

the department at such number of feet as in the judgment of the department, after consultation with the Water and Power Resources Board, taking into consideration the character of the overburden, is necessary to protect the channel of the stream.

Relocation of public roads and changing courses or channels of streams, in accordance with law, permitted.

Nothing contained in this section shall be construed to prohibit the relocation of any public road, in the manner provided by law, or the change of the course or channel of any stream, in the manner provided by law, upon permit issued by the Water and Power Resources Board.

Act effective immediately.

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

APPROVED—The 24th day of August, A. D. 1951.

JOHN S. FINE

No. 335

AN ACT

To reenact section 802 of the act, approved the fifth day of May, one thousand nine hundred thirty-three (Pamphlet Laws 289), entitled "An act relating to nonprofit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties, and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," relating to approval of joint plans of merger or consolidation of nonprofit corporations by the members thereof, in order to clarify effect of prior amendments.

"Nonprofit Corporation Law."

Section 802, act of May 5, 1933, P. L. 289, as amended by act of April 18, 1949, P. L. 602, and act of May 23, 1949, P. L. 1783, reenacted.

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

Section 1. Section 802 of the act, approved the fifth day of May, one thousand nine hundred thirty-three (Pamphlet Laws 289), entitled "An act relating to nonprofit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties, and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the

terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," as amended by the act, approved the eighteenth day of April, one thousand nine hundred forty-nine (Pamphlet Laws 602), and the act, approved the twenty-third day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1763), is hereby reenacted to read as follows:

Section 802. Approval of Joint Plan of Merger or Consolidation.—Before the application is made to the court, a joint plan of merger or consolidation, as the case may be, setting forth the terms and conditions of the merger or consolidation and such other details and provisions as are deemed necessary, shall be approved by the affirmative vote of at least a majority of the members of each of the merging or consolidating domestic corporations who are then present in person or by proxy and entitled to vote thereon, at a regular or special meeting of each domestic corporation convened after at least ten days' written notice to all the members of this purpose. If the proposed plan *of merger or consolidation would make any change in the rights of the members of any class of a domestic corporation, then the members of such class shall be entitled to vote as a class upon such plan, whether by the terms of the articles of the corporation such class is or is not entitled to vote, and, in addition to the vote herein required, the affirmative vote of at least a majority of the members of each class so affected by the plan who are present in person or by proxy at such meeting shall be necessary for the adoption thereof. If any foreign corporation is a party to the merger or consolidation, the plan of merger or consolidation shall be authorized, adopted or approved by such foreign corporation in accordance with the laws of the jurisdiction in which it was formed. The fact of such approval shall be certified on the joint plan by the secretary of each corporation, and the plan so adopted and certified shall be signed and acknowledged by two duly authorized officers of each corporation.

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

Act effective
immediately.

APPROVED—The 24th day of August, A. D. 1951.

JOHN S. FINE

* "or" in original.