

frontage on equitable adjustments. On petition of owners representing two-thirds of the number of feet of assessable properties abutting on the proposed improvement, the total cost of the improvement, or a lesser amount if the borough desires, may be assessed on the assessable properties abutting, without any deduction for non-assessable property, or street and alley intersections, or for the equitable adjustments aforesaid, if the petition states that the total cost may be assessed on the abutters: Provided, however, That if in connection with such proceedings any street or sidewalk is so graded or changed in grade that private property is damaged thereby, and the damages have not been released or agreed upon, then the damages shall be awarded and benefits, costs and expenses in connection with the improvement shall be assessed as provided in article fourteen in the case of property taken, injured or destroyed.

APPROVED—The 8th day of June, A. D. 1965.

WILLIAM W. SCRANTON

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No. 85

AN ACT

HB 878

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<sup>1</sup> and all other assistants and employes of certain departments, boards and commissions shall be determined," requiring Court-martial Board members to vote secretly, and give accused copy of testimony.

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

Section 1. Subsection (b) of section 711, act of April 9, 1929 (P. L. 177), known as "The Administrative Code of 1929," added July 25, 1963 (P. L. 275), is amended to read:

Section 711. Commissioner of Pennsylvania State Police.—\* \* \*

(b) (1) Before any enlisted member who has not reached mandatory retirement age is dismissed or refused reenlistment by the commissioner,

<sup>1</sup>"ad" in original.

the commissioner shall furnish such enlisted member with a detailed written statement of the charges upon which his dismissal or refusal of reenlistment is based, together with a written notice, signed by the commissioner or the proper authority, of a time and place where such enlisted member will be given an opportunity to be heard either in person or by counsel, or both, before a Court-martial Board appointed by the commissioner. The board shall consist of three commissioned officers. The hearing shall not be sooner than ten days<sup>1</sup> nor later than thirty days after such written notice. At such hearing all testimony offered, including that of complainants and their witnesses as well as that of the accused enlisted member and his witnesses, shall be recorded by a competent stenographer whose services shall be furnished by the Pennsylvania State Police at its expense. Any such hearing may be postponed, continued or adjourned, by agreement of the person charged and the Court-martial Board with approval of the commissioner. If such hearing is postponed, continued or adjourned and any testimony has been taken, then a free copy of a transcript of such testimony shall be given to the accused, if he makes a request therefor.

(2) The Court-martial Board shall have power to issue subpoenas requiring the attendance of witnesses at any hearing and shall do so at the request of the party against whom a complaint is made. If any person shall refuse to appear and testify in answer to any subpoena issued by the board, any party interested may petition the court of common pleas of the county wherein the hearing is to be held setting forth the facts. The court shall thereupon issue its subpoena commanding such person to appear before the Court-martial Board, there to testify as to the matters being inquired into. Any person refusing to testify before the Court-martial Board may be held for contempt by the court of common pleas. All testimony at any hearing shall be taken under oath and any member of the Court-martial Board shall have power to administer oaths to such witnesses.

After fully hearing the charges or complaints and hearing all witnesses produced by the Court-martial Board and the person against whom the charges are pending, and after full, impartial and unbiased consideration thereof, the Court-martial Board shall, by a two-thirds vote of all members thereof taken by a closed-secret vote and the total results thereof to be recorded [by roll call], determine whether or not such

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<sup>1</sup> "not" in original.

charges or complaints have been sustained and whether the evidence substantiates such charges and complaints, and in accordance with such determination, shall recommend the discharge, demotion or refusal of reenlistment of such enlisted member to the commissioner. If one member of the Court-martial Board shall dissent from the findings of the other members, he may state his reason for disagreement which shall be made a part of the record.

Reports of findings of the Court-martial Board shall not be made public before acted upon by the commissioner. The Court-martial Board shall submit all records of the trial to the commissioner for review.

A written notice of any decision of the commissioner discharging, demoting or refusing the reenlistment of any member, together with a free copy of a transcript of the notes of testimony, shall be sent by registered mail to the enlisted member at his last known address within thirty days after the hearing is actually concluded. The commissioner may, in his discretion, follow or disregard the recommendations of the Court-martial Board.

In all cases where the final decision is in favor of the enlisted member, the records in the files of the Pennsylvania State Police shall show accordingly.

(3) In case the enlisted member concerned considers himself aggrieved by the action of the commissioner, an appeal may be taken by him to the Court of Common Pleas of Dauphin County in accordance with the provisions of the act of June 4, 1945 (P. L. 1388), and its amendments, known as the "Administrative Agency Law."

APPROVED—The 8th day of June, A. D. 1965.

WILLIAM W. SCRANTON

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No. 86

AN ACT

HB 324

Amending the act of August 9, 1955 (P. L. 323), entitled "An act relating to counties of the third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws relating thereto," removing the limitation upon taxation for expense of operation of recreation places.

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

Section 1. Section 2507, act of August 9, 1955 (P. L. 323), known