waters and to protect public health, safety and welfare; conferring powers and imposing duties upon the Department of Mines and Mineral Industries; providing for appeals, and imposing penalties, and making appropriations,' providing for the use of funds derived from filing fees for the purpose of backfilling and restoration."

The bill would amend the Anthracite Strip Mining Law of June 27, 1947, P. L. 1095, to specify the use of moneys received by the Department of Mines and Mineral Industries under the provisions thereof. It would permit the moneys received to be used first for administrative purposes and then for the cost of backfilling, planting and other purposes as required by the act.

The provisions of this bill are contained in substantially the same form in House Bill No. 1280, Printer's No. 2350, which I have this day approved. Accordingly, there is neither necessity nor justification for their repetition in this bill.

For these reasons, the bill is not approved.

WILLIAM W. SCRANTON

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No. 2

AN ACT

Amending the act of April 29, 1959 (P. L. 58), entitled "An act consolidating and revising the Vehicle Code, the Tractor Code, the Motor Vehicle Financial Responsibility Act, and other acts relating to the ownership, possession and use of vehicles and tractors," directing the Secretary of Highways to erect certain signs where the speed limit is decreased.

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

Section 1. Subsection (a) of section 1110, act of April 29, 1959 (P. L. 58), known as "The Vehicle Code," amended May 2, 1961 (P. L. 173), and July 26, 1961 (P. L. 913) is amended to read:

Section 1110. Erection of Traffic Signs, Signals, Markings and Mile Courses.

(a) The Secretary of Highways of this Commonwealth with reference to State highways and local authorities in counties, cities, boroughs, incorporated towns and townships of the first class with reference to highways under their jurisdiction, are hereby authorized to erect and maintain official traffic signs, signals and markings. *Where the speed limit decreases from one speed to another, the Secretary of Highways shall erect signs using colors other than black and white indicating the change in the limit.* The Secretary of Highways may erect accurate mile courses and descriptions on and along side State highways in order to aid the general traveling public in calibrating their speedometers. Before local authorities, except in cities of the first and second class, and except as hereinafter provided for cities of the third class, shall erect or cause to be erected traffic signals, they must first obtain the approval of the Secretary of Highways of this Commonwealth.

Cities of the third class may erect, maintain and operate traffic signals, on other than State highways, within such cities without prior approval of the Secretary of Highways as to hours of operation and type of control: Provided, That such signals conform to all other provisions and warrants of this act and of the regulations made and published under the authority thereof.

Local authorities in counties, cities, boroughs, incorporated towns, townships and school districts, may, at their discretion, place or cause to be placed and used within school zones, warning figures commonly known as silent policemen, on highways and State highways within such political subdivisions, subject, however, to the following conditions:

(1) A school zone shall be a distance not exceeding one hundred (100) feet from the nearest boundary of the schools grounds in any direction.

(2) No such warning figures shall be left in place on any highway, except for the period beginning one (1) hour before school convenes and ending one (1) hour after school adjourns.

(3) No such warning figure shall be \*placed on any highway in conflict with any rule or regulation adopted and promulgated by the Secretary of Highways under section 1105 of this act.

(4) The Secretary of Highways with reference to State highways and local authorities in counties, cities, boroughs, incorporated towns and townships with respect to highways under their jurisdiction, may, in their discretion, determine the proper placing and location of such warning figures.

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VETO No. 2

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, August 13, 1963.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 1564, Printer's No. 1857, entitled "An Act amending the act of April 29, 1959 (P. L. 58), entitled 'An

\* "place" in original.

act consolidating and revising the Vehicle Code, the Tractor Code, the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership, possession and use of vehicles and tractors,' directing the Secretary of Highways to erect certain signs where the speed limit is decreased."

This bill proposes to amend Section 1110(a) of the act, by further providing, that where the speed limit decreases from one speed limit to another, the Secretary of Highways shall erect signs using colors other than black and white indicating the change in the limit.

Section 1105 of the act provides that the Secretary of Highways shall make and publish regulations for the design of all official traffic signs and the markings thereon shall correlate with, and, so far as practicable, conform with, the Manual on Uniform Traffic Control Devices adopted by the Joint Committee of the American Association of Highway Officials, the Institute of Traffic Engineers, and the National Conference on Street and Highway Safety, published August 1948 and amendments thereto.

The Department of Highways has followed the Manual which provides that the signs shall be of a white background with a black legend. The proposed amendment would require a departure and a variation from the Manual on Uniform Traffic Control Devices.

The Department of Highways does not approve the bill because it is in apparent conflict with the provisions of Section 1105, and in conflict with the regulations adopted in accordance with Section 1105, which regulations were intended to provide for a uniformity of signs throughout the country, and furthermore, that to make the change in the present signs would impose an excessive burden which would cost approximately \$300,000.00.

I do not consider this amendment to be in conformity with the purpose of nationwide uniformity nor in the public interest.

For these reasons, the bill is not approved.

WILLIAM W. SCRANTON

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No. 3

AN ACT

Amending the act of June 12, 1951 (P. L. 533), entitled "An act relating to mental health, including mental illness, mental defect, epilepsy and inebriety; and amending, revising, consolidating and changing the laws relating thereto," making it unlawful for certain persons to harbor mental patients after escape, making editorial changes and clarifying provisions relating to certain unlawful acts.

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

Section 1. Subsection (b) of section 353 and sections 823 and 824, act of June 12, 1951 (P. L. 533), known as "The Mental Health Act of 1951," amended or added January 14, 1952 (P. L. 2053), are amended to read:

Section 353. Commitment to Veterans Administration or other agency of the United States Government.—

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(b) The judgment or order of commitment by a court of competent jurisdiction of another state or of the District of Columbia, committing a person to the Veterans Administration or other agency of the United States Government for care or treatment, shall have the same force and effect as to the committed person while in this State as in the jurisdiction in which is situated, [The] *the* court entering the judgment or making the order and the courts of the committing state or of the District of Columbia shall be deemed to have retained jurisdiction of the person so committed for the purpose of inquiring into the mental condition of such person, and of determining the necessity for the continuance of his restraint as provided in subsection (a) of this section. With respect to persons committed by the courts of this State, consent is hereby given to the application of the law of the committing state or district in respect to the authority of the chief officer of any facility of the Veterans Administration or of any other institution operated in this State by any other agency of the United States to retain custody or transfer, leave of absence, or discharge the committed person.

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Section 823. Penalty for Aiding Escape.—

Any person who shall aid or assist any patient lawfully admitted to any institution to make or attempt to make his escape therefrom, or shall connive in any way at such escape or attempt at escape although no escape has been actually made, *or who knowingly harbors any patient subsequent to his escape*, is guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not to exceed one thousand dollars (\$1000), or to undergo imprisonment not to exceed one year, or both. *The provisions of this section shall not apply to relatives who harbor such patient for not more than forty-eight (48) hours.*

Section 824. Unwarranted Hospitalization or Denial of Rights; Penalties.—

Any person, corporation, partnership or association who wilfully causes or conspires with or assists another to cause (1) the unwarranted hospitalization of any individual under the provisions of this act, or (2) the denial to any individual of any of the rights accorded to him under the provisions of this act, shall be punished by a fine not exceeding one thousand dollars (\$1000), or imprisonment not exceeding one year, or both. If the violation of *this section* shall be committed by a corporation, partnership or association, the officers and directors of such corporation or the members of such partnership or association, its agents and employes, with knowledge of the violation [of the statement], shall also be guilty of a misdemeanor, and, upon conviction thereof, shall be punished as hereinbefore provided.

VETO No. 3

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, August 14, 1963.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 507, Printer's No. 988, entitled "An Act amending the act of June 12, 1951 (P. L. 533), entitled 'An

act relating to mental health, including mental illness, mental defect, epilepsy and inebriety; and amending, revising, consolidating and changing the laws relating thereto,' making it unlawful for certain persons to harbor mental patients after escape, making editorial changes and clarifying provisions relating to certain unlawful acts."

This bill proposes to make it a misdemeanor to knowingly harbor any mental patient subsequent to his escape punishable by a fine not to exceed \$1,000 or to imprisonment not to exceed one year, or both. The bill would exempt from this liability to criminal sanction only relatives who harbor such patients for not more than forty-eight hours.

I am of the opinion that legislation should not be enacted which would embrace all eloped mental patients and place them in the same category with escaped prisoners. It is our policy to educate the general public to treat and regard mental patients as sick people who require kindness and gentle sympathetic treatment. A law which would penalize those who would give aid and assistance to an eloped patient is inconsistent with that policy.

While it is desirable to educate the public to the necessity of promptly informing the superintendent of a hospital of the whereabouts of an escaped patient, it is not in the best interest of the patient, his family or the general public to bring about this result by imposing criminal penalties. The adoption of such legislation would be a step in the wrong direction in that it would tend to promote fear of mental patients on the part of the public and fear by the patient of the public.

These views are shared by the Department of Public Welfare and by the Veterans Administration.

I do not consider this bill to be in the public interest.

For these reasons, the bill is not approved.

WILLIAM W. SCRANTON

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No. 4

AN ACT

Amending the act of July 11, 1917 (P. L. 769), entitled "An act to regulate the importation into the State of Pennsylvania of dependent, delinquent, or defective children; and providing a penalty for the violation thereof," deleting references to the Board of Public Charities, further regulating the importation of certain children in this State, prescribing penalties, and prescribing powers and duties of the Department of Public Welfare.

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

Section 1. Section 1, act of July 11, 1917 (P. L. 769), entitled "An act to regulate the importation into the State of Pennsylvania of dependent, delinquent, or defective children; and providing a penalty for the violation thereof," is amended to read:

Section 1. Be it enacted, &c., That it shall be unlawful for any person, corporation, association, or institution to bring or send, *any dependent, delinquent, or defective child* or cause *him* to be brought or sent, into the State of Pennsylvania, [any dependent or delinquent or

defective child, for] *with the purpose or consequence* of placing such child in [any] *a foster home* [in Pennsylvania,] or procuring [the placing of such child in any home in Pennsylvania, by indenture,] *his adoption* [or otherwise or to abandon such child after being brought or sent into the State of Pennsylvania] without first obtaining the written consent of the [Board of Public Charities of Pennsylvania and conforming to this act and to such rules and regulations of such board consistent herewith as such board may from time to time prescribe. Authority is hereby given to such board to make such rules and regulations as it shall deem best to carry out the provisions of this act.] *Department of Public Welfare: Provided, That this act shall not apply to a relative receiving or bringing a child into this State for the purpose of giving him a home in the relative's own family nor to a person, corporation, association or institution receiving or bringing a dependent child into this State for the purpose of procuring his adoption.*

Section 2. Section 2 of the act, amended April 3, 1956 (P. L. 1380), is amended to read:

Section 2. Such [person, corporation, association, or institution, before bringing or sending, or causing to be brought or sent, any such child into this State, shall first give an] *consent by the Department of Public Welfare shall be given only upon the following conditions:*

