

No. 346

AN ACT

Repealing section 802 of the act of March 10, 1949 (P. L. 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," relating to the use of textbooks for a period of not less than five years.

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

Public School
Code of 1949.

Section 1. Section 802, act of March 10, 1949 (P. L. 30), known as the "Public School Code of 1949," is repealed.

Section 802, act
of March 10,
1949, P. L. 30,
repealed.

APPROVED—The 11th day of September, A. D. 1959.

DAVID L. LAWRENCE

No. 347

AN ACT

Amending the act of April 14, 1927 (P. L. 297), entitled "An act authorizing any natural gas company, or any manufactured gas company, incorporated under the laws of this Commonwealth, to sell, assign, dispose of, convey, or lease to any natural gas company; or to any manufactured gas company, incorporated under the laws of this Commonwealth, its franchises and property or any part thereof; providing the manner in which such sales, conveyances, or leases, shall be consummated; and requiring the payment of all taxes due the Commonwealth before the returns authorizing such sales, conveyances, and leases shall be filed in the office of the Secretary of the Commonwealth," clarifying provisions governing the power to transfer corporate franchises, municipal consents and corporate property, real, personal or mixed; changing provisions related to the manner in which such transfers shall be consummated; eliminating the requirement of certificates evidencing payment of taxes; changing requirements for filing returns with the Secretary of the Commonwealth and confirming prior transfers made in substantial compliance with provisions of the act of April 14, 1927 (P. L. 297), as amended.

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

Natural and
manufactured
gas companies.

Section 1. Sections 1, 2, 3, 4, 5, 6 and 7, act of April 14, 1927 (P. L. 297), entitled "An act authorizing any natural gas company, or any manufactured gas company, incorporated under the laws of this Commonwealth, to sell, assign, dispose of, convey, or lease to any natural gas company, or to any manufactured gas company, incorporated under the laws of this Commonwealth, its franchises and property or any part thereof; providing the manner in which such sales, conveyances,

Sections 1, 2, 3,
4, 5, 6 and 7, act
of April 14, 1927,
P. L. 297,
amended.

or leases, shall be consummated; and requiring the payment of all taxes due the Commonwealth before the returns authorizing such sales, conveyances, and leases shall be filed in the office of the Secretary of the Commonwealth," are amended to read:

Section 1. Be it enacted, &c., That any corporation heretofore or hereafter organized under the laws of this Commonwealth for the purpose of the manufacture and supply of gas, or the supply of light or heat to the public by any other means, or for the manufacture and supply of light, heat, and fuel, or any of them, by any process of manufacture, or for the purpose of producing, dealing in, transporting, storing, and supplying natural gas, may, in addition to the powers heretofore conferred, [sell, assign, dispose of, convey or lease,] *transfer* to any company, incorporated under the laws of this Commonwealth for any of the purposes hereinbefore mentioned, any or all of its *corporate* franchises or *municipal* consents, or *any part of any such franchise or consent* or all or [a major] part of its property, real, personal, or mixed; and the said property [and] *or franchises or consents or part thereof* so [sold, assigned, disposed of, conveyed or leased,] *transferred* shall thereafter be vested in the [purchasing or leasing company] *transferee* in accordance with the conditions of said [sale or lease] *transfer*:
 Provided, That [the returns hereinafter required to be filed in the office of the Secretary of the Commonwealth shall not be filed until each and every company so selling, assigning, disposing of, conveying, or leasing shall have filed with the Secretary of the Commonwealth a certificate from the Auditor General, setting forth that all reports required by the Auditor General have been duly filed to the date of the proposed sale, assignment, disposition, conveyance or lease, and that all taxes due the Commonwealth of Pennsylvania have been paid up to and including such date] *in case of any transfer of corporate franchises or part thereof the returns hereinafter required shall be filed in the office of the Secretary of the Commonwealth.*

Power to transfer franchises to another gas company.

Proviso.

Certificate from Auditor General.

Meeting of stockholders.

Section 2. That any such corporation, desirous of [selling, assigning, disposing of, conveying or leasing any or all of] *transferring* its *corporate* franchises or [consents,] *part thereof* or all [or a major part of] its property, real, personal, or mixed, shall, by resolution of its board of directors, call a meeting of its stockholders [, which meeting shall be held at its chief office of this Commonwealth, and notice of the time, place and object of said meeting shall be published, once a week for sixty days prior to such meeting in at least one newspaper published in the county wherein such office is situate, but such notice may be waived by the unanimous

consent in writing of the stockholders, *provided such waiver is filed in the office of the Secretary of the Commonwealth] and the notice of such meeting shall be given in the manner required by law.

Section 3. At the meeting called in pursuance to the second section of this act, an election of the stockholders shall be taken for or against such proposed [sale, assignment, disposal, conveyance, or lease,] transfer which shall be conducted by three judges, at least one of whom shall be a stockholder of said corporation, appointed by the board of directors to hold such election, and, if one or more of said judges be absent, the judge or judges present shall appoint a judge or judges to act in the place of such absentee or absentees, and who shall respectively take and subscribe an oath or affirmation, before an officer authorized by law to administer the same, well and truly and according to law to conduct such election to the best of their ability; and the said judges shall decide upon the qualification of the voters and, when the election is closed, count the number of shares voted for or against such [sale, conveyance, or lease] transfer and declare whether the persons or bodies corporate holding the larger amount of stock of such corporation have consented to such [sale, conveyance, or lease,] transfer or refused to consent thereto; and shall make out duplicate returns of said election, stating the number of shares of stock that voted for such [sale, conveyance, or lease,] transfer and the number that voted against the same, and subscribe and deliver the same to one of the chief officers of said company.

Election of stockholders.

Judges.

Oath of judges.

Power of judges.

Return of election.

Section 4. Each ballot shall have endorsed thereon the number of shares thereby represented, and be signed by the holder thereof, or by the person holding a proxy **therefor; but no share or shares transferred within sixty days shall entitle the holder or holders thereof to vote at such election or meeting; nor shall any proxy be received or entitle the holder to vote unless the same shall bear date and have been executed within three months next preceding such election or meeting; and it shall be the duty of such corporation to furnish the judge at said meeting with a statement of the amount of its capital stock, with the names of persons or bodies corporate holding the same, and number of shares by each respectively held, which statement shall be signed by one of the chief officers of such corporation, with an affidavit thereto annexed that the same is true and correct to the best of his knowledge and belief.

Ballot.

Transferred shares.

Date of proxy.

Statement to be furnished to judges.

* "providing" in original.
** "therefore" in original.

Copy of return to be filed in office of Secretary of the Commonwealth.

Section 5. That it shall be the duty of such corporation, if consent is given to such [sale, conveyance, or lease,] *transfer of its corporate franchises or part thereof*, to file in the office of the Secretary of the Commonwealth, within thirty days after such election or meeting, one of the copies of the return of such election provided for by the third section of this act, with a copy of the resolution and notice or an original of the waiver of notice calling the same thereto annexed; and upon the consummation of said [sale, conveyance, or lease,] *transfer*, made pursuant thereto, it shall be the duty of the president or treasurer of such corporation, within thirty days thereafter, to make a return to the Secretary of the Commonwealth, under oath, of the actual [sale, conveyance, or lease] *transfer*; and, in case of neglect or omissions so to do, the corporation shall be subject to a penalty of five thousand dollars, which penalty shall be collected on an account settled by the Auditor General and State Treasurer, as accounts for taxes due the Commonwealth are settled and collected; and the Secretary of the Commonwealth shall cause said returns to be recorded in a book to be kept for that purpose and furnish a certified copy of the same to the Auditor General; and the corporation shall have the right to recover the same from the officer neglecting or omitting to file the returns as aforesaid.

Penalty for failure to file return.

Returns to be recorded.

Recovery from negligent officer.

Ratification of certain transfers heretofore made.

Section 6. Any [sale, assignment, disposition, conveyance or lease] *transfer of [its] corporate franchises or [property, or and] part thereof*, by or to any corporation organized for any of the purposes mentioned in section one of this act, heretofore made in substantial compliance with the provisions of sections two, three, four, and five hereof, *and any transfer of all property, real, personal, or mixed by or to any such corporation heretofore made in substantial compliance with the provisions of *sections two, three and four hereof [is] are hereby ratified, confirmed, and approved, and the corporate franchises [and] or property so purported to have been [sold, assigned, disposed of, conveyed, or leased,] transferrred shall **vest in the [purchaser or lessee] transferee thereof as fully as if the proceedings had been taken under the provisions of this act as amended.*

Approval by Pennsylvania Public Utility Commission.

Section 7. No [sale, assignment, disposal, conveyance, or lease,] *transfer* made under the provisions of this act, shall be valid and effective, unless and until the same shall have been approved *as required by law* by the *Pennsylvania Public [Service] Utility Commis-*

* "section" in original.

** "be vested" in original.

sion [of the Commonwealth of Pennsylvania] evidenced by its certificate of public convenience.

APPROVED—The 11th day of September, A. D. 1959.

DAVID L. LAWRENCE

No. 348

AN ACT

Amending the act of March 10, 1949 (P. L. 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," further providing for the determination of tuition charges for pupils of other districts.

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

Public School
Code of 1949.

Section 1. Section 2561, act of March 10, 1949 (P. L. 30), known as the "Public School Code of 1949," amended April 12, 1951 (P. L. 217), August 19, 1953 (P. L. 1169) and October 14, 1955 (P. L. 704), is amended to read:

Section 2561, act
of March 10,
1949, P. L. 30,
amended April
12, 1951, P. L.
217, August 19,
1953, P. L. 1169,
and October 14,
1955, P. L. 704,
further amended.

Section 2561. Tuition Charges for Pupils of Other Districts.—A school district or vocational school district receiving elementary or high school pupils or vocational or other extension education pupils who are residents of another school district or another vocational school district shall compute the tuition charges as follows:

(1) General. Add the salaries of secretaries, treasurers, auditors, superintendents, the cost of library books, the salaries of librarians, lectures, health, medical, nurse and dental services, the wages of janitors, and other comparable employes, the cost of fuel, water, light and power, telephone rentals and tolls, the cost of maintenance of school plant, including ordinary repairs, but not including alterations or remodeling, the cost of care of school grounds, premiums on fire and workmen's compensation insurance, the cost of attendance at teachers' institutes, and the district's contribution to the retirement fund and social security contribution fund on behalf of the above listed employes incurred for the school year immediately preceding, and divide the sum so obtained by the total number of pupils in average daily membership in the receiving district's public schools during the school year immediately preceding. The quotient so obtained shall be designated the "overhead cost per pupil."

(2) Elementary Tuition Charge. Add the salaries of supervisors, principals, clerks, assistants and teachers