

Section 1169. Salary While on Leave.—The person on leave of absence shall receive one-half of his or her regular salary [: Provided, That the employe who is absent on sabbatical leave shall not receive] *but not* more than two thousand five hundred dollars (\$2500), if the employe's absence on sabbatical leave is for a full school year, and not more than one thousand two hundred fifty dollars (\$1250), if the employe's absence on sabbatical leave is for a half school year, as defined in this act. *A school district may, but shall not be required to, pay a teacher on leave, during the period of leave, any salary over and above the amount received by the teacher as a grant for a fellowship or from a foundation that would make the total of the grant and the payment together not to exceed the salary payable during the year of leave.*

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

JOHN S. FINE

No. 303

AN ACT

To further amend the act, approved the fifth day of June, one thousand nine hundred forty-seven (Pamphlet Laws 458), entitled, as amended, "An act creating as bodies corporate and politic 'Parking Authorities' in cities of the first, second, second A and third classes, boroughs, and townships of the first class; prescribing the rights, powers and duties of such authorities; authorizing such authorities to acquire, construct, improve, maintain and operate parking projects; to conduct research of the parking problem, and to establish a permanent coordinated system of parking facilities, and to borrow money and issue bonds therefor; providing for the payment of such bonds and prescribing the rights of the holders thereof; conferring the right of eminent domain on such authorities; empowering such authorities to enter into contracts with, and to accept grants from, the Federal Government, State, political subdivisions of the State or any agency thereof; exempting the property and securities of such parking authorities from taxation and conferring exclusive jurisdiction on certain courts over rates," by defining the rights of lessees of parking facilities; extending the power to lease parking facilities and to exchange properties; authorizing temporary bonds; and further providing for acquiring property by eminent domain.

"Parking Authority Law."

Subsection (a) of section 5, act of June 5, 1947, P. L. 458, as amended by act of May 10, 1951, P. L. 291, further amended.

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

Section 1. Subsection (a) of section 5 of the act, approved the fifth day of June, one thousand nine hundred forty-seven (Pamphlet Laws 458), entitled, as amended, "An act creating as bodies corporate and politic 'Parking Authorities' in cities of the first, second, second A and third classes, boroughs, and townships of the first class; prescribing the rights, powers and duties

of such authorities; authorizing such authorities to acquire, construct, improve, maintain and operate parking projects; to conduct research of the parking problem, and to establish a permanent coordinated system of parking facilities, and to borrow money and issue bonds therefor; providing for the payment of such bonds and prescribing the rights of the holders thereof; conferring the right of eminent domain on such authorities; empowering such authorities to enter into contracts with, and to accept grants from, the Federal Government, State, political subdivisions of the State or any agency thereof; exempting the property and securities of such parking authorities from taxation and conferring exclusive jurisdiction on certain courts over rates," as amended by the act, approved the tenth day of May, one thousand nine hundred fifty-one (Pamphlet Laws 291), is hereby further amended to read as follows:

Section 5. Purposes and Powers; General.

(a) The Authority, incorporated under this act, shall constitute a public body corporate and politic, exercising public powers of the Commonwealth as an agency thereof, and shall be known as the Parking Authority of the city, borough, or township of the first class, but shall in no way be deemed to be an instrumentality of the city, borough, or township of the first class or engaged in the performance of a municipal function. The Authority shall be for the purpose of conducting the necessary research activity, to maintain current data leading to efficient operation of off-street parking facilities, for the fulfillment of public needs in relation to parking, establishing a permanent coordinated system of parking facilities, planning, designing, locating, acquiring, holding, constructing, improving, maintaining and operating, owning, leasing, either in the capacity of lessor or lessee, land and facilities to be devoted to the parking of vehicles of any kind: Provided, however, That the Authority shall not have the power to engage in the sale of gasoline, the sale of automobile accessories, automobile repair and service, or any other garage service and shall not engage in the sale of any commodity of trade or commerce.