(1) *An indemnity bond shall be given* in favor of the State of Pennsylvania, [or to the agency the Secretary of Welfare may designate, or both,] *approved by the department* in the penal sum of one thousand dollars, [to be approved by the Department of Welfare, and such other guarantee to the Department of Welfare as it may require,] conditioned as follows: That they will not send or bring or cause to be brought or sent, into this State, any child that is incorrigible, or one that is of unsound mind or body; [that they will, at once, upon the placement of such child, report to the Department of Welfare its name and age, and the name and residence of the person with whom it is placed; that if any such child shall, before it reaches the age of twenty-one years, become a public charge,] *and that they will* [, within thirty days after written notice shall have been given them of such fact by the Department of Welfare,] *remove [such] any child from the State* [and if any such dependent child shall be convicted of crime or misdemeanor and imprisoned, within three years from the time of its arrival within the State, such person, corporation, association, or institution will remove from the State such child, immediately upon its being released from such imprisonment; and upon failure, after thirty days' notice and demand to remove any such child who shall have either become a public charge as aforesaid, or who shall have been convicted as aforementioned, in either event, such person, corporation, association, or institution shall at once and thereby forfeit the sum of one thousand dollars as a penalty therefor, to be recovered upon such bond by a suit in the name of the State of Pennsylvania, which sums or any part thereof collected by the State may be assigned by the Secretary of Welfare to the agency designated by the Secretary of Welfare to place the child elsewhere and, if the bond is given in the name of an agency other than the State of Pennsylvania, the agency may proceed to accomplish forfeiture of the entire sum, or part thereof,

and collect the entire sum or part thereof under the terms of the bond and utilize the funds forfeited or collected to place the child elsewhere; that they will place or cause to be placed each of such dependent children under written contract, which will secure to such child a proper home, and will make the person so receiving such child responsible for its proper care, education, and training; that they will properly supervise the care and training of each such children, and that each of such children shall be visited, at least twice a year, by a responsible agent of the person, corporation, association, or institution so placing or causing to be placed such child as herein provided; that they will make, to the said department, such reports of their work as said department, from time to time may require.] *for whom such consent shall have been given by the department, who prior to his adoption or reaching eighteen years of age becomes a public charge or who shall be adjudged delinquent. The Department of Public Welfare may waive the bond herein provided for whenever in the opinion of the department such waiver is warranted.*

(2) *A statement in writing shall have been obtained from the Department of Public Welfare that the proposed foster or adoption home and all arrangements therefor are suitable for the care, education and training of the child proposed to be brought or sent into this State and are in conformity with applicable regulations of the department.*

(3) *The person taking or receiving the child shall have agreed in writing to conform to all applicable regulations of and report to the Department of Public Welfare, at least annually, and at such other times as the department may require, as to the location and well being of such child until he shall be eighteen years of age or shall be legally adopted.*

Section 3. The act is amended by adding, after section 2, a new section to read:

*Section 2.1. Any person, corporation, association or institution subject to this act having had thirty days' notice and demand by the department to remove from the State any child admitted under the provisions of this act shall upon failure to remove the child at once and thereby forfeit the sum of one thousand dollars (\$1000) as a penalty therefor to be recovered upon such bond by a suit in the name of the Commonwealth of Pennsylvania. This sum or any part thereof collected by the Commonwealth may be assigned by the department to a supervised child caring agency designated by the department to place the child elsewhere.*

Section 4. Section 3 of the act is amended to read:

Section 3. The [Board of Public Charities] *Department of Public Welfare* shall have general supervision and management of all matters contained in this act; and may make such [other and further] rules and regulations, not inconsistent herewith, as it may deem necessary for the [proper placing out, indenture, adoption, removal and supervision of such children, and for the rejection of incorrigible or unsound children, and for the removal of children convicted of crimes or misdemeanors, or who may become public charges] *rejection, placement, supervision and removal of children under this act.*

Section 5. Section 5 of the act is repealed.

Section 6. This act shall take effect immediately.



VE TO No. 4

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, August 14, 1963.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 608, Printer's No. 1097, entitled "An Act amending the act of July 11, 1917 (P. L. 769), entitled 'An act to regulate the importation into the State of Pennsylvania of dependent, delinquent, or defective children; and providing a penalty for the violation thereof,' deleting references to the Board of Public Charities, further regulating the importation of certain children in this State, prescribing penalties and prescribing powers and duties of the Department of Public Welfare."

The bill was originally introduced at the request of the Department of Public Welfare in order to strengthen the present Importation Act to ensure more effective supervision by that department and to bring the act up to date. However, in the course of its passage through the General Assembly the bill was so amended as to defeat the purpose for which it was intended.

Specifically, the bill was amended in the General Assembly so as to exclude from the requirements of the Importation Act "a person, corporation, association, or institution receiving or bringing a dependent child into this State for the purpose of procuring his adoption."

In its present form the bill would weaken the controls of the Department of Public Welfare and would make the Importation Act very difficult, or impossible, to administer.

The Department of Public Welfare has pointed out that its investigation of adoptions in such cases is not rendered unnecessary by court investigation as provided for in the Adoption Law. Many of the children brought into Pennsylvania for adoption are not adopted in Pennsylvania but in the state from which the children come. When adoptions do take place in Pennsylvania, there is no supervision or protection of the children until the decree is granted, except under the Importation Act.

Moreover, the bill in its present form is inconsistent. If, as amended, the placement of a child for adoption is to be excluded from the Department of Public Welfare's jurisdiction under the act, the remainder of the bill, which repeatedly refers to adoption as well as foster home care, cannot be reasonably interpreted. It will be impossible, for example, to determine which homes are intended for foster care and which represent adoption homes.

The Importation Act in its present form, notwithstanding that its language is outdated, is a law which can be administered and it gives a measure of protection to children which would not be provided under this bill.

I do not consider this bill to be in the public interest.

For these reasons, the bill is not approved.

WILLIAM W. SCRANTON

No. 5  
AN ACT

Amending the act of April 9, 1929 (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments, boards, and commissions, and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," imposing powers and duties on the General Assembly relative to the allocation of certain space in the State Capitol building.

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

Section 1. Clause (a) of section 2402, act of April 9, 1929 (P. L. 177), known as "The Administrative Code of 1929," amended March 28, 1961 (P. L. 66), is amended to read:

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

(a) Subject to the powers by this act vested in the Board of Commissioners of Public Grounds and Buildings *and the General Assembly*, to control and supervise the State Capitol Building, and the public grounds and buildings connected with the State Capitol, including the State Arsenal, any building or buildings that may have been devised or may hereafter be devised to the Commonwealth within the City of Harrisburg, the Northwest Office Building now occupied by the Pennsylvania Liquor Control Board, the Pittsburgh State Office Building, the Philadelphia State Office Building and the Executive Mansion, and to make, or supervise the making, of all repairs, alterations, and improvements, in and about such grounds and buildings, including the furnishing and refurnishing of the same, and also to have general supervision over repairs, alterations, and improvements to all other buildings, lands, and property of the State, except as in this act otherwise provided:

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Section 2. The act is amended by adding, after section 2402, a new section to read:

*Section 2402.1. Allocation of Certain Space in State Capitol Building.—The General Assembly shall have the power, and its duty shall be: to allocate the offices, rooms and accommodations in the State Capitol building other than the offices, rooms and accommodations presently occupied by the Governor and his staff, the Supreme and Superior Courts, and the Department of Justice, to itself and the*

*various departments, departmental administrative boards and commissions, independent administrative boards and commissions, courts and other agencies and branches of the government.*

VETO No. 5

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, August 14, 1963.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 626, Printer's No. 740, entitled "An Act amending the act of April 9, 1929 (P. L. 177), entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor, and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined,' imposing powers and duties on the General Assembly relative to the allocation of certain space in the State Capitol building."

This bill amends The Administrative Code of 1929 by conferring upon the General Assembly the power and duty to allocate the offices, rooms, and accommodations in the State Capitol building among the various agencies and branches of the government. Excluded from this grant of control are those accommodations presently occupied by the Governor, his staff, the Supreme and Superior Courts, and the Department of Justice.

The allocation of office space among the various activities of the State government is a matter of great concern to this administration. To remove from the main Capitol building any particular department presently located there, without first providing for other suitable office space, would cause serious problems and bring about major dislocations in the activities of that, and perhaps other, departments. Moreover, providing for other accommodations would necessarily require an appropriation of funds with which to pay for such space. A bill which provides for the possibility of the occupation of a substantial part of the main Capitol building by the legislative branch of the government, without regard to the needs of other branches of the State government, and without any provision for consultation with the executive branch of the State government before making such changes, is in my opinion, not consistent with the orderly operation of government.

Further, this bill would restrict the Governor's office with all of its related activities, and the Department of Justice, to the space they presently occupy. The space needs of these agencies have greatly increased from time to time in the past, and there is definite indication that their needs will increase in the future. In the event these departments expand their operations, it might well be necessary, under this bill, to divide their personnel between several buildings, or to remove their offices entirely from the Capitol building.

The allocation of office space is a matter which, in my judgment, ought to remain under the jurisdiction of the executive branch of the State government.

Similar legislation was vetoed by Governor Lawrence on September 20, 1961.

For these reasons, the bill is not approved.

WILLIAM W. SCRANTON

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No. 6

AN ACT

Amending the act of September 29, 1951 (P. L. 1654), entitled "An act providing for appeals from the decisions of civil service boards and commissions in cities," by clarifying the right of appeal by any employe from decisions of the civil service board or commission, and providing that the city may appeal from such decisions.

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

Section 1. Section 1 of the act of September 29, 1951 (P. L. 1654), entitled "An act providing for appeals from the decisions of civil service boards and commissions in cities," is amended to read:

Section 1. All decisions of the civil service board or commission in any city, *including cities of the first class notwithstanding the adoption of a Home Rule Charter by any such city of the first class*, shall be subject to appeal to the court of common pleas or the county court of the county in which the city is located. The appeal may be taken, by any employe aggrieved thereby *or by the city*, at any time within thirty days after the decision has been entered of record.

Section 2. This act shall take effect immediately.

VETO No. 6

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, August 24, 1963.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 1148, Printer's No. 2043, entitled "An Act amending the act of September 29, 1951 (P. L. 1654), entitled 'An act providing for appeals from the decisions of civil service boards and commissions in cities,' by clarifying the right of appeal

by any employe from decisions of the civil service board or commission and providing that the city may appeal from such decisions.”

The law presently provides the right of appeal by employes in certain cities from decisions of the civil service board or commission of such city. This bill would extend the provisions of this act to authorize such appeal from decisions of the Civil Service Commission of the City of Philadelphia. It would also authorize appeals by the city.

One of the basic principles of the Philadelphia Home Rule Charter is to strengthen the control of the citizens of Philadelphia over their local government. If these principles are to be effectuated, as I think they should be, then the details of the government of Philadelphia and the remedies provided to its civil service employes should be left to the discretion and determination of the governing body of that city without interference by the State Legislature. Otherwise the local autonomy guaranteed by the Charter would be to a great degree violated.

For these reasons, the bill is not approved.

WILLIAM W. SCRANTON

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No. 7

AN ACT

Amending the act of April 9, 1929 (P. L. 343), 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,” authorizing the Board of Finance and Revenue to refund taxes, license fees, penalties, fines, bonus or other moneys paid to the Commonwealth and to which the Commonwealth is not rightfully or equitably entitled from the fund into which paid and removing the requirement of an appropriation for that purpose and requiring notice to the Governor.

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

Section 1. The first paragraph of clause (a) of section 503, act of April 9, 1929 (P. L. 343), known as “The Fiscal Code,” amended July 13, 1957 (P. L. 838), is amended to read:

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] *the fund into which such taxes, license fees, penalties, fines, bonus, or other moneys were originally paid*, or to credit the account of the person, association, corporation, body politic or public officer entitled to the refund. *The Board of Finance and Revenue shall advise the Governor of all such refunds.* A list of the final amounts of any such refunds or credits in excess of five thousand dollars (\$5,000.00) hereafter granted for corporation taxes, the names of the corporations entitled thereto, and a brief summary of the reasons therefor, and a list of the names and final amounts of any such refunds or credits in excess of two hundred dollars (\$200.00) hereafter granted to any persons or corporations shall be available for public inspection. The jurisdiction of the Board of Finance and Revenue to hear and determine a petition for refund, as aforesaid, shall not be affected or limited (I.) by the fact that proceedings for review by the Board of Finance and Revenue or appeal to the court of common pleas of Dauphin County, involving the same tax or bonus and period for which a refund is sought, are pending, have been withdrawn, or have been otherwise closed, provided such proceedings relate to other objections than those raised in the petition for refund, or provided such petition for refund is based upon a final judgment or decision of a court of competent jurisdiction holding the act of Assembly under which the petitioner paid the tax or other money involved to be unconstitutional or to have been erroneously interpreted or (II.), or the fact that a petition for resettlement or reassessment involving the same tax or bonus and period and involving either the same or different questions than those raised in the petition for refund is pending has been withdrawn or has been otherwise closed. All such petitions for refund must be filed with the board within two years of the payment of which refund is requested, or within two years of the settlement in the case of taxes or bonus, whichever period last expired, except

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Section 2. Clause (b) of section 503 of the act, amended March 6, 1956 (P. L. 1218), is amended to read:

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,

\* \* \* \* \*

(b) To hear and determine any petition for the remission of penalties imposed and paid for failure to file any tax or bonus report within the time specified by law. If the board be satisfied that the failure to file the report was not wilful, that the report was actually filed within thirty days after it was due, and that the amount of tax or bonus, exclusive of penalty, admitted to be due, was paid to the Common-

wealth within thirty days after the date when payment of the tax or bonus became due, it may allow the petition and refund the amount of the penalty, or any part thereof, out of [any appropriation or appropriations made for the purpose] *the fund into which such penalty was originally paid*, or credit the account of the person, association, corporation, body politic, or public officer by whom or which the penalty was paid, but no such petition shall be considered unless it be filed within two years after the penalty was paid.

In the case of petitions for the remission of penalties imposed and paid for failure to file tentative reports for the year 1953 or fiscal years beginning in 1953 under Section 4 (b) of the Corporate Net Income Tax, as reenacted and amended, or under Section 4 (b) of the Corporation Income Tax Law, as reenacted and amended, the Board may allow such petitions if it is satisfied that the failure to file the tentative report was not wilful, that the tentative report was actually filed within one (1) year after it was due, and that the amount of tax required to be paid with such tentative report was paid to the Commonwealth within one (1) year after the date when payment of such tax became due, but no such petition shall be considered unless it is filed prior to the first day of July, 1956.

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#### VETO No. 7

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, August 27, 1963.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 190, Printer's No. 1092, entitled "An Act amending the act of April 9, 1929 (P. L. 343), 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,' authorizing the Board of Finance and Revenue to refund taxes, license fees, penalties, fines, bonus or other moneys paid to the Commonwealth and to which the Common-

wealth is not rightfully or equitably entitled from the fund into which paid and removing the requirement of an appropriation for that purpose and requiring notice to the Governor.”

This bill would amend Section 503 of The Fiscal Code which authorizes the Board of Finance and Revenue to refund taxes, license fees, penalties, fines, bonus or other moneys paid to the Commonwealth, and to which the Commonwealth is not rightfully entitled. At present, all General Fund refunds are paid out of an appropriation made to the State Treasury for this purpose, except for refund of sales taxes provided for by executive authorization.

We are quite in sympathy with the need to make refunds as quickly as possible.

It is highly desirable that the executive authorization method be employed for all refunds. At one stage, this bill contained language to this effect which would have been acceptable, as follows:

“So much of the proceeds of the various taxes, license fees, penalties, fines, bonuses or other moneys as shall be necessary for the payment of refunds out of the General or special Funds shall be authorized by the Governor.”

However, this language was stricken from the bill before final passage. As a result, the Governor would be unable to control the fiscal position of the Commonwealth to the degree necessary to insure that the revenue upon which he had relied in approving appropriations would not be seriously depleted by large and unexpected refunds.

Under the present system, refunds are still being made out of the current appropriations, and if funds are not available, appropriations therefor may be made at the next annual Session.

The deletion of the foregoing language rendered the bill unacceptable.

For these reasons, the bill is not approved.

WILLIAM W. SCRANTON

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No. 8

AN ACT

Limiting certain actions for injuries to the person and for wrongful death and to property and arising out of the defective and unsafe condition of an improvement to real property.

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

Section 1. No action to recover damages for deficiencies in design, planning or supervision of construction for injury to property, real or personal, or for injury to the person, or for wrongful death arising out of the defective and unsafe condition of an improvement to real property, nor any action for contribution or indemnity for damages sustained on account of such injury, shall be brought against any person performing or furnishing the design, planning, supervision of construction of such improvement more than ten years after the completion of construction or last furnishing of services by such person,



whichever last occurred: Provided, That notwithstanding the above, any such action to recover damages for any such injury or wrongful death occurring during the tenth year following the date of completion of construction or last furnishing of services by such person may be brought within two years after the date on which such injury occurred, or in the case of wrongful death within one year after the date of death.

Section 2. Nothing in this act shall be construed as extending the period prescribed for the bringing of any action by the laws of this Commonwealth.

Section 3. The limitation prescribed by this act shall not be asserted by way of defense by any person in actual possession or control as owner, tenant or otherwise of the improvement at the time the defective and unsafe condition of such improvement constitutes the proximate cause of the injury or death for which it is proposed to bring an action.

Section 4. All acts or parts of acts inconsistent herewith are hereby repealed.

#### VETO No. 8

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, August 27, 1963.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 460, Printer's No. 1100, entitled "An Act limiting certain actions for injuries to the person and for wrongful death and to property and arising out of the defective and unsafe condition of an improvement to real property."

This bill provides that no action shall be brought against any person performing or furnishing the design, planning or supervision of construction of any improvement to real property for injury to real or personal property, personal injury or wrongful death arising out of the defective and unsafe condition of the improvement more than ten years after the completion of the work or the furnishing of services by such person, whichever last occurred. The bill similarly bars any action for contribution or indemnity arising out of such claim.

It is the general law of this Commonwealth that causes of action of the types chiefly envisioned by this statute, namely for damage to person or property, arise only when injury is sustained by the plaintiff, and not when the causes are set in motion which ultimately produce injury as a consequence. The bill would change the basic concept of the time when a cause of action accrues from the date of the injury to the date when the negligent or wrongful act of the defendant was committed. Furthermore, this basic concept would be changed only for the benefit of a small segment of the people of this Commonwealth, namely those engaged in the work of designing, planning or supervising construction or other improvements to real property, and to the detriment of the great majority of our citizens.

Statutes of limitations are founded upon sound public policy. They are the legislative declarations of the common judgment as to the period in which a suit may be brought without placing the defendant at an unfair disadvantage by reason of lapse of time. The end result of this bill, however, may well be the destruction of many causes of action before the occurrence of the injury out of which a cause of action would arise. Injuries or death may take place in the future, the damages for which would be forever barred in cases where the negligent or wrongful act of the designer, planner or supervisor occurred more than ten years before the injury occurred. Many situations can be imagined where the plaintiff, until the very moment of injury, could not have reasonably had knowledge of the fact that the work had been planned or designed in a negligent manner.

Until the present time there has been no law or group of laws in Pennsylvania shortening the statute of limitations in favor of any one segment of any profession or business. This bill would be the first step in that direction, but if the principle of this bill is valid it should be equally applicable to any other profession or occupation engaged in by the people of this Commonwealth. Accordingly, I do not consider this bill to be in the public interest. On the contrary, it would unreasonably deny access to the courts for the redress of negligent injury and would, therefore, be detrimental to the interests of the public of this Commonwealth.

For these reasons, the bill is not approved.

WILLIAM W. SCRANTON

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No. 9

AN ACT

Amending the act of June 12, 1951 (P. L. 533), entitled "An act relating to mental health, including mental illness, mental defect, epilepsy and inebriety and amending, revising, consolidating and changing the laws relating thereto," changing the procedures for the handling of patients' funds and repealing inconsistent laws.

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

Section 1. The act of June 12, 1951 (P. L. 533), known as "The Mental Health Act of 1951," is amended by adding, after section 811, a new section to read:

*Section 811.1. Patients' Funds.—(a) Where no guardian has been appointed for a patient, all money or property in the possession of a patient upon admission and all money or property received by a patient thereafter (including money received pursuant to the provisions of section 801 (4) of the act) shall be handled in the following manner:*

*(1) The superintendent shall, without application to any court, hold and, in his discretion, use for the benefit of the patient the first two hundred dollars (\$200.00) in value of the patient's money or property, and*

(a) when the patient has no outstanding obligation to the Commonwealth, all further money and property up to five hundred dollars (\$500.00), and

(b) when the patient has an outstanding obligation to the Commonwealth and until such obligation is satisfied, fifty per centum (50%) of all further money or property up to five hundred dollars (\$500.00).

(2) The authorized agent of the Department of Revenue shall, without application to any court, apply for and receive any gifts, legacies, pensions, insurance payments, retirement benefits or payments, old-age and survivors' insurance, or any other benefits or payments to which a resident or nonresident patient may be entitled. He shall, upon the superintendent's request, restore the superintendent's balance to five hundred dollars (\$500.00) as provided in subsection (1) hereof and hold and use the remainder of such funds up to three thousand dollars (\$3,000.00) for application to the patient's obligation to the Commonwealth.

(3) Whenever the money or property of the patient exceeds three thousand dollars (\$3,000.00) in value, the revenue agent shall, except as provided hereafter, request the Department of Justice to apply to a court for the appointment of a guardian for the patient. When a guardian has been appointed pursuant to this section or in any other manner, such guardian shall be entitled to receive all money or property of the patient in the possession of the revenue agent and all money or property exceeding one hundred dollars (\$100.00) in value in the possession of the superintendent. The guardian shall, thereafter, be obligated to maintain a balance not exceeding one hundred dollars (\$100.00) in the possession of the superintendent. All funds transmitted to the guardian shall be accompanied by a statement by the superintendent or revenue agent, or both, as the case may be, certified as true and correct and setting forth in detail a full accounting of the patient's funds disbursed for the benefit of the patient. However, whenever the money or property of the patient exceeds three thousand dollars (\$3,000.00) in value and the superintendent is of the opinion or irrespective of the superintendent's opinion, the court rules that the patient is competent to manage his own affairs, all such money or property in excess of three thousand dollars (\$3,000.00) shall be handled by the revenue agent in accordance with the patient's directions.

(b) All money or property of a patient presently held by the superintendent or revenue agent shall be allocated and handled in accordance with the provisions of this section.

(c) Within a period of thirty (30) days prior to the leave of absence or discharge from an institution of any patient who has money or property in the possession of the superintendent or the revenue agent, the superintendent shall confer with the revenue agent as to the status of the patient's account with the Commonwealth. Thereafter, upon leave of absence or discharge, the superintendent shall determine what portion, if any, of the money or property of the patient:

(1) shall be retained by or transferred to the revenue agent for application to the patient's account with the Commonwealth,

(2) shall be immediately turned over to the patient, or

(3) in the case of leave of absence only, shall be held in trust by the revenue agent until such time as in the judgment of the superintendent it would serve the best interest of the patient to turn over to him all or any part of such money or property: Provided, That no such money or property shall be thus held in trust for a period in excess of three (3) years.

Whenever the revenue agent shall disagree with the determination made by the superintendent under clause (1) of this subsection, he shall notify the superintendent of his disagreement. Within five (5) days thereafter, the superintendent and the revenue agent shall each submit a summary of their views in the matter to a board consisting of the Attorney General, the Secretary of Public Welfare and the Secretary of Revenue, or their designees. The board shall resolve the question and its decision shall be final. A copy of the summary and the decision of the board shall be filed with the Auditor General.

(d) Upon the death of any patient, the superintendent shall transfer to the revenue agent all money or property belonging to the patient. If the patient's estate, exclusive of money or property held under this section, is insufficient to pay reasonable burial expenses of the patient, the revenue agent shall then determine the reasonable amount of money or property held under this section necessary for burial purposes. In any event, he shall determine the amount to be applied to the patient's account with the Commonwealth and shall then notify the superintendent of his decision. If the superintendent agrees with these determinations, the revenue agent shall pay the burial expenses and apply the determined amount to the patient's account with the Commonwealth. If the superintendent disagrees with the revenue agent's determinations, he shall notify the revenue agent of his disagreement and thereafter the appeal procedure set forth in subsection (c) above shall apply. After the payment of burial expenses and satisfaction of the patient's obligation to the Commonwealth, the balance of the patient's funds, if any, shall if claimed within five (5) years after the date of death of the patient be turned over by the revenue agent to the patient's estate. If such funds are not claimed by the patient's estate within five (5) years of the date of death of the patient, they shall be used by the superintendent of the institution for the general welfare of all patients in the institution pursuant to rules and regulations of the Department of Public Welfare.

