

No. 77

AN ACT

To amend the title, and sections one to twelve both inclusive, of the act, approved the nineteenth day of March, one thousand nine hundred forty-one (Pamphlet Laws, three), entitled "An act providing for the organization, government, discipline, maintenance and regulation of an additional land force to be known as the Pennsylvania Reserve Defense Corps for the defense of the Commonwealth during any period of time in which the National Guard of Pennsylvania, or any part thereof, shall be in active service of the United States," changing the name of the Pennsylvania Reserve Defense Corps to Pennsylvania State Guard; and authorizing additional annual allowances to uniformed officers for arms, uniforms and equipment; and prohibiting discrimination in the acceptance of enlistments or the issuance of commissions by reason of race or color.

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

Section 1. The title, and sections one to twelve both inclusive, of the act, approved the nineteenth day of March, one thousand nine hundred forty-one (Pamphlet Laws, three), entitled "An act providing for the organization, government, discipline, maintenance and regulation of an additional land force to be known as the Pennsylvania Reserve Defense Corps for the defense of the Commonwealth during any period of time in which the National Guard of Pennsylvania, or any part thereof, shall be in active service of the United States," are hereby amended to read as follows:

Title and sections 1 to 12, both inclusive, act of March 19, 1941, P. L. 3, amended.

AN ACT

Providing for the organization, government, discipline, maintenance and regulation of an additional land force to be known as the Pennsylvania [Reserve Defense Corps] *State Guard* for the defense of the Commonwealth during any period of time in which the National Guard of Pennsylvania, or any part thereof, shall be in active service of the United States.

Section 1. Organization of [Reserve Defense Corps] *State Guard*.—Whenever the Pennsylvania National Guard, or any part thereof, shall be called or ordered into the service of the United States during any war or other emergency, thereupon the Governor shall have the authority and power to organize an armed land force for the defense of the Commonwealth during said war or emergency, and for the defense of civil population against aircraft and gas attack, which shall be known and designated as the Pennsylvania [Reserve Defense Corps] *State Guard* and shall be available at the discretion of the Governor for active military duty when-

Governor authorized to organize Pennsylvania State Guard when National Guard is in service of the United States.

ever an invasion of, or an insurrection in the State shall occur or be threatened or a tumult, riot or disaster shall threaten or exist.

Governor to prescribe strength of State Guard.

Section 2. Composition and Strength.—The Pennsylvania [Reserve Defense Corps] *State Guard* shall consist of such divisions, brigades, regiments, battalions, companies and similar organizations as may be prescribed by the Governor.

State Guard to dissolve when National Guard restored to state status.

Section 3. Term of Service.—Whenever the Pennsylvania National Guard shall have been restored to state status and shall be enabled to resume its state organization, thereupon the term of service of the Pennsylvania [Reserve Defense Corps] *State Guard* shall cease and determine, subject to the discretion of the Governor as to the time and manner in which the same or component parts thereof shall be mustered out.

Units of State Guard to be located where Governor designates.

Section 4. Location of Units.—The Governor shall designate the location of the several units and may change the same at any time. Units shall be located, so far as practicable, in armory buildings owned by the Commonwealth.

Oath to be taken by commissioned officer of State Guard.

Section 5. Oath of Commissioned Officers.—Each commissioned officer before entering upon the duties of his appointment shall take and subscribe the following oath: "I do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of Pennsylvania against all enemies; that I will bear true faith and allegiance to the same; that I will obey the orders of the Governor of the State of Pennsylvania; that I make this obligation freely without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office..... in the Pennsylvania [Reserve Defense Corps] *State Guard* upon which I am about to enter."

Age and physical requirements of members of State Guard to be prescribed by Governor.

Section 6. Age and Physical Requirements.—The Governor may by executive order prescribe from time to time the age limitations and physical qualifications which will govern the enlistments and commissions in the Pennsylvania [Reserve Defense Corps] *State Guard*, but no person shall be refused enlistment or a commission or in any way* be discriminated against in the administration of this act, by reason of his race or color.

Contract of enlistment to be entered into and oath taken by every person enlisting in State Guard.

Section 7. Enlistment Contract and Oath.—Every man enlisting in the Pennsylvania [Reserve Defense Corps] *State Guard* shall sign an enlistment contract and take and subscribe to the following oath of enlistment: "I do hereby acknowledge to have voluntarily enlisted this 19.... as a soldier in the Pennsylvania [Reserve Defense Corps] *State Guard* for the period of the present war or other emer-

* "anyway" in original.

gency unless sooner discharged by proper authority, and I do solemnly swear that I will bear true faith and allegiance to the United States of America and to the State of Pennsylvania and that I will serve them honestly and faithfully against all their enemies whomsoever and that I will obey the orders of the Governor of the State of Pennsylvania and of the officers appointed over me according to law and the rules and articles of war.'''

Section 8. Pay, Transportation, Annual Encampment.—There shall be no pay for officers or enlisted men for armory drills. In event of a call of any part of the Pennsylvania [Reserve Defense Corps] *State Guard* into active state duty the pay and transportation of officers and enlisted men shall be on the same basis as is provided for the Pennsylvania National Guard when on active state duty. The Governor may in his discretion provide for an annual encampment of not to exceed fifteen (15) days training in any one year for the Pennsylvania [Reserve Defense Corps] *State Guard* during which period the pay and transportation of officers and enlisted men shall be on the same basis as is provided for the Pennsylvania National Guard.

Members of State Guard to be paid only when on active duty or when in annual encampment.

Section 9. Annual Allowance.—The Adjutant General shall have power and authority to make such annual allowances to organizations and headquarters of organizations as he may deem necessary. Where an organization is in service for a fractional part of the fiscal year the allowance shall be reduced accordingly.

Adjutant General empowered to make annual allowances.

Section 10. Uniforms, Arms and Equipment.—The Governor shall have the authority and power to requisition from the War Department of the United States such arms and equipment as may be available for use of the Pennsylvania [Reserve Defense Corps] *State Guard* under the provisions of Public Resolution No.* 874, the 76th Congress of the United States, approved October 21, 1940, and such other uniforms, arms and equipment as may hereafter be authorized by the Congress of the United States to be made available to the Pennsylvania [Reserve Defense Corps] *State Guard*. The Governor shall have further authority and power to make available for the use of the Pennsylvania [Reserve Defense Corps] *State Guard* such uniforms, arms and equipment as may be owned by the Commonwealth or as may be in possession of the Commonwealth for the purpose of such use. In the absence of any provision of uniforms, arms and equipment by the United States such uniforms, arms and equipment may be prescribed by the Governor and provided at the cost of the Commonwealth.

Governor empowered to requisition uniforms, arms and equipment from United States War Department or to provide them at cost of Commonwealth.

* "Number" in original.

Commissioned officers to furnish own arms, uniforms and equipment and to receive allowance therefor.

Section 11. Uniforms, Arms and Equipment of Officers.—Every commissioned officer shall furnish his own arms, uniforms and equipment which shall be as prescribed by the Adjutant General. An allowance for this purpose of not to exceed one hundred dollars (\$100.00) for each officer may be prescribed by the Governor, *and in addition thereto, if found necessary, the Governor may prescribe a further allowance not to exceed thirty dollars (\$30.00) in any one year for each officer.*

Pennsylvania laws applicable to National Guard to apply to State Guard.

Section 12. National Guard Laws Generally to Apply.—All Pennsylvania laws or sections of laws pertaining to the Pennsylvania National Guard shall be applicable and shall govern the Pennsylvania [Reserve Defense Corps] *State Guard*, except as modified or changed by the provisions of this act.

Act effective immediately.

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

APPROVED—The 3rd day of May, A. D. 1943.

EDWARD MARTIN

No. 78

AN ACT

To further amend section fourteen of article four, and section one of article five of the act, approved the ninth day of June, one thousand nine hundred eleven (Pamphlet Laws, seven hundred fifty-six), entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania, and for the protection and preservation of property connected therewith," further regulating lamps to be carried by shot-firers and fire bosses.

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

Section 14, article 4, act of June 9, 1911, P. L. 756, as last amended by act of July 1, 1937, P. L. 2486, further amended.

Section 1. Section fourteen of article four of the act, approved the ninth day of June, one thousand nine hundred eleven (Pamphlet Laws, seven hundred fifty-six), entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania, and for the protection and preservation of property connected therewith," as amended by the act, approved the first day of July, one thousand nine hundred thirty-seven (Pamphlet Laws, two thousand four hundred eighty-six), is hereby further amended to read as follows:

Shot-firers.

Section 14. In such portions of a mine, where explosive gas is being generated in quantities sufficient to be detected by an approved safety lamp, and in which approved lamps are used, the mine foreman shall em-