

portion thereof, taken or appropriated for a public park or for public use, [to the person or corporation which owned said property at the time it was condemned by the city] *at public auction upon sealed bids or at private sale with approval of the court of common pleas*: Provided, however, That city council shall first determine, by ordinance or resolution, that the property is no longer needed or required for park purposes or for public use: *And provided further, That before any such sale is made council shall advertise said proposed sale twice in at least one newspaper of general circulation printed in such city.*

Proviso.

Section 2. This act shall take effect immediately.

Act effective immediately.

APPROVED—The 2nd day of September, A. D. 1961.

DAVID L. LAWRENCE

—
No. 542

AN ACT

Limiting the use of appropriations for hospital or institutional care or training in certain cases.

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

Limitations on use of "The General Appropriation Act of 1961."

Section 1. No part of the appropriations made by "The General Appropriation Act of 1961" shall be used to pay for hospital or institutional care or training at rates in excess of those charged to the general public for the same care and services: Provided, however, That a hospital may not be paid at a rate per day for inpatient care or a rate per visit for outpatient care greater than the hospital's average cost for each class of care as determined annually by the Auditor General on the basis of certified fiscal reports submitted by the hospitals and approved by the Auditor General.

Charges by hospitals or institutions for care or training not to exceed charges to general public.

APPROVED—The 2nd day of September, A. D. 1961.

DAVID L. LAWRENCE

—
No. 543

AN ACT

Amending the act of July 7, 1955 (P. L. 258), entitled "An act providing for anthracite mine drainage, contingent on Federal aid, and making an appropriation," removing certain restrictions.

Anthracite mine drainage.

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

Section 2, act of July 7, 1955, P. L. 258, amended February 11, 1959, P. L. 3, further amended.

Section 1. Section 2, act of July 7, 1955 (P. L. 258), entitled "An act providing for anthracite mine drainage, contingent on Federal aid, and making an appropriation," amended February 11, 1959 (P. L. 3), is amended to read:

Department of Mines and Mineral Industries is authorized to perform the necessary work.

Section 2. In such event the Department of Mines and Mineral Industries shall construct ditches, flumes, backfill stripping pits and cropfalls, and improve stream beds for the purpose of preventing the flow of surface water into mines, and shall purchase the necessary materials for the same, and also shall purchase and install pumps, pipes, machinery, equipment and materials for the purpose of pumping water from abandoned mines: Provided, however, That the Commonwealth shall not bear any operating and maintenance costs whatsoever *other than one-half of the power pumping costs* and shall not bear the installation costs of any underground facilities; however, this restriction shall not apply and shall not pertain to cases of emergencies endangering life created by the flooding of mines, nor shall the functions herein set out be restricted to abandoned mines in cases of such emergency.

Proviso.

Nonapplicability of proviso.

Emergency determination required.

In such instances, upon the prior determination by the Secretary of Mines and Mineral Industries when the Secretary of the Interior of the United States of America operating under the Federal companion legislation has likewise ruled that an emergency exists, the Department of Mines and Mineral Industries shall:

Duties of department.

- (1) Conduct rescue operations;
- (2) Without advertising or competitive bidding, purchase material and equipment, and provide labor and techniques for pumping of water from the mines, constructing ditches, flumes and other devices for mine drainage, for sealing, backfilling and for the performance of any other work designated by the Secretary of Mines and Mineral Industries as expedient to prevent the spreading and reduce the hazards from flooding of mines;
- (3) Pay for power and for other costs attendant upon the operation and maintenance of pumping and other devices for mine drainage;
- (4) Perform the purpose of the act with personnel of the department or by contract with others;
- (5) Reimburse any person, agency or corporation for material, labor and equipment furnished at the request of the Department of Mines and Mineral Industries in the performance of the aforesaid duties;

(6) Pay for the foregoing whether already undertaken or to be undertaken hereafter;

(7) Conduct investigation to determine the cause of this disaster and to institute measures to insure the future safety and health of persons in the area; and

(8) Do all necessary and expedient to effect the purposes of this act.

Section 2. This act shall take effect immediately.

Act effective immediately.

APPROVED—The 7th day of September, A. D. 1961.

DAVID L. LAWRENCE

No. 544

AN ACT

Amending the act of May 27, 1949 (P. L. 1903), entitled "An act providing for powers, responsibilities, duties and limitations of the Governor, Adjutant General, Department of Military Affairs, Pennsylvania State Armory Board, Military Reservation Commission in connection with the armed Military and Naval forces and the internal security of the Commonwealth; for the definition, organization, powers and limitations of the unorganized militia, Pennsylvania National Guard, Pennsylvania Guard, Naval Militia, Pennsylvania Naval Militia and for coordination with the government of the United States in the organization and functioning of the Pennsylvania National Guard and the National Guard of the United States apportioned the Commonwealth," providing for the extension of the terms of service of enlisted personnel in the Pennsylvania National Guard.

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

The Military Code of 1949.

Section 1. Section 825, act of May 27, 1949 (P. L. 1903), known as "The Military Code of 1949," amended November 10, 1959 (P. L. 1473), is amended to read:

Section 825, act of May 27, 1949, P. L. 1903, amended November 10, 1959, P. L. 1473, further amended.

Section 825. Enlistment Contract.—Every enlisted man shall meet all the qualifications prescribed by the laws of the United States and the rules and regulations promulgated thereunder. Every man enlisting in the Pennsylvania National Guard shall sign an enlistment contract and take and subscribe to the following oath of enlistment: "I do hereby acknowledge to have voluntarily enlisted this day of 19....., in the National Guard of the State of Pennsylvania for the period of year(s) under the conditions prescribed by law unless sooner discharged by proper authority.

"I,, do solemnly swear (or affirm) that I will bear true faith and allegiance to