(e) The superintendent and the revenue agent shall, at all times, have on file with the Secretary of the Commonwealth a bond at least equal to the total value of all patients' money or property in their possession.

(f) The superintendent and revenue agent shall each open a single interest bearing account in a bank, banking institution or trust company and shall deposit therein the moneys of all patients held by them respectively under this section. All interest earned on such accounts shall be used by the superintendent of each institution for the general welfare of all patients in the institution pursuant to rules and regulations of the Department of Public Welfare.

Section 2. Section 812 of the act is repealed.

Section 3. Section 206, act of April 9, 1929 (P. L. 343), known as "The Fiscal Code," is repealed in so far as inconsistent.

Section 4. This act shall take effect immediately.

#### VETO No. 9

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, August 27, 1963.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 623, Printer's No. 737, entitled "An Act amending the act of June 12, 1951 (P. L. 533), entitled 'An act relating to mental health, including mental illness, mental defect, epilepsy and inebriety, and amending, revising, consolidating and changing the laws relating thereto,' changing the procedures for the handling of patients' funds and repealing inconsistent laws."

This bill seeks to establish a comprehensive system for the handling of funds of patients at State mental institutions. This is a highly desirable objective. Regrettably, the Secretary of Public Welfare and Secretary of Revenue under whose joint aegis the bill would be administered, have just learned that the bill in its present form contains certain provisions objectionable to the United States Department of Health, Education and Welfare, which will endanger the receipt of social security benefits for patients by revenue agents at our State mental institutions. In addition, the Secretary of Revenue informs me that enactment of this bill at the present time would cause staffing and administrative problems for the Bureau of Institutional Collections and a consequent increase in the Bureau's operating costs not provided for in the 1963-1964 appropriation.

For these reasons, the bill is not approved.

WILLIAM W. SCRANTON

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#### No. 10

#### AN ACT

Amending the act of March 10, 1949 (P. L. 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," increasing amounts in budgets for travel expenses.

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

Section 1. Section 1068, act of March 10, 1949 (P. L. 30), known as the "Public School Code of 1949," amended August 22, 1961 (P. L. 1021), is amended to read:

Section 1068. Expenses.—In addition to the foregoing salaries each county superintendent, each assistant county superintendent, and each supervisor of special education shall be entitled to receive annually the payment of actual and necessary expenses incurred in visiting schools within his district, in attending educational meetings,

and in the performance of such other official duties as may be required of him by law. In preparing the budget, an average of [seven hundred dollars (\$700)] *one thousand dollars (\$1000)* shall be used in estimating the travel cost of county superintendents, and in addition thereto, an average of [seven hundred dollars (\$700)] *one thousand dollars (\$1000)* shall be used in estimating the travel cost of assistant county superintendents, and supervisors of special education. The Department of Public Instruction shall allocate the travel funds to the several counties in accordance with regulations to be determined by the Superintendent of Public Instruction. Payments shall be made monthly, on account of such expenses to county superintendents, assistant county superintendents, or supervisors of special education, by requisition of the Superintendent of Public Instruction upon the Auditor General, upon the production to him of itemized vouchers in the usual manner. The Superintendent of Public Instruction is authorized to reserve an amount not to exceed five per cent (5%) of the allocation to be expended for out-of-state travel as approved by the Superintendent of Public Instruction.

VE TO No. 10

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, August 27, 1963.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 657, Printer's No. 787, entitled "An Act amending the act of March 10, 1949 (P. L. 30), entitled 'An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto,' increasing amounts in budgets for travel expenses."

This bill amends Section 1068 of the Public School Code of 1949, the Act of March 10, 1949, P. L. 30, amended August 22, 1961, P. L. 1021, to increase the amount that may be budgeted for travel expenses of county superintendents of schools, assistant county superintendents of schools and supervisors of special education, from \$700 to \$1,000.

No provision was made for this increased cost of the county school offices in the budget for this fiscal period. The appropriation passed by the General Assembly was based upon the \$700 basis of present law. Approval of this bill would result in a deficiency.

For these reasons, the bill is not approved.

WILLIAM W. SCRANTON

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No. 11

AN ACT

Amending the act of March 6, 1956 (P. L. 1228), entitled, as amended, "An act to provide revenue for purposes of public education by imposing a tax on the sale, use, storage, rental or consumption of personal property and certain services and upon the occupancy of hotel rooms; providing for certain exclusions; providing for licenses, reports and payment of tax, interest and penalties, assessments, collections, liens, reviews and appeals; prescribing

crimes and offenses and penalties therefor; providing for the application of general laws in the administration and enforcement of this act; conferring powers and imposing duties upon the Department of Revenue, public officers, manufacturers, wholesalers, retailers, operators, corporations, partnerships, associations and individuals and making an appropriation," excluding the sale at retail or use of fish raised in commercial hatcheries and sold to licensed fee-fishing lakes and certain sales from the tax, extending the period for refunds, and clarifying provisions relating to certain contracts.

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

Section 1. Clause (4) of subsection (j) and clause (4) of subsection (n) of section 2, act of March 6, 1956 (P. L. 1228), known as the "Tax Act of 1963 for Education," amended May 29, 1963 (Act No. 43), are amended to read:

Section 2. Definitions.—The following words, terms and phrases when used in this act shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

\* \* \* \* \*

(j) "Sale at Retail."

\* \* \* \* \*

(4) The rendition for a consideration of the service of repairing, altering, mending, pressing, fitting, dyeing, laundering, drycleaning or cleaning tangible personal property or applying or installing tangible personal property as a repair or replacement part of other personal property for a consideration *including contracts which provide for such rendition of services if the contracts entered into are for a consideration*, whether or not the services are performed directly or by means of coin-operated equipment or by any other means, and whether or not any tangible personal property is transferred in conjunction therewith, except such services as are rendered in the construction, reconstruction, remodeling, repair or maintenance of real estate: Provided, however, That this subclause shall not be deemed to impose tax upon such services in the preparation for sale of new items which are excluded from the tax under subsection (q) of section 203, or upon diaper service.

\* \* \* \* \*

(n) "Use."

\* \* \* \* \*

(4) The obtaining by a purchaser of the service of repairing, altering, mending, pressing, fitting, dyeing, laundering, drycleaning or cleaning tangible personal property or applying or installing tangible personal property as a repair or replacement part of other personal property *including contracts which provide for the services. If the contracts are entered into for a consideration*, whether or not the services are performed directly or by means of coin-operated equipment or by any other means, and whether or not any tangible personal property is transferred to the purchaser in conjunction therewith, except such services as are obtained in the construction, reconstruction, remodeling, repair or maintenance of real estate: Provided, however, That this subclause shall not be deemed to impose tax upon such

services in the preparation for sale of new items which are excluded from the tax under subsection (q) of section 203, or upon diaper service: And provided further, That the term "use" shall not include—

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Section 2. Clause (a) of section 203 of the act, amended April 15, 1959 (P. L. 20), is amended to read:

Section 203. Exclusions from Tax.—The tax imposed by section 201 shall not be imposed upon

(a) The sale at retail or use of tangible personal property (other than motor vehicles, trailers and semi-trailers *except those motor vehicles, trailers and semi-trailers sold to a corporation all of the stock of which is owned by the person making the sale and which stock is retained by such person for a period of one year or more*) or services sold by or purchased from a person not a vendor in an isolated transaction or sold by or purchased from a person who is a vendor but is not a vendor with respect to the tangible personal property or services sold or purchased in such transaction: Provided, That inventory and stock in trade so sold or purchased, shall not be excluded from the tax by the provisions of this subsection.

\* \* \* \* \*

Section 3. Section 203 of the act is amended by adding, at the end thereof, a new clause to read:

Section 203. Exclusions from Tax.—The tax imposed by section 201 shall not be imposed upon

\* \* \* \* \*

(2) *The sale at retail or use of fish raised in commercial hatcheries when sold to licensed fee-fishing lakes.*

Section 4. Subsection (a) of section 553 of the act, amended July 8, 1957 (P. L. 584), is amended to read:

Section 553. Refund Petition.—[(A) except] (a) *Except* as provided for in section 556 and in subsection (b) and (d) of this section, the refund or credit of tax, interest or penalty provided for by section 552 shall be made only where the person who has actually paid the tax files a petition for refund with the department within [eighteen months] *three years* of the actual payment of the tax to the Commonwealth. Such petition \*for refund must set forth in reasonable detail the grounds upon which the taxpayer claims that the Commonwealth is not rightfully entitled to such tax, interest or penalty, in whole or in part, and shall be accompanied by an affidavit affirming that the facts contained therein are true and correct. The department may hold such hearings as may be necessary for the purpose at such times and places as it may determine, and each person who has duly filed a refund petition shall be notified by the department of the time when, and the place where, such hearing in his case will be held.

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\* "fer" in original.



VETO No. 11

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, August 27, 1963.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 733, Printer's No. 1104, entitled "An Act amending the act of March 6, 1956 (P. L. 1228), entitled, as amended, 'An act to provide revenue for purposes of public education by imposing a tax on the sale, use, storage, rental or consumption of personal property and certain services and upon the occupancy of hotel rooms; providing for certain exclusions; providing for licenses, reports and payment of tax, interest and penalties, assessments, collections, liens, reviews and appeals; prescribing crimes and offenses and penalties therefor; providing for the application of general laws in the administration and enforcement of this act; conferring powers and imposing duties upon the Department of Revenue, public officers, manufacturers, wholesalers, retailers, operators, corporations, partnerships, associations and individuals and making an appropriation,' excluding the sale at retail or use of fish raised in commercial hatcheries and sold to licensed fee-fishing lakes and certain sales from the tax, extending the period for refunds, and clarifying provisions relating to certain contracts."

This bill would amend the act in question to exempt from taxation the transfer of motor vehicles, trailers and semi-trailers to a corporation from a sole proprietorship which assumes the stock of the corporation prior to the transfer. Further, the sale at retail or use of fish raised in commercial hatcheries when sold to fee-fishing lakes would be excluded from the tax. The bill would also extend the time in which one may petition for a refund of taxes paid from the present limit of eighteen months to three years.

Although the two provisions exempting certain items from taxation would not result in a substantial loss of revenue, taken together with the extending of the refund period, there would be a marked effect on the budget for the fiscal year. Since there has been no provision for these adjustments in the present budget, the approval of this bill would not be in accordance with sound fiscal policy. The Budget Secretary has stated his objections to this bill in that the provision extending the period in which a refund may be obtained would result in an estimated \$500,000.00 in additional refunds for the fiscal year.

The Department of Revenue has similarly voiced an objection to this bill. The bill as originally passed by the House of Representatives contained certain technical amendments in regard to enforcement and its related area. It was anticipated that these provisions would to some extent offset the loss in revenue necessitated by the aforementioned exemptions and the extension of the refund period. Since these technical amendments were not concurred in by the Senate, it was necessary for a conference committee of the House and Senate to consider the bill. The result of the committee's action was to eliminate the enforcement provisions from the bill, but to retain the exemption provisions and extension of the refund period. This retention of the additional exemptions without the compensatory effect of the enforce-

ment provisions to offset the loss of revenue flowing from such exemptions would be contrary to the best interests of the Commonwealth.

For these reasons, the bill is not approved.

WILLIAM W. SCRANTON

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No. 12

AN ACT

Prohibiting the collection of tolls for the passage of certain vehicles over certain bridges across the Delaware River.

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

Section 1. No toll shall be charged for the passage of any ambulance, first aid or emergency aid vehicle or any vehicular fire fighting apparatus or police vehicle operated for the benefit of the public by the State of New Jersey or the Commonwealth of Pennsylvania, or any political subdivision first aid squad, emergency squad, fire company or fire or police department organized and operating in either of the states, over the bridges across the Delaware River between the cities of Camden and Gloucester City, New Jersey and Philadelphia, Pennsylvania or any part thereof, and any such vehicle or apparatus shall be entitled to pass thereover without the payment of any toll for such passage.

Section 2. This act shall take effect immediately but shall remain inoperative until substantially similar legislation shall be enacted by the State of New Jersey.

VETO No. 12

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, August 27, 1963.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 753, Printer's No. 927, entitled "An Act prohibiting the collection of tolls for the passage of certain vehicles over certain bridges across the Delaware River."

This bill would provide that no toll shall be charged on those bridges across the Delaware River between Camden and Gloucester City, New Jersey, and Philadelphia, Pennsylvania, for certain ambulances, first-aid or emergency-aid vehicles, fire-fighting apparatus or police vehicles.

Under the terms of the compact between Pennsylvania and New Jersey which created The Delaware River Joint Commission, the Act of June 12, 1931, P. L. 575, Section 9, continued as The Delaware River Port Authority by the Act of July 18, 1951, P. L. 1010, both states agreed with each other and with the holders of bonds, securities, or obligations of the Commission that so long as any obligations remain outstanding and unpaid, neither state shall diminish or impair the power of the Commission to establish, levy and collect tolls. Clearly, the exemption from liability for the payment of tolls by certain types of vehicles provided by this bill would not only diminish

or impair the power of the Commission to collect tolls but would abrogate the same with respect to the exempted vehicles.

The enactment of this bill would create serious administrative problems by reason of its failure to clearly define first-aid or emergency-aid vehicles.

I consider the purposes of this bill to be most meritorious. However, it is my opinion that the exemption of police and fire vehicles and ambulances from the payment of tolls could be more effectively accomplished by the adoption of a regulation by The Delaware River Port Authority. Such regulation could specifically define the exempted subjects. It would also be subject to amendment from time to time as operating and administrative problems might require. I am advised that such a regulation is presently under consideration by The Delaware River Port Authority and am most hopeful that the same will be adopted.

For these reasons, the bill is not approved.

WILLIAM W. SCRANTON

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No. 13

AN ACT

Amending the act of June 25, 1913 (P. L. 555), entitled "An act providing for the regulation of dams, or other structures or obstructions, as defined herein, in, along, across, or projecting into all streams and bodies of water wholly or partly within, or forming part of the boundary of, this Commonwealth; vesting certain powers and duties in the Water Supply Commission of Pennsylvania, for this purpose; and providing penalties for the violation of the provisions hereof," authorizing the construction and repair of certain bridges in townships of the second class without the consent of the Water and Power Resources Board.

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

Section 1. Section 2, act of June 25, 1913 (P. L. 555), entitled "An act providing for the regulation of dams, or other structures or obstructions, as defined herein, in, along, across, or projecting into all streams and bodies of water wholly or partly within, or forming part of the boundary of, this Commonwealth; vesting certain powers and duties in the Water Supply Commission of Pennsylvania, for this purpose; and providing penalties for the violation of the provisions hereof," amended May 6, 1937 (P. L. 559), is amended to read:

Section 2. [From] *Except as provided herein from* and after the passage of this act, it shall be unlawful for any person or persons, partnership, association, corporation, county, city, borough, town, or township to construct any dam or other water obstruction; or to make or construct, or permit to be made or constructed, any change therein or addition thereto; or to make, or permit to be made, any change in or addition to any existing water obstruction; or in any manner to change or diminish the course, current, or cross section of any stream or body of water, wholly or partly within, or forming a part of the boundary of, this Commonwealth, except the tidal waters of the Delaware River and of its navigable tributaries, without the consent or

permit of the Water and Power Resources Board, in writing, previously obtained, upon written application to said board therefor. *The district municipal services directors of the Pennsylvania Department of Highways may authorize the construction or repair of any township bridge having a span of twenty feet or less in a township of the second class without the consent or permit of the Water and Power Resources Board.*

VETO No. 13

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, August 27, 1963.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 279, Printer's No. 2117, entitled "An Act amending the act of June 25, 1913 (P. L. 555), entitled 'An act providing for the regulation of dams, or other structures or obstructions, as defined herein, in, along, across, or projecting into all streams and bodies of water wholly or partly within, or forming part of the boundary of this Commonwealth; vesting certain powers and duties in the Water Supply Commission of Pennsylvania, for this purpose; and providing penalties for the violation of the provisions hereof,' authorizing the construction and repair of certain bridges in townships of the second class without the consent of the Water and Power Resources Board."

This bill would permit district municipal services directors of the Pennsylvania Department of Highways to authorize the construction or repair of any township bridge having a span of twenty feet, or less, in a township of the second class, without the consent or permit of the Water and Power Resources Board.

The amendment proposes that the approval function for one type of bridge construction or repair, in one class of townships is to be transferred from the Water and Power Resources Board to the municipal directors of the Department of Highways who have had no previous jurisdiction or experience in the field.

I have serious doubts as to the constitutionality of this proposed legislation which excepts one particular class of bridges in one class of townships from provisions of a section of a statute having state-wide application to all persons and sub-divisions of the Commonwealth, and note that similar legislation enacted during the 1959 session of the General Assembly was vetoed by Governor Lawrence.

The proposed exemption would unnecessarily disrupt and weaken the state-wide uniform control of the Water and Power Resources Board over all waters of the Commonwealth and interfere with the exercise of its jurisdiction in state-wide studies and plans for flood control, drainage, ground waters, and other problems involving wide areas and often requiring federal concurrence.

The Secretary of Highways agrees that adoption of this amendment would permit construction of sub-standard bridges which might lead to damages to the bridges in times of heavy storms and be contrary to the safety requirements of the highways at all times and accordingly opposes its approval.

For these reasons, the bill is not approved.

WILLIAM W. SCRANTON

AN ACT

Amending the act of June 1, 1959 (P. L. 350), entitled "An act relating to the retirement of public school employes; amending, revising, consolidating and changing the laws relating thereto," further providing for the duties of the retirement board, providing for the correction of certain errors, and providing for deductions from appropriations to school districts in certain cases.

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

Section 1. Section 503, act of June 1, 1959 (P. L. 350), known as the "Public School Employes' Retirement Code of 1959," is amended by adding, after subsection (5), a new subsection to read:

Section 503. Duties of the Retirement Board.—

\* \* \* \* \*

*(5.1) In the event that any employer has made any mistake in performing its duties under Article V., section 504 of this act at any time and such mistake results in any employe, annuitant or beneficiary receiving from the retirement system more or less than he would have been entitled had such error not been made, upon the discovery of such error by the retirement board, the employer, or the contributor, and verification thereof by the retirement board, the retirement board shall direct the employer to correct such error, adjust the records, and accept such payments or contributions, if any, from both the employer and employe as may be necessary to correct the error.*

\* \* \* \* \*

Section 2. Section 503 of the act is amended by adding, after subsection (11), a new subsection to read:

Section 503. Duties of the Retirement Board.—

\* \* \* \* \*

*(11.1) Whenever any school employe is aggrieved by the refusal or neglect of any employer to perform any duty imposed on it by Article V., section 504, such employe may request, in writing specifying the grievance, a hearing before the retirement board. Upon receipt of such request, the retirement board shall, after due notice, fix a time and place for hearing at which all parties shall be heard. When the retirement board after hearing held shall find that any employer at any time has refused or neglected to perform any duty imposed on it by Article V., section 504, it shall direct the employer by written notice to correct the error and pay any amounts necessary to correct the error to the retirement fund.*

*Should the retirement board determine that any amounts, either on account of employe contributions or on account of employer payments, or both, be owed to the retirement fund as a result of the refusal or neglect of any employer to perform such duties, the employer shall be liable for payment to the retirement fund the amount of the contributions of the employe and the amount of the payments of the employer.*

*Should such employer after sixty (60) days written notice from the retirement board, refuse or fail to pay the amounts due as specified in this subsection, it shall be the duty of the retirement board to request the Superintendent of Public Instruction and State Treasurer to deduct the amounts owed from any moneys due to such employer on account of any appropriations for schools. Upon receipt of such request from the retirement board, the Superintendent of Public Instruction and the State Treasurer shall deduct the amounts owed from any moneys due to such employer on account of any appropriations for schools and pay the amounts due from such employer to the fund. The amounts paid into the fund on account of contributions of the employe shall be credited to the employes' annuity savings account and the amounts paid into the fund on account of payments of employers shall be credited to the contingent reserve account.*

\* \* \* \* \*

Section 3. This act shall take effect immediately.

#### VETO No. 14

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, August 27, 1963.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 360, Printer's No. 646, entitled "An Act amending the act of June 1, 1959 (P. L. 350), entitled 'An act relating to the retirement of public school employes; amending, revising, consolidating and changing the laws relating thereto,' further providing for the duties of the retirement board, providing for the correction of certain errors and providing for deductions from appropriations to school districts in certain cases."

The bill would amend the Public School Employes' Retirement Code of June 1, 1959, P. L. 350, by providing for the correction of errors in any employe's account and providing for deductions from appropriations to school districts in certain cases.

The procedures outlined in this legislation for the collection of delinquent employer accounts have been used by the Retirement Board for many years. Instead of withholding only the amounts claimed delinquent, and then usually a year following that in which the delinquency arises, the Retirement Board has had the cooperation of the Department of Public Instruction in withholding payment of the entire appropriation to the interested school district. This has proved very effective in the Board's collection efforts.

The correction of errors in the employe accounts have always been keenly observed by the Retirement Board in the past within their present statutory authority. The administrative procedures currently employed have worked most effectively in eliminating errors in accounts and it is felt that this efficient procedure need not be disturbed by enabling legislation.

Furthermore it appears superfluous, in view of the excellent record of the Retirement Board in keeping employe accounts accurate, for

the Board to be imposed with the administrative burden of holding hearings.

For these reasons, the bill is not approved.

WILLIAM W. SCRANTON

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No. 15

AN ACT

Requiring fiscal notes giving estimates of increased costs to the Commonwealth or loss of revenue resulting from the enactment of certain bills in the General Assembly and imposing powers and duties on the Budget Director, the Executive Director of the Legislative Budget and Finance Committee and other branches of the government.

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

Section 1. All bills and resolutions in the General Assembly which may have effect on the revenues, expenditures or fiscal liability of the Commonwealth, except appropriation bills carrying specific dollar amounts, shall have appended thereto in committee a fiscal note giving an estimate of such effect on expenditure of State moneys, loss of revenue or fiscal liability.

Section 2. The fiscal notes shall be requested by the chairman of the committee to which such bill or resolution shall be referred after introduction or amendment or by the majority or minority leader of either house.

Section 3. The fiscal note shall be appended to the bill prior to such bill being placed on the calendar but shall not become a part of the bill.

Section 4. Request for fiscal notes shall be made to the Budget Director or the Executive Director of the Legislative Budget and Finance Committee who shall determine the department, agency, board, authority or commission which is affected by the bill or resolution and which shall prepare the notes for submission and approval through the Budget Director or the Executive Director of the Legislative Budget and Finance Committee.

Section 5. Fiscal notes shall, where possible, cite effect in dollar amounts. Fiscal notes shall also cite statutes affected, estimated increase or decrease in revenue or expenditures, costs which may be absorbed without additional funds and so far as possible long range financial implications.

Section 6. If the expenditure of State moneys is not required to carry out the purpose of the bill or resolution, a statement of that fact shall be appended to the bill.

Section 7. Technical or mechanical defects of a bill or resolution may be duly noted in such fiscal note but no comment or opinion relative to the merits of the bill or resolution shall be included therein.

Section 8. This act shall take effect immediately.

VETO No. 15

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, August 27, 1963.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 835, Printer's No. 2379, entitled "An Act requiring fiscal notes giving estimates of increased costs to the Commonwealth or loss of revenue resulting from the enactment of certain bills in the General Assembly and imposing powers and duties on the Budget Director, the Executive Director of the Legislative Budget and Finance Committee and other branches of the government."

This bill provides that all bills and resolutions in the General Assembly which may affect the revenues, expenditures, or fiscal liability of the Commonwealth, except appropriation bills carrying specific dollar amounts, shall have a fiscal note, giving an estimate of such effect appended to them in committee, prior to their being placed on the calendar. The fiscal note is to be requested by the Chairman of the Committee to which such bill or resolution is referred, or by the majority or minority leader of either house. The request is to be made to the Budget Director, or the Executive Director, of the Legislative Budget and Finance Committee who is to determine the department, agency, board, authority, or commission which is affected by the bill or resolution, and which is given the duty to prepare the fiscal note.

This bill has a commendable purpose. The attaching of fiscal notes to all bills and resolutions involving increased or decreased expenditures and/or revenues undoubtedly would facilitate the consideration of such proposals by the members of the Legislature.

Nevertheless, despite the desirable purpose intended to be accomplished by the bill, the machinery which it creates could easily involve the office of the Budget Secretary, the Department of Revenue, as well as other Departments, in new and extensive duties which would detract from their primary functions as arms of the executive branch of the State government.

The bill is further objectionable by reason of its requirement that the fiscal note which it provides for must be attached before any proposal goes on the legislative calendar. That machinery would give to the agency which prepares the fiscal note a degree of control over such legislation, since any delay in preparing the fiscal note would prevent consideration of the bill by the Legislature. This could result in a serious disruption of the legislative process which would be particularly bad in the final weeks of a session such as that just experienced.

For these reasons, the bill is not approved.

WILLIAM W. SCRANTON

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No. 16

AN ACT

Amending the act of September 18, 1961 (P. L. 1389), entitled "An act establishing and taking over as State highways certain county highways, or sections thereof, tunnels, bridges, viaducts and approaches thereto, in counties, and



certain streets and bridges in cities of the first class and in cities of the second class, and certain streets in cities of the second class A and third class, and certain township roads and certain streets in boroughs and incorporated towns; authorizing under certain terms and conditions their construction, maintenance, repair, reconstruction and improvement by the Commonwealth; conferring certain powers upon Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and deleting certain State highways," imposing upon the Department of Highways the duty to assume for the Commonwealth the obligation to maintain, construct and reconstruct structures on township roads described in the act.

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

Section 1. Section 403, act of September 18, 1961, (P. L. 1389), entitled "An act establishing and taking over as State highways certain county highways, or sections thereof, tunnels, bridges, viaducts and approaches thereto, in counties, and certain streets and bridges in cities of the first class and in cities of the second class, and certain streets in cities of the second class A and third class, and certain township roads and certain streets in boroughs and incorporated towns; authorizing under certain terms and conditions their construction, maintenance, repair, reconstruction and improvement by the Commonwealth; conferring certain powers upon Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and deleting certain State highways," is amended to read:

Section 403. This [act] *article* is [not] intended and shall [not] be construed to authorize the Department of Highways to assume for the Commonwealth [any] *the* obligation to maintain, construct or reconstruct any structure of any kind or character whatsoever situate upon or forming part of any township road described in the foregoing sections of this act, [except only] *including* drainage structures [with a total spanned length not exceeding ten feet measured along the center line of the highway and] which were the sole obligation of the township prior to the passage of this act, [or to] *but shall not* include or in any manner affect any private road, county road or any road, street or highway in any city, borough or incorporated town of the Commonwealth. [Responsibility for the construction, reconstruction and maintenance of any other structures shall remain with the county, township, person, association or corporation responsible therefor at the date of the approval of this act.]

Section 2. This act shall take effect immediately and the provisions thereof shall be retroactive to January 1, 1962.

VETO No. 16

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, August 27, 1963.

I file herewith, in the Office of the Secretary of the Commonwealth with my objections, House Bill No. 1616, Printer's No. 2210, entitled "An Act amending the act of September 18, 1961 (P. L. 1389), entitled 'An act establishing and taking over as State highways certain

county highways, or sections thereof, tunnels, bridges, viaducts and approaches thereto, in counties, and certain streets and bridges in cities of the first class and in cities of the second class, and certain streets in cities of the second class A and third class, and certain township roads and certain streets in boroughs and incorporated towns; authorizing under certain terms and conditions their construction, maintenance, repair, reconstruction and improvement by the Commonwealth; conferring certain powers upon Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and deleting certain State highways,' imposing upon the Department of Highways the duty to assume for the Commonwealth the obligation to maintain, construct and reconstruct structures on township roads described in the act.'"

This bill would amend section 403 of the Act of September 18, 1961, P. L. 1389, which is an omnibus act having to do with the taking over as state highways certain highways or sections thereof, tunnels, bridges, viaducts and approaches thereto in cities of the first class, and in cities of the second class A, and third class, and certain roads and streets in boroughs and incorporated towns.

The bill would delete the language prohibiting the Department of Highways from assuming any obligation to maintain, construct, or reconstruct a structure on a township road and, substituting language authorizing the Department of Highways, on behalf of the Commonwealth, to assume the costs of construction, reconstruction, or maintenance of structures on a township road taken over by the Department of Highways.

Under the mandate of this bill, which would be retroactive to January 1, 1962, the burden of bridge and drainage construction, reconstruction and maintenance on township roads taken over by the Department of Highways, would be shifted from township responsibility to the Commonwealth notwithstanding the fact that all budgets and plans had been completed by the townships involved for the year 1962. Furthermore, no provision had been made by the Department of Highways acting for the Commonwealth to assume these obligations.

The Secretary of Highways has had a study made of the effect on the Motor License Fund of the proposed transfer of responsibility for construction and maintenance of structures on township roads from the townships to the Department of Highways. This study discloses that the proposed transfer would very seriously reduce and possibly imperil the balance of the Motor License Fund at a time when it is already subject to extraordinary demands to meet recent statutory requirements for road maintenance, repair and construction.

For these reasons, the bill is not approved.

WILLIAM W. SCRANTON

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No. 17  
AN ACT

Amending the act of June 1, 1945 (P. L. 1242), entitled "An act relating to roads, streets, highways and bridges; amending, revising, consolidating and changing the laws administered by the Secretary of Highways and by the

Department of Highways relating thereto," requiring the Department of Highways to assume for the Commonwealth the obligation to maintain, construct or reconstruct structures on township roads taken over as part of the rural State Highway system.

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

Section 1. Section 501, act of June 1, 1945 (P. L. 1242), known as the "State Highway Law," is amended to read:

Section 501. Structures on Rural State Highways.—The department shall [not] assume for the Commonwealth [any] *the* obligation to maintain, construct, or reconstruct any structure of any kind or character whatsoever situate upon or forming part of any township road taken over or designated as a part of the rural State highway system, [except only] *including* drainage structures [with a total spanned length not exceeding ten (10) feet, measured along the center line of the highway, and] which were the sole obligation of the townships prior to the taking over of such road by the Commonwealth. [Responsibility for the construction, reconstruction, and maintenance of any other structures shall remain with the county, township, person, association or corporation responsible therefor at the date of the approval of the act taking over the road.]

Section 2. This act shall take effect immediately.

#### VETO No. 17

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, August 27, 1963.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 1617, Printer's No. 2211, entitled "An Act amending the act of June 1, 1945 (P. L. 1242), entitled 'An act relating to roads, streets, highways and bridges; amending, revising, consolidating and changing the laws administered by the Secretary of Highways and by the Department of Highways relating thereto,' requiring the Department of Highways to assume for the Commonwealth the obligation to maintain, construct or reconstruct structures on township roads taken over as part of the rural State Highway system."

This bill would amend Section 501 of the State Highway Law, the Act of June 1, 1945, P. L. 1242, by deleting language prohibiting the department from assuming, for the Commonwealth, obligations to maintain, construct or reconstruct structures upon or forming part of township roads except drainage structures with a total spanned length not exceeding ten feet, and substituting language therefor directing the department, for the Commonwealth, to assume the obligation to maintain, construct or reconstruct any structure of any kind, or character whatsoever situate upon or forming part of any township road taken over or designated as a part of the rural State highway system, including drainage structures which were the sole obligation of the townships prior to taking over of such road by the Commonwealth.

Since I have vetoed House Bill No. 1616, Printer's No. 2210, which was an amendment to Section 403 of the Act of September 18, 1961, P. L. 1389, on the same subject, approval of this bill would leave the law having to do with responsibility for construction, reconstruction and maintenance of structures on township roads in a patently inconsistent and possibly meaningless status. The vetoed bill would leave in effect the Act of 1961, P. L. 1389, with its prohibition to the Department of Highways from assuming responsibility for structures on township roads, while approval of House Bill No. 1617, would direct the Department of Highways to assume these obligations.

In addition, a study made at the direction of the Secretary of Highways discloses the effect of this bill would entail an expenditure in excess of six and one-half million dollars from the Motor License Fund within the next two years at a time when the fund is already encumbered by exceptionally large commitments to meet presently approved heavy statutory requirements for road maintenance, repair and construction.

For these reasons, the bill is not approved.

WILLIAM W. SCRANTON

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No. 18

AN ACT

Amending the act of April 29, 1959 (P. L. 58), entitled "An act consolidating and revising the Vehicle Code, the Tractor Code, the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership, possession and use of vehicles and tractors," changing provisions relating to speed and rules of the road and limiting the use of lights on school buses.

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

Section 1. Subsections (b) and (c) of section 1002, act of April 29, 1959 (P. L. 58), known as "The Vehicle Code," subsection (b) amended November 19, 1959 (P. L. 1531) and August 23, 1961 (P. L. 1118) are amended to read:

Section 1002. Restrictions as to Speed.—

\* \* \* \* \*

(b) Subject to the provisions of subsection (a) of this section, speeds in excess of the maximum limits hereinafter provided shall be unlawful:

(1) [Ten (10) miles an hour speed limit: All vehicles when passing any interurban or streetcar taking on or discharging passengers; at an intersection, where a safety zone has been established, or where traffic is controlled by a peace officer or a traffic signal.

(1.1)] Fifteen (15) or twenty (20) miles an hour speed limit: All vehicles on any street not a State highway, or not a through highway or main artery of traffic in a residence district, when such speed limit is established by proper public authority. Notice of such speed limit shall be given by the posting of signs.

(2) Fifteen (15) miles an hour speed limit: All vehicles, except those restricted by this act to lower maximum speeds, when passing a school building during school recess, or while children are going to or leaving school during opening or closing hours.

(3) [Twenty (20)] *Thirty (30)* miles an hour speed limit: All vehicles, except those restricted by this act to lower maximum speeds when approaching within two hundred (200) feet of a railway grade crossing where official signs erected by the proper authorities are displayed.

All vehicles, except those being operated on through highways, and those restricted by this act to lower maximum speeds, when approaching within fifty (50) feet and [in] traversing an intersection of highways, within a business or residence district, or [in traversing an intersection] in a public park area, when the driver's view is obstructed, except on highways controlled at intersections by a peace officer or a traffic signal. A driver's view shall be deemed to be obstructed if, during the last fifty (50) feet of his approach to such intersection, he does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the highways entering such intersection [and of the traffic upon all of the highways entering such intersection] for a distance of two hundred (200) feet from such intersection.

(4) Twenty-five (25) or thirty-five (35) or forty (40) miles an hour speed limit: All vehicles, except those restricted by this act to lower maximum speeds, within business or residence districts, or public park areas, where official signs, erected by the proper authorities, *at distances designated by the Secretary of Highways*, on the right-hand side of the highway facing the traffic to be controlled, or on the left-hand side of one-way streets are displayed. This limit shall be observed for a distance beyond said sign for not more than one-eighth ( $\frac{1}{8}$ ) of a mile. An additional sign shall be placed at intervals not greater than one-eighth ( $\frac{1}{8}$ ) of a mile, and any extension of such limited zone shall be marked by additional signs in like manner. At the end of such limited zone, there shall be an official sign, similarly placed as to traffic, indicating the end of the limited zone.

(5) [Thirty-five (35) miles an hour speed limit: All vehicles, except those restricted by this act to lower maximum speeds while using auxiliary driving lamps as provided for in section 802 (b).] *Fifty (50) miles an hour speed limit: All vehicles, except those otherwise restricted by this act to lower maximum speeds fifty (50) miles per hour when operated on any road less than twenty (20) feet in width.*

(6) [Fifty (50)] *Sixty (60)* miles an hour speed limit: All vehicles, except those otherwise restricted by this act to lower maximum speeds and except as provided in clauses (7) and (9) *when operated on any road twenty (20) feet or more in width.*

(7) [Seventy (70)] *Sixty-five (65)* miles an hour speed limit: All vehicles when being operated on highways under the supervision and control of a turnpike commission, except those otherwise restricted by this act to lower maximum speeds, and except when restricted to lower maximum speeds by such turnpike commission or any zones or sections thereof where official signs erected by such turnpike commission on the highway facing the traffic to be controlled are displayed

*and all vehicles when being operated on any highway on the National System of Interstate and Defense Highways or on any controlled access highway, except those otherwise restricted by this act to lower maximum speeds, and except when restricted to lower maximum speeds by the public authority having jurisdiction over the highway on any zones or sections thereof where official signs erected on the highway facing the traffic to be controlled are displayed.*

(8) The Secretary of Highways may, after due investigation, establish any speed limit on State highways where traffic conditions or other conditions on the highway make it safe to operate motor vehicles at the speeds other than as provided by this act.

[Any such established speed limit shall be indicated by the erection of official signs, spaced not less than one-eighth ( $\frac{1}{8}$ ) of a mile apart, on the right-hand side of the highway facing the traffic to be controlled, and at the end of the speed zone there shall be an official sign indicating the end of such speed zone, except that on limited access highways the signs shall be placed at the beginning and end of said limited access highways and at reasonable intervals in the discretion of the Secretary of Highways.] *Fifty-five (55) miles an hour speed limit: All commercial motor vehicles and truck tractors, all combinations of commercial motor vehicles or truck tractors and trailers or semi-trailers, other than R or S class, fifty-five (55) miles per hour when operated on any turnpike or on any highway on the National System of Interstate and Defense Highways or on any controlled access highway, except those otherwise restricted by this act to lower maximum speeds, and except when restricted to lower maximum speeds by the public authority having jurisdiction over the highway on any zones or sections thereof where official signs erected on the highway facing the traffic to be controlled are displayed.*

(9) [Subject to the provisions of subsection (c) of this section, the Secretary of Highways may, after due investigation, establish certain speed zones with a sixty (60) mile an hour speed limit on State highways outside of business and residence districts, where traffic conditions and other conditions of the highway make it safe to operate motor vehicles at the maximum speed provided by this clause.] *The secretary may, after due investigation, establish reduced speed zones on any State highway which is in inferior condition or unsafe because it is unpaved or because of pot-holes or broken shoulders or other dangerous conditions and which has been designated by the Secretary of Highways as a substandard road. The Secretary of Highways shall remove such restricted speed zones when any such road is made or returned to safe condition.*

Any such established speed zone shall be indicated by the erection of official signs, spaced [not less than one-eighth ( $\frac{1}{8}$ ) of a mile apart] at distances designated by the Secretary of Highways, on the right-hand side of the highway facing the traffic to be controlled, and at the end of the speed zone there shall be an official sign indicating the end of such speed zone.

(10) *The Secretary of Highways may, after due investigation, establish minimum speed zones on State highways outside of business and residence districts where traffic conditions or other conditions of the highways make it unsafe to operate motor vehicles at speeds less than the minimums so established.*

*Any such established minimum speed zone shall be indicated by the erection of official signs, spaced at distances designated by the Secretary of Highways, on the right-hand side of the highway facing the traffic to be controlled and at the end of the speed zone there shall be an official sign indicating the end of such restricted speed zone.*

(c) Subject to the provisions of subsections (a) and (b) of this section, it shall be unlawful for the following kinds, types, and classes of vehicles to be operated at a greater speed than hereinafter provided, except when such vehicles are being operated on highways under the supervision and control of a turnpike commission in which case subject to speed restrictions by such turnpike commission as hereinbefore provided the maximum speed limits [shall] *may* be twenty (20) miles per hour greater than hereinafter provided, *but in no case more than sixty-five (65) miles per hour.*

[Commercial motor vehicles and truck tractors R class, fifty (50) miles per hour.

Motor buses and omnibuses, fifty (50) miles per hour.]

All other commercial motor vehicles and truck tractors, all combinations of commercial motor vehicles or truck tractors and trailers or semi-trailers, *other than R or S class, fifty (50) miles per hour on highways [having four (4) or more lanes or] twenty (20) feet or more in width and forty (40) miles per hour on highways [having less than four (4) lanes] less than twenty (20) feet in width or any highway which has been determined by the secretary to be a substandard road.*

\* \* \* \* \*

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 dollars (\$10.00) and costs of prosecution, and, in default of payment thereof, shall undergo imprisonment for not more than five (5) days.

Section 2. Section 1002 of the act is amended by adding, after subsection (f), a new subsection to read:

Section 1002. Restrictions as to Speed.—

\* \* \* \* \*

*(g) Decreases in speed limits on any road or highway outside of a residence or business district shall in no case exceed ten (10) miles per hour. Consecutive decreases in speed limits not exceeding ten (10) miles per hour, except on ramps on the National System of Interstate and Defense Highways or any controlled access highway or turnpike may be established on any such road or highway when official signs indicating the speed limits are erected in accordance with the provisions of this section.*

\* \* \* \* \*

Section 3. Subsection (b) of section 1010 and subsection (b) of section 1013 of the act are amended to read:

Section 1010. Following Too Closely.—

\* \* \* \* \*

(b) The operator of any motor bus, motor omnibus, commercial motor vehicle, truck tractor or tractor, not being part of any military

convoy in the military service of the United States or of this Commonwealth, when traveling upon a highway outside of a business or residence district shall [not follow another such vehicle within five hundred (500) feet, but this shall not be construed to prevent one such vehicle overtaking and passing another such vehicle.] *maintain a sufficient space between such vehicle and any other vehicle ahead so that an overtaking and passing vehicle may enter and occupy such space without danger.*

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 dollars (\$10.00) and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than five (5) days.

Section 1013. Right of Way.—

\* \* \* \* \*

(b) The driver of a vehicle, street car, or trackless trolley omnibus, [approaching but not having entered an intersection, shall yield the right of way to a vehicle within such intersection or turning therein to the left across the line of travel of such first mentioned vehicle, provided the driver of the vehicle turning left has given a plainly visible signal of intention to turn as required in this act.] *intending to make a left turn across the line of travel of vehicles approaching from the opposite direction, at an intersection or any other point, shall yield the right of way to vehicles approaching from the opposite direction, which are at or within the intersection or at such other point as to constitute an immediate hazard.*

\* \* \* \* \*

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 dollars (\$10.00) and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than five (5) days.

Section 4. Section 1018 of the act is amended by adding, after subsection (f), a new subsection to read:

Section 1018. Passing School Buses.—

\* \* \* \* \*

(g) *The driver of any bus transporting school children, which is equipped with the flashing front and rear red alternating lights, shall actuate such lights whenever such vehicle is stopped on the highway for the purpose of receiving or discharging school children and shall not actuate such lights at any other time. Any such driver shall not receive or discharge any school child until it is ascertained by the operator that traffic has been controlled by the use of such flashing emergency warning lights.*

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 twenty-five dollars (\$25.00) and costs of prosecution, and, in default of payment thereof, shall undergo imprisonment for not more than ten (10) days.



VETO No. 18

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, August 29, 1963.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 743, Printer's No. 2428, entitled "An Act amending the act of April 29, 1959 (P. L. 58), entitled 'An act consolidating and revising the Vehicle Code, the Tractor Code, the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership, possession and use of vehicles and tractors,' changing provisions relating to speed and rules of the road and limiting the use of lights on school buses."

This bill amends The Vehicle Code changing the provisions relating to permissible speed by eliminating the limitations of ten miles per hour in passing any interurban or street car; by changing from twenty to thirty miles an hour when approaching within two hundred feet of a sign posted railway grade crossing; by changing from thirty-five to fifty miles an hour when operating on any road less than twenty feet in width; by changing from fifty to sixty miles an hour when operating on any highway twenty feet or more in width; decreasing from seventy to sixty-five miles an hour for passenger cars and providing for fifty-five miles an hour for all commercial vehicles or truck tractors and trailers or semi-trailers other than R or S class on any turnpike or any highway on the National System of Interstate and Defense Highways or on any controlled access highways.

Generally, the purposes of this bill are most meritorious and the sponsors of this legislation are to be highly commended for their work and interest in this area.

However, there are certain provisions of the bill which, in my opinion, are objectionable.

For reasons of safety I object to that provision of the bill which raises the speed limit to fifty miles per hour on roads which are less than twenty feet in width. Likewise, I object to the provision which increases the speed limit to sixty miles per hour for vehicles being operated on roads twenty feet or more in width.

I feel that there is a definite relationship between speed and the occurrence of automobile accidents and therefore any legislation intended to increase present speed limits should be subjected to further concentrated study prior to adoption.

The present provisions of The Vehicle Code give the Secretary of Highways adequate power to establish the speed limit on any State Highway where traffic conditions or other conditions make it safe to operate motor vehicles at those speeds. This authority has been used to increase the speed limit for passenger cars on some of our better four-lane highways which were designed and constructed with higher speeds in mind. Further, The Vehicle Code authorizes the Turnpike Commission to control speed limits on highways under the control and supervision of the commission.

I propose to request the sponsors of this bill to meet with the Secretary of Highways, the State Police Commissioner, and the Commissioner of Traffic Safety for the purpose of studying the needs in

this area with the objective of recommending improved similar legislation to the 1965 General Assembly.

For these reasons, the bill is not approved.

WILLIAM W. SCRANTON

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No. 19

AN ACT

Amending the act of April 9, 1929 (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions and officers; fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," making the Secretary of Agriculture ex officio and one active residential builder appointed by the Governor members of the State Planning Board.

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

Section 1. Section 448, act of April 9, 1929 (P. L. 177), known as "The Administrative Code of 1929," is amended by adding, after clause (h), a new clause to read:

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

\* \* \* \* \*

(j) *State Planning Board.* The State Planning Board shall continue as an advisory board in the Governor's Office and as it is presently constituted as provided in reorganization plan No. 1 of 1955 printed at 1955 (P. L. 2045) except that, in addition to the other members, the Secretary of Agriculture shall be an ex officio member and of the fifteen members appointed by the Governor one shall be an active residential builder.

\* \* \* \* \*

VETO No. 19

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, August 29, 1963.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 827, Printer's No. 2425, entitled

“An Act amending the act of April 9, 1929 (P. L. 177), entitled ‘An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions, and prescribing the manner in which the number and compensation of the deputies, and all other assistants and employes of certain departments, boards and commissions shall be determined,’ making the Secretary of Agriculture ex-officio and one active residential builder appointed by the Governor members of the State Planning Board.”

The bill would amend The Administrative Code of April 9, 1929, P. L. 177, by enlarging the State Planning Board to include as an ex-officio member the Secretary of Agriculture, and by requiring that one of the citizen members of the Board appointed by the Governor be an active residential builder.

The present membership of the State Planning Board consists of fifteen citizen members and three ex-officio members.

If the addition of the Secretary of Agriculture as an ex-officio member of the State Planning Board were the only change in the law proposed by this bill, I would have no hesitancy in approving it. However, it is my opinion that the law should not place any restrictions upon the Governor in connection with the selection of citizen members appointed to the Board by him.

Traditionally, the citizen members of the State Planning Board appointed by the Governor have not been selected by reason of their representation of any particular industry. The requirement that one of such appointees be an active residential builder would violate this tradition.

There is no doubt that many residential builders are extremely well qualified for a position on the State Planning Board. However, the selection of a representative of that industry, as well as of any other industry, should not under any circumstances be made mandatory. The primary purpose of the law should be to enable the Governor to procure persons as members of the State Planning Board who would most effectively discharge the broad functions of planning for the best interests of Pennsylvania citizens regardless of the industry with which they might be personally identified.

For these reasons, the bill is not approved.

WILLIAM W. SCRANTON

AN ACT

Amending the act of September 18, 1961 (P. L. 1389), entitled "An act establishing and taking over as State highways certain county highways, or sections thereof, tunnels, bridges, viaducts and approaches thereto, in counties, and certain streets and bridges in cities of the first class and in cities of the second class, and certain streets in cities of the second class A and third class, and certain township roads and certain streets in boroughs and incorporated towns; authorizing under certain terms and conditions their construction, maintenance, repair, reconstruction and improvement by the Commonwealth; conferring certain powers upon Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and deleting certain State highways," changing or deleting certain routes and adding certain new routes.

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

Section 1. The following routes established by section 101 of Article I., act of September 18, 1961 (P. L. 1389), entitled "An act establishing and taking over as State highways certain county highways, or sections thereof, tunnels, bridges, viaducts and approaches thereto, in counties, and certain streets and bridges in cities of the first class and in cities of the second class, and certain streets in cities of the second class A and third class, and certain township roads and certain streets in boroughs and incorporated towns; authorizing under certain terms and conditions their construction, maintenance, repair, reconstruction and improvement by the Commonwealth; conferring certain powers upon Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and deleting certain State highways," are deleted as indicated or amended or added to read:

ARTICLE I.

COUNTIES.

Section 101. All or part of the following various public highways, or sections thereof, bridges, tunnels, viaducts and approaches thereto, in counties, shall, if and when the county commissioners consent thereto by resolution a copy of which shall be filed in the office of the clerk of the courts of the proper county and with the Department of Highways, be adopted by the Commonwealth as a State highway, and shall thereafter be maintained, repaired and constructed in the same manner with like power and authority as provided by the laws of the Commonwealth applicable to State highways; however, no highway bridge, viaduct or approach thereto shall be taken over by the Commonwealth under the provisions of this act if a contract for the improvement thereof has been entered into between a contractor and the Commonwealth or local authorities, or both, until such contract shall have been completed.

CATEGORY I.

\* \* \* \* \*

CATEGORY II.

\* \* \* \* \*

CATEGORY III.

Allegheny County

\* \* \* \* \*

*Beginning at the intersection of Bower Hill Road and McLaughlin Road in a southerly, then southeasterly, then northerly direction over McLaughlin Road to the line dividing Bridgeville Borough and Upper St. Clair Township, a distance of approximately 0.89 mile in the Borough of Bridgeville, Allegheny County.*

*Route 02. Beginning at the intersection of Washington Avenue (Legislative Route 108) and Bower Hill Road; thence in a southeasterly direction over Bower Hill Road to a point 710 feet beyond the intersection of Bower Hill Road and McLaughlin Road, a distance of approximately 0.51 mile in the Borough of Bridgeville, Allegheny County.*

Category IV.

Allegheny County

*Route . Beginning at the intersection of Washington Avenue (Legislative Route 108) and Bower Hill Road; thence in a southeasterly direction over Bower Hill Road to a point 710 feet beyond the intersection of Bower Hill Road and McLaughlin Road, a distance of approximately 0.51 mile in the Borough of Bridgeville, Allegheny County.*

Beaver County

*The Aliquippa-Ambridge Bridge*

Mifflin County

*The Mifflin County Newton Hamilton Bridge crossing the Juniata River connecting State Highway 33 Spur in Newton Hamilton Borough at Bridge Street with Legislative Route 44003 in Wayne Township, Mifflin County.*

Venango County

*Pecan Hill Bridge designated officially as N. Y. C. R R Bridge 72.14, Legislative Route No. 233, Travel Route No. 8 Station 1399, Venango County.*

Section 2. Section 102 of Article I of the act is amended by adding, at the end thereof, a new subsection to read:

Section 102. \* \* \* \* \*

*(d) The highways, or sections thereof, bridges, tunnels, viaducts and approaches thereto in Category IV., established as State highways under the provisions of this act, may be taken over for construction and maintenance at any time subsequent to the final enactment of this act and shall be taken over not later than January 1, 1964.*

\*Section 3. \*Section 502 of said act is amended by changing a route as follows:

Section 502. The public streets in boroughs and incorporated towns to be taken over are situate and described as follows:

\* \* \* \* \*

\* "Sec" in original.

Warren County  
Warren Borough

Route 61080. Beginning at the intersection of Conewango Avenue (Legislative Route 61034) and East Fifth Avenue (Legislative Route 61035), said point of beginning being a point in Warren Borough; thence over East Fifth Avenue and West Fifth Avenue in a westerly direction, a distance of approximately 0.36 of a mile to the intersection of West Fifth Avenue and Market Street (Legislative Route 94) (FAP-94), *together with bridge and appurtenances*, in Warren Borough, Warren County.

Section 4. This act shall take effect immediately.

VETO No. 20

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, August 29, 1963.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 1619, Printer's No. 2394, entitled "An Act amending the act of September 18, 1961 (P. L. 1389), entitled 'An act establishing and taking over as State highways certain county highways, or sections thereof, tunnels, bridges, viaducts and approaches thereto, in counties, and certain streets and bridges in cities of the first class and in cities of the second class, and certain streets in cities of the second class A and third class, and certain township roads and certain streets in boroughs and incorporated towns; authorizing under certain terms and conditions their construction, maintenance, repair, reconstruction and improvement by the Commonwealth; conferring certain powers upon Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and deleting certain State highways,' changing or deleting certain routes and adding certain new routes."

This bill amends "The General Local State Highway Route Law" by providing for the establishment and taking over as State highways certain highways and streets in any and all municipal subdivisions of the Commonwealth for the purpose of construction, maintenance and improvements under certain conditions by changing or deleting as indicated therein, or amended, and adding certain new routes.

It is pertinent to state at the outset that the veto of this bill will affect only the bridge in Beaver County and will not affect the bridges in Mifflin, Venango or Warren Counties.

The Department of Highways does not approve the bill because:

The Aliquippa Ambridge bridge which crosses the Ohio river and tracks of the Lake Erie and Pennsylvania Railroads in Beaver County is at present a county bridge under the jurisdiction of the Public Utility Commission and the enactment of this bill would simply authorize the Public Utility Commission to place reconstruction costs, estimated to exceed \$2,000,000.00 upon the Highway Department instead of upon Beaver County. The responsibility for maintenance should remain with that County.

The bridge crossing the Juniata River in Mifflin County is on a road less than a mile in length connecting two highways and the taking over by the Commonwealth of this bridge if warranted can be accomplished by administrative action.

The bridge crossing Big Sandy Creek in Venango County is already on Legislative Route 233, and jurisdiction over it has been exercised by the Public Utility Commission by its order No. 6101, dated August 27, 1925 and the enactment of House Bill No. 1619, Printer's No. 2394, would not affect that jurisdiction.

The bridge in Warren County is already on Legislative Route 61080 pursuant to Act No. 615 approved September 18, 1961, P. L. 1389.

For these reasons, the bill is not approved.

WILLIAM W. SCRANTON

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No. 21

AN ACT

Amending the act of June 23, 1931 (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," providing that payments to widows of policemen retired on pension or killed in the service shall be mandatory.

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

Section 1. Section 4301 and subsection (c) of section 4303, act of June 23, 1931 (P. L. 932), known as "The Third Class City Code," reenacted and amended June 28, 1951 (P. L. 662) and amended July 27, 1959 (P. L. 569), are amended to read:

Section 4301. Police Pension Fund; Direction of.—Cities shall establish, by ordinance, a police pension fund, to be maintained by an equal and proportionate monthly charge against each member of the police force, which shall not exceed annually three per centum of the pay of such member and [if council elects, by ordinance, to make such payments,] an additional amount not to exceed one per centum if deemed necessary by the council to provide sufficient funds for payments *required by subsection (c) of section 4303* to widows of members retired on pension or killed in the service; which fund shall at all times be under the direction and control of council but may be committed to the custody and management of such officers of the city or citizens thereof, or corporations located therein, as may be designated by council, and applied, under such regulations as council may, by ordinance, prescribe, for the benefit of such members of the police force as shall receive honorable discharge therefrom by reason of age or disability, widows of retired members [if council so \*elects] and the families of such as may be injured or killed in the service, but such allowances as shall be made to those who are retired by reason of the disabilities of age shall be in conformity with a uniform scale, together with service increments as hereinafter provided. Any compensation paid to a corporate custodian of the police pension fund shall be paid from the general fund of the city.

\* "elect" in original.

Section 4303. Allowances and Service Increments.—

\* \* \* \* \*

(c) [If council elects, by ordinance, to make such payments, the] *The* widow of a member who retires on pension or is killed in the service [on or after January 1, 1960,] shall, during her lifetime or so long as she does not remarry, be entitled to receive a pension calculated at the rate of fifty per centum of the pension the \*member was receiving or would have been receiving had he been retired at the time of his death.

\* \* \* \* \*

Section 2. This act shall take effect immediately.

VETO No. 21

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, August 29, 1963.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 609, Printer's No. 714, entitled "An Act amending the act of June 23, 1931 (P. L. 932), entitled 'An act relating to cities of the third class; and amending, revising and consolidating the law relating thereto,' providing that payments to widows of policemen retired on pension or killed in the service shall be mandatory."

This bill amends Section 4301 and Section 4303 (e) of The Third Class City Code, the Act of June 23, 1931, P. L. 932, as last amended by the Act of July 27, 1959, P. L. 569, by deleting the discretion permitted the council to elect if the city shall contribute amounts of not to exceed one per centum of salaries of members of the police force to provide for payments of allowances to widows of members who have retired or were killed in action on or after January 1, 1960, so long as they do not remarry. The amendment would require the council to adopt an ordinance directing the city to pay contributions of not to exceed one per centum of salaries of members of the police force for payments of allowances to all widows of a member who retires on pension or is killed in the service so long as she does not remarry.

I have approved House Bill No. 522, Printer's No. 1645, now Act No. 232, which amends Section 4301 of The Third Class City Code and now authorizes the council to provide by ordinance for the city to make payments, if deemed necessary by the council, to widows of members, or if no widow survives, or if she subsequently dies or remarries, then to the child or children under the age of eighteen years, of members of the police force who have died or retired on pension after January 1, 1960.

Act No. 232 contains many desirable features, including the spelled out coverage of widows of members who die while in service and coverage of children of a member under eighteen years after death or remarriage of a member's widow.

This bill would require councils to provide for contributions by cities to retirement funds for payment of pensions to widows of

\* "members" in original.



members who have retired or were killed while in service instead of making such ordinances discretionary, as provided in Act No. 232.

It is my considered opinion the mandatory provisions contained in this bill should not be put into effect until there has been an opportunity to study the costs and results experienced by cities which elect to authorize the additional contributions to the retirement fund required to effect the broadened coverage.

For these reasons, the bill is not approved.

WILLIAM W. SCRANTON

