

## No. 592

## 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," providing that certain assistant county superintendents may be appointed to serve two or more counties jointly.

Public School  
Code of 1949.

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

Section 1053,  
act of March 10,  
1949, P. L. 30,  
amended May  
9, 1949, P. L.  
939, further  
amended.

Section 1. Section 1053, act of March 10, 1949 (P. L. 30), known as the "Public School Code of 1949," amended May 9, 1949 (P. L. 939), is amended to read:

Section 1053. Appointment of Assistant Superintendents.—Assistant county superintendents shall be appointed by majority vote of the county board of school directors *to serve a single county or two or more counties jointly*, on nomination of the county superintendent, to serve until the end of the term of office of the county superintendent. The superintendent of each county entitled to one or more assistant superintendents shall, within fifteen (15) days after receiving his commission, nominate to the county board of school directors the number of assistant superintendents to which he is entitled. The persons so nominated shall furnish the president of the county board of school directors evidence of eligibility in accordance with the regulations of the State Council of Education. *The county superintendent of two or more counties may agree with the Superintendent of Public Instruction to recommend to the county board that an assistant county superintendent be appointed to serve two or more counties jointly.*

APPROVED—The 30th day of November, A. D. 1959.

DAVID L. LAWRENCE

## No. 593

## AN ACT

Amending the act of July 15, 1957 (P. L. 901), entitled "An act giving cities of the third class the right and power to adopt one of several plans of optional charters and to exercise the powers and authority of local self-government subject to certain restrictions and limitations; providing procedures for such adoption and defining the effect thereof," providing for the election of the city treasurer.

Preamble.

Whereas, under the present law which provides for optional charter plans the position of city treasurer is an appointive one, and

Whereas, under the present third class city code the treasurer is elected, and

Whereas, the treasurer in any third class city, whether it is one that operates under the code or under the optional charter plan, has a great deal of responsibility to the people in that he collects the taxes for the city, for the county, and in many cases for various other political subdivisions, and

Whereas, a person with such responsibilities should be elected; therefore,

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

Optional Third  
Class City  
Charter Law.

Section 1. Sections 402 and 403, subsection (b) of section 406, subsections (a), (c) and (d) of section 415, sections 502 and 503, subsection (b) of section 506, section 510 and subsection (b) of section 621, act of July 15, 1957 (P. L. 901), known as the "Optional Third Class City Charter Law," are amended to read:

Sections 402 and 403, subsection (b), section 406, subsections (a), (c) and (d), section 415, sections 502 and 503, subsection (b), section 506, section 510 and subsection (b), section 621, act of July 15, 1957, P. L. 901, amended.

Section 402. Each city hereunder shall be governed by an elected council, an elected mayor, *an elected treasurer* and an elected controller and by such other officers and employes as may be duly appointed pursuant to this article, general law or ordinance.

Section 403. The mayor, *the treasurer* and the controller shall be elected by the voters of the city at a regular municipal election, and shall serve for a term of four years beginning on the first Monday of January next following his election.

Section 406. \* \* \*

(b) If a vacancy occurs in the office of mayor, *city treasurer* or city controller, the city council shall fill such vacancy, within thirty days thereafter, by choosing a mayor, *a city treasurer* or a city controller, as the case may be, to serve until his successor is elected by the qualified electors at the next municipal election, occurring at least two hundred days after such vacancy occurs, and is duly sworn into office. The person so elected shall serve from the first Monday of January next succeeding his election for the remainder of the term of the person originally elected to such office.

If, by reason of a tie vote or otherwise, a vacancy in the office of mayor, *treasurer* or controller shall not have been filled by council within the time as limited herein, the court of common pleas, upon petition of ten or more qualified electors, shall fill such vacancy by the appointment of a qualified person for the portion of the unexpired term as herein provided.

Section 415. (a) The [city shall have a city treasurer who shall be appointed by the mayor with the advice and consent of the council. He] *city treasurer* shall perform such functions and duties and have such powers relating to the collection, receiving, safe keeping and payment over of public moneys including city, county, institution district and school district taxes as provided by general law and shall have such other functions, powers and duties as may be assigned to him by council.

\* \* \* \* \*

(c) Each department shall be headed by a director who shall be appointed by the mayor with the advice and consent of the council. Each department head [and the city treasurer] shall serve during the term of office of the mayor appointing him, and until the appointment and qualification of his successor.

(d) The mayor may, in his discretion, remove [the city treasurer and] any department head after notice and an opportunity to be heard. Prior to removing a [treasurer or] department head, the mayor shall first file written notice of his intention with the council, and such removal shall become effective on the twentieth day after the filing of such notice.

\* \* \* \* \*

Section 502. Each city under this article shall be governed by an elected council, an elected controller, an appointed city manager, [and an appointed city treasurer] *an elected treasurer* and by such other officers and employes as may be duly appointed pursuant to this article, general law or ordinance.

Section 503. The controller *and the treasurer* shall be elected by the voters of the city at a regular municipal election, and shall serve for a term of four years beginning the first Monday of January next following his election.

Section 506. \* \* \*

(b) If a vacancy occurs in the office of city controller *or city treasurer*, the city council shall fill such vacancy, within thirty days thereafter, by choosing a city controller *or city treasurer* to serve until his successor is elected by the qualified electors at the next municipal election, occurring at least two hundred days after such vacancy occurs, and is duly sworn into office. The person so elected shall serve from the first Monday of January next succeeding his election for the remainder of the term of the person originally elected to such office.

If, by reason of a tie vote or otherwise, such vacancy shall not have been filled by council within the time as limited herein, the court of common pleas, upon

petition of ten or more qualified electors, shall fill such vacancy by the appointment of a qualified person for the portion of the unexpired term as herein provided.

Section 510. The city council shall appoint a city manager [a city treasurer] and a city clerk. The office of city manager and city clerk may be held by the same person. The council may provide for the manner of appointment of a city solicitor, any planning board, zoning board of adjustment or personnel board in the city, and may create commissions and other bodies with advisory powers.

Section 621. \* \* \*

(b) If an elected city treasurer or city controller is in office at the time of the adoption of an optional charter plan under the provisions of this act, a treasurer or controller, as the case may be, shall not be [appointed or] elected to take office until after the resignation, death, removal or expiration of the term of said treasurer or controller.

APPROVED—The 30th day of November, A. D. 1959.

DAVID L. LAWRENCE

No. 594

AN ACT

Amending the act of June 24, 1939 (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," changing the method for determining the penalty to be imposed for the crime of murder of the first degree.

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

Section 1. Section 701, act of June 24, 1939 (P. L. 872), known as "The Penal Code," is amended to read:

Section 701, act of June 24, 1939, P. L. 872, amended.

Section 701. Murder of the First and Second Degree. —All murder which shall be perpetrated by means of poison, or by lying in wait, or by any other kind of willful, deliberate and premeditated killing, or which shall be committed in the perpetration of, or attempting to perpetrate any arson, rape, robbery, burglary, or kidnapping, shall be murder in the first degree. All other kinds of murder shall be murder in the second degree. The jury before whom any person indicted for murder shall be tried, shall, if they find such person guilty thereof, ascertain in their verdict whether the person is guilty of murder of the first or second degree. If such person is convicted by confession, the court shall