

(1) Create a duty of care or ground of liability for injury to persons or property.

(2) Relieve any person using the land of another for recreational purposes from any obligation which he may have in the absence of this act to exercise care in his use of such land and in his activities thereon, or from the legal consequences of failure to employ such care.

Section 8. The act of September 27, 1961 (P. L. 1696), entitled "An act limiting the liability of landowners of agriculture lands or woodlands for personal injuries suffered by any person while hunting or fishing upon the landowner's property," is repealed.

All other acts or parts of acts are repealed in so far as inconsistent herewith.

Section 9. This act shall take effect immediately.

APPROVED—The 2d day of February, A. D. 1966.

WILLIAM W. SCRANTON

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No. 587

AN ACT

HB 1080

Amending the act of August 14, 1963 (P. L. 984), entitled "An act to increase the commerce and prosperity of the people of the Commonwealth, to improve their health and living conditions, and to alleviate the problems created by traffic congestion and the existence of inadequate mass transportation facilities, by authorizing the creation of a transportation authority to function in each metropolitan area consisting of any county of the first class and all nearby counties within a radius of twenty (20) miles of any such first class county, as a body corporate and politic for the purpose of establishing an integrated mass transportation system with all pertinent powers including, but not limited to, leasing, acquiring, owning, operating and maintaining a system for, or otherwise providing for, the transportation of persons, authorizing the borrowing of money and issuance of bonds therefor, conferring the right of eminent domain on the authority; altering the jurisdiction of the Public Utility Commission, authorizing the acceptance of grants from Federal, State and local governments, limiting actions against the authority and exempting it from taxation, authorizing counties and municipalities to enter into compacts for the financing of each authority and to make appropriations in accordance with such compacts, conferring exclusive jurisdiction upon certain courts with respect to matters relating to such authority, and empowering each authority to function outside of the metropolitan area under certain terms and conditions," authorizing the transportation authority created under this act to issue its own bonds for the assets, stocks or bonded indebtedness of any transportation system acquired by the authority, exempting those bonds of the authority from sale to the highest responsible bidder after appropriate advertising, authorizing the sale of bonds for less than par value, authorizing the employment of certain officers and employes on a part-time basis, authorizing the allowance of certain concessions without competitive bidding, under certain terms and conditions.

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

Section 1. Clause (10) of subsection (d) of section 4, subsections (a), (d) and (g) of section 10, section 24 and subsection (f) of section 28, act of August 14, 1963 (P. L. 984), known as the "Metropolitan Transportation Authorities Act of 1963," are amended to read:

Section 4. Creation of Transportation Authorities; Rights and Powers.—

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(d) A duly certified authority shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes, including but without limiting the generality of the foregoing, the following rights or powers:

\* \* \*

(10) To borrow money from private lenders, or from the State or Federal government, or from any municipality in the metropolitan area, in such amounts as may be necessary or desirable for the operation and work of the authority; to make and issue negotiable notes, bonds, refunding bonds and other evidences of indebtedness or obligations of the authority in connection with any such borrowing or refunding or in payment in whole or in part of all or any part of any transportation system, or any bonds, shares or other securities of any corporation owning or operating any such system, or any franchises, property, equipment or interests acquired or to be acquired by the authority, and to secure the payment of such bonds, or any part thereof, by pledge or deed of trust of all or any of its revenues, rentals, and receipts, and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds, whether issued or to be issued as the authority shall deem advisable and in general, to provide for the security for said bonds and the rights of the holders thereof.

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Section 10. Loans, Bonds and Certificates; Trust Indentures.—

(a) The authority shall have the continuing power to borrow money for the purpose of acquiring any transportation system (including any cash funds of such system reserved to replace worn out or obsolete equipment and facilities) and for acquiring necessary cash working funds or for acquiring, constructing, reconstructing, extending or improving its transportation system or any part thereof and for acquiring any property and equipment useful for the construction, reconstruction, extension, improvement or operation of its transportation system

or any part thereof, and for any other of its corporate purposes. The authority shall also have the continuing power to issue and deliver evidence of its indebtedness in payment in whole or in part for all or any part of any transportation system, or any bonds, shares or other securities of any corporation owning or operating any such system, or any franchises, property, equipment or interests acquired or to be acquired by the authority. For the purpose of evidencing the obligation of the authority to repay any money borrowed as aforesaid, or to pay any indebtedness incurred in connection with the acquisition of all or any part of any transportation system, or any bonds, shares or other securities of any corporation owning or operating any such system, or any franchises, property, equipment or interests as aforesaid, the authority may, pursuant to resolution adopted by the board, from time to time, issue and dispose of its interest-bearing bonds or certificates and may also, from time to time, issue and dispose of its interest-bearing bonds or certificates, to refund any bonds or certificates at maturity or pursuant to redemption provisions or at any time before maturity with the consent of the holders thereof. All such bonds and certificates shall be payable solely from the revenues or income to be derived from the transportation system including grants, gifts or contributions from the Federal, State or local governments, their agencies or instrumentalities, or any other source; may bear such date or dates; may mature at such time or times not exceeding forty years from their respective dates; may bear interest at such rate or rates; may be in such form; may carry such registration privileges; may be executed in such manner; may be payable at such place or places; may be made subject to redemption in such manner and upon such terms with or without premium as is stated on the face thereof; may be authenticated in such manner and may contain such terms and covenants, all as may be authorized by the board. Notwithstanding the form or tenor thereof, and in the absence of an express recital on the face thereof that it is nonnegotiable, all such bonds and certificates shall be negotiable instruments. Pending the preparation and execution of any such bonds or certificates, temporary bonds or certificates may be issued with or without interest coupons as may be authorized by the board.

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(d) Before any such bonds or certificates (excepting refunding bonds or certificates and bonds or certificates issued in payment in whole or

in part of all or any part of any transportation system, or any bonds, shares or other securities of any corporation owning or operating any such system, or any franchises, property, equipment or interests) are sold, the entire authorized issue or any part thereof shall be offered for sale as a unit after advertising for bids at least three times in a daily newspaper of general circulation published in the metropolitan area, the last publication to be at least ten days before bids are required to be filed. Copies of such advertisement may be published in any newspaper or financial publication in the United States. All bids shall be sealed, filed and publicly opened as authorized by the board, and the bonds or certificates shall be awarded to the highest responsible bidder or bidders therefor. The authority shall have the right to reject all bids and readvertise for bids in the manner provided for in the initial advertisement. However, if no bids are received, such bonds or certificates may be sold at not less than par value and accrued interest without further advertising within sixty days after the bids are required to be filed pursuant to any advertisement. The foregoing requirements of competitive bidding shall not be applicable to bonds or certificates or other evidences of indebtedness issued in payment in whole or in part for all or any part of any transportation system, or any bonds, shares or other securities of any corporation owning or operating any such system, or any franchises, property, equipment or interests acquired or to be acquired by the authority, nor shall such requirements be applicable to notes issued by the authority which mature in not more than three years from date of issue and which are issued in anticipation of financing over a longer term.

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(g) [The bonds of the authority may be sold at not less than par and accrued interest.] Bonds of the authority which are sold for cash may be sold at not less than ninety-five percent of par and accrued interest. In case any of the officers of the authority, whose signatures appear on any bonds or coupons shall cease to be officers before the delivery of such bonds, their signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such officers had remained in office until such delivery.

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## Section 24. Other Employees.—

The board shall provide for the employment of such other officers, agents, consultants, engineers and employees as may be necessary for the performance of the work of the authority. The board shall have the right to bargain collectively and enter into agreements with labor organizations. The board shall recognize and be bound by existing labor union agreements where they exist between labor unions and transportation companies that are acquired, purchased, condemned or leased by the board. It shall designate their duties and require bonds of such of them as the board may designate. The compensation of the general manager, chief counsel, comptroller, chief engineer and all other officers, attorneys, consultants, agents and employees shall be fixed by the board. [No] With the exception of the secretary, any of the foregoing may be appointed, retained, hired or employed on a part-time basis and may be engaged in other business or professional activities: Provided, That no employee of the authority shall hold any other office [or employment under] in or be an employee of the Federal, State or any county or municipal government except an office or employment without compensation or an office in the Military Reserve or National Guard.

Section 28. Contracts, Procurement and Sale of Property; Concessions; Advertisement; Bidding.—

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(f) Concessions.

All concessions granted by the authority for the sale of products or the rendition of services for a consideration on authority property shall be awarded only pursuant to written specifications after competitive bidding and to the highest responsible bidder in a manner similar to that required by the preceding paragraph relating to contracts for procurement involving an expenditure of more than \$5,000.00: Provided, That the foregoing requirement for competitive bidding shall not apply to any concession which has been granted by a transportation system acquired by the authority and which by the terms of the agreement granting it will terminate within one year from date of the acquisition of the transportation system by the authority, nor to any

concession involving the estimated receipt by the authority of less than \$1,000.00 over the period for which the concession is granted.

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Section 2. This act shall take effect immediately.

APPROVED—The 2d day of February, A. D. 1966.

WILLIAM W. SCRANTON

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No. 588

AN ACT

HB 1425

Amending the act of June 24, 1939 (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," prohibiting the sale of solidified alcohol which contains more than four percent methyl or wood alcohol.

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

Section 1. The act of June 24, 1939 (P. L. 872), known as "The Penal Code," is amended by adding, after section 637, a new section to read:

Section 637.1. Sale of Solidified Alcohol.—Whoever manufactures, sells, or offers or exposes for sale, or has in his possession with intent to distribute or sell, for use as a heating fuel any mixture or preparation of solidified alcohol which contains more than four (4) percent methyl or wood alcohol, is guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500), or undergo imprisonment not exceeding one (1) year, or both.

Section 2. This act shall take effect July 1, 1966.

APPROVED—The 2d day of February, A. D. 1966.

WILLIAM W. SCRANTON