The Authority shall have the power to lease portions of the [first floor] *street level or lower floors* of the parking facilities for commercial use, *including emergency automobile repair service, and the sale, by the lessee, of any commodity of trade or commerce or any service, except the sale of gasoline *or the sale of automobile accessories*, where, in the opinion of the Authority, such leasing is desirable and feasible in order to assist in defraying the expenses of the Authority. Such leases shall be granted on a fair competitive basis.

* "or" omitted in original.

Clause (4) of subsection (b) of section 5 and subsection (a) of section 6, said act, amended.

Section 2. Clause (4) of subsection (b) of section 5 and subsection (a) of section 6 of said act are hereby amended to read as follows:

Section 5. Purposes and Powers; General.

* * * * *

(b) Every Authority is hereby granted and 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:

* * * * *

(4) To acquire, purchase, hold, lease as lessee, and use any franchise, property, real, personal or mixed, tangible or intangible, or any interest therein, necessary or desirable for carrying out the purpose of the Authority and to sell, lease as lessor, *exchange*, transfer and dispose of any property or interest therein at any time required by it.

Section 6. Purposes and Powers; Bonds.

(a) The bonds of any Authority hereinabove referred to and authorized to be issued shall be authorized by resolution of the board thereof, and shall be of such series; bear such date or dates; mature at such time or times not exceeding forty years from their respective dates; *bear interest at such rate or rates, not exceeding six per cent per annum payable semi-annually; be in such denominations; be in such form, either coupon or fully registered, without coupons; carry such registration, exchangeability and interchangeability privileges; be payable in such medium of payment and at such place or places; be subject to such terms of redemption, not exceeding one hundred five per cent of the principal amount thereof; and be entitled to such priorities in the revenues or receipts of such Authority, as such resolution or resolutions may provide. The bonds shall be signed by such officers as the Authority shall determine, and coupon bonds shall have attached thereto interest coupons bearing the facsimile signature of the treasurer of the Authority, all as may be prescribed in such resolution or resolutions. Any such bonds may be issued and delivered notwithstanding that one or more of the officers signing such bonds, or the treasurer whose facsimile signature shall be upon the coupon, or any officer thereof shall have ceased to be such officer or officers at the time when such bonds shall actually be delivered.

Said bonds may be sold at public or private sale for such price or prices as the Authority shall determine: Provided, That the interest cost to maturity of the money received for any issue of said bonds shall not

* "their" in original.

exceed six per centum per annum. Pending the preparation of the definitive bonds, interim receipts, or *temporary bonds, with or without coupons*, may be issued to the purchaser or purchasers of such bonds and may contain such terms and conditions as the Authority may determine.

Section 3. Section 9 of said act, as last amended by the act, approved the tenth day of May, one thousand nine hundred fifty-one (Pamphlet Laws 291), is hereby further amended to read as follows:

Section 9, said act, as last amended by act of May 10, 1951, P. L. 291, further amended.

Section 9. Acquisition of Lands.

The Authority shall have the power to acquire by purchase or eminent domain proceedings either the fee or such rights, title, interest or easement in such lands, as the Authority may deem necessary for any of the purposes mentioned in this act: Provided, however, That no property devoted to a public use, nor any property of a public service company, property used for burial purposes, places of public worship, nor property which at the [effective date of this act] *date when this act became effective, with respect to such city, borough, or township of the first class*, is used as a facility or facilities for the parking of motor vehicles, so long as said property is continuously so used, and so long as the operation of the said facility complies with parking and traffic ordinances of the city, borough and township of the first class shall be taken under the right of eminent domain. The right of eminent domain shall be exercised by the Authority in the manner provided by law for the exercise of such right by cities, boroughs and townships of the first class in which the Authority exists: Provided, That the viewers may take into consideration, and may assess damages for expenses incurred for the removal of fixtures, equipment and merchandise.

The right of eminent domain herein conferred by this section may be exercised only within the city, borough and township of the first class.

Court proceedings necessary to acquire property or property rights, for purposes of this act, shall take precedence over all causes not involving the public interest in all courts to the end that the provision of parking facilities be expedited.

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

JOHN S. FINE