

act, to the end that such tunnel or tunnels may become and be operated free of tolls as early as possible and practicable, subject only to the express limitations of other laws and constitutional provisions applicable thereto. The commission shall exercise the power of condemnation, as set forth in section five of this act, by first filing, in the court of common pleas of the county where the property sought to be condemned is located, a declaration of taking, executed as authorized by resolution of the commission. The date such declaration is filed shall be the date of condemnation.

Section 18. Constitutional Construction.—The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions of this act. It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein.

Section 19. This act shall become effective immediately upon its final enactment.

Act effective immediately.

APPROVED—The 29th day of July, A. D. 1953.

JOHN S. FINE

No. 272

AN ACT

To amend the act, approved the twelfth day of April, one thousand nine hundred fifty-one (Pamphlet Laws 90), entitled "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws," by removing the time limitation of sixty days for filing local option petitions so that the provisions of the Pennsylvania Election Code will apply.

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

"Liquor Code."

Section 1. Section four hundred seventy-two of the act, approved the twelfth day of April, one thousand nine hundred fifty-one (Pamphlet Laws 90), entitled "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating

Section 472, act of April 12, 1951, P. L. 90, as amended by act of January 19, 1952, P. L. 2170, further amended.

and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws," as amended by the act, approved the nineteenth day of January, one thousand nine hundred fifty-two (Pamphlet Laws 2170), is hereby further amended to read as follows:

Section 472. Local Option.—In any municipality, an election may be held on the date of the primary election immediately preceding any municipal election, but not oftener than once in four years, to determine the will of the electors with respect to the granting of liquor licenses to hotels, restaurants and clubs, not oftener than once in four years, with respect to the granting of licenses to retail dispensers of malt and brewed beverages, not oftener than once in four years with respect to granting of licenses to distributors, or not more than once in four years with respect to the establishment, operation and maintenance by the board of Pennsylvania liquor stores, within the limits of such municipality, under the provisions of this act: Provided, however, Where an election shall have been held at the primary preceding a municipal election in any year, another election may be held under the provisions of this act at the primary occurring the fourth year after such prior election: And provided further, That an election on the question of establishing and operating a State liquor store shall be initiated only in those municipalities that shall have voted against the granting of liquor licenses; and that an election on the question of granting wholesale distributor licenses shall be initiated only in those municipalities that shall have at a previous election voted against the granting of dispenser's licenses. Whenever electors equal to at least twenty-five per centum of the highest vote cast for any office in the municipality at the last preceding general election shall file a petition with the county board of elections of the county for a referendum on the question of granting any of said classes of licenses or the establishment of Pennsylvania liquor stores, the said county board of elections shall cause a question to be placed on the ballots or on the voting machine board and

submitted at the primary immediately preceding the municipal election [occurring at least sixty days thereafter]. Said proceedings shall be in the manner and subject to the provisions of the election laws which relate to the signing, filing and adjudication of nomination petitions, insofar as such provisions are applicable.

When the question is in respect to the granting of liquor licenses, it shall be in the following form:

Do you favor the granting of liquor licenses for the sale of liquor in of _____ ?	Yes	
	No	

When the question is in respect to the granting of licenses to retail dispensers of malt and brewed beverages, it shall be in the following form:

Do you favor the granting of malt and brewed beverage retail dispenser licenses for consumption on premises where sold in the of _____ ?	Yes	
	No	

When the question is in respect to the granting of licenses to distributors of malt or brewed beverages, it shall be in the following form:

Do you favor the granting of malt and brewed beverage distributor's licenses not for consumption on premises where sold in the of _____ ?	Yes	
	No	

When the question is in respect to the establishment, operation and maintenance of Pennsylvania liquor stores, it shall be in the following form:

Do you favor the establishment, operation and maintenance of Pennsylvania liquor stores in the of _____ ?	Yes	
	No	

In case of a tie vote, the status quo shall obtain. If a majority of the voting electors on any such question vote "yes," then liquor licenses shall be granted by the board to hotels, restaurants and clubs, or malt and brewed beverage retail dispenser licenses or distributor's license for the sale of malt or brewed beverages shall be granted by the board, or the board may establish, operate and maintain Pennsylvania liquor stores, as the case may be, in such municipality, as provided by this act; but if a majority of the electors voting on any such question vote

“no,” then the board shall have no power to grant or to renew upon their expiration any licenses of the class so voted upon in such municipality; or if the negative vote is on the question in respect to the establishment, operation and maintenance of Pennsylvania liquor stores, the board shall not open and operate a Pennsylvania liquor store in such municipality, nor continue to operate a then existing Pennsylvania liquor store in the municipality for more than two years thereafter or after the expiration of the term of the lease on the premises occupied by such store, whichever period is less, unless and until at a later election a majority of the voting electors vote “yes” on such question.

APPROVED—The 19th day of August, A. D. 1953.

JOHN S. FINE

No. 273

AN ACT

To further amend the act, approved the nineteenth day of March, one thousand nine hundred nine (Pamphlet Laws 46), entitled “An act to regulate the practice of osteopathy in the State of Pennsylvania; to provide for the establishment of a State Board of Osteopathic Examiners; to define the powers and duties of said Board of Osteopathic Examiners; to provide for the examining and licensing of osteopaths in this State; and to provide penalties for the violation of this act,” by requiring one year of approved hospital internship as an additional requirement for licensure; exempting interns from the provisions of the act and requiring interns to register with the State Board of Osteopathic Examiners; authorizing issuance of certificates to practice osteopathy while in residency training in osteopathic hospitals in Pennsylvania.

Osteopathy.

Section 8, act of March 19, 1909, P. L. 46, as last amended by act of April 17, 1942, P. L. 47, further amended.

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

Section 1. Section 8 of the act, approved the nineteenth day of March, one thousand nine hundred nine (Pamphlet Laws 46), entitled “An act to regulate the practice of osteopathy in the State of Pennsylvania; to provide for the establishment of a State Board of Osteopathic Examiners; to define the powers and duties of said Board of Osteopathic Examiners; to provide for the examining and licensing of osteopaths in this State; and to provide penalties for the violation of this act,” as last amended by the act, approved the seventeenth day of April, one thousand nine hundred forty-two (Pamphlet Laws 47), is hereby further amended to read as follows:

Section 8. *Application to Engage in Practice.*—From and after the approval of this act, any person not theretofore authorized to practice osteopathy in this State,

Application to engage in practice.