

No. 261

AN ACT

Amending the act of April 18, 1949 (P. L. 512), entitled "An act relating to the administration and distribution of decedents' estates, trust estates, minors' estates and absentees' estates, both as to real and personal property, and the procedure relating thereto; including the disposition of such estates or portions thereof and the determination of title thereto without the appointment of a fiduciary in certain cases; the appointment, bond, removal and discharge of fiduciaries of such estates, their powers, duties and liabilities; the rights of persons dealing with such fiduciaries, and the rights of persons claiming an interest in such estates or in property distributed therefrom whether as claimants or distributees, and containing provisions concerning guardians of the person of minors, the powers, duties and liabilities of sureties and of foreign fiduciaries, the abatement, survival and control of actions and rights of action, and the presumption of death; and also generally dealing with the jurisdiction, powers and procedure of the orphans' court and of the register of wills in all matters relating to fiduciaries," providing that the parents of a minor may serve as co-guardian of the minor's estate.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows: **Fiduciaries Act of 1949.**

Section 1. Section 1012, act of April 18, 1949 (P. L. 512), known as the "Fiduciaries Act of 1949," is amended to read: **Section 1012, act of April 18, 1949, P. L. 512, amended.**

Section 1012. Persons Not Qualified to be Appointed by the Court.—The court shall not appoint as guardian of the estate of a minor any person who is—

(1) Under twenty-one years of age;

(2) A corporation not authorized to act as fiduciary in the Commonwealth;

[4] (3) A parent of the minor, *except that a parent may be appointed a co-guardian with another fiduciary or fiduciaries.*

APPROVED—The 2d day of August, A. D. 1963.

WILLIAM W. SCRANTON

No. 262

AN ACT

Providing for a referendum to determine the will of the electorate with respect to calling a constitutional convention; providing for such convention in the event of approval; and providing for submission of a new Constitution to the electors.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows: **Constitution and convention.**

Referendum on constitutional convention.

Section 1. At the municipal election in the year 1963, there shall be submitted in the manner provided by the election laws of the Commonwealth a question to determine the will of the electorate of the Commonwealth in regard to a constitutional convention. Such question shall be in the following form:

The Question.

Do you favor a constitutional convention to prepare a new Constitution subject to ratification by a vote of the people?	Yes	
	No	

Publication and distribution.

The question shall be printed on the official and specimen ballots or on separate official ballots in bound form by the county board of elections in each county and a sufficient number of ballots shall be furnished to the election officers in each election district of every county so that one ballot may be supplied to each voter at such election. In districts where voting machines are used, such question shall appear on the face of the machine where the machine is properly equipped for such purposes.

Results tabulation and certification.

The results of such election shall be tabulated by the proper election officers of each county and the results thereof certified to the Secretary of the Commonwealth.

Duty of Governor upon affirmative vote.

Section 2. If a majority of those voting on the question vote in favor of the preparation of a new Constitution, then a constitutional convention shall be called by the Governor to convene in the Hall of the House of Representatives at Harrisburg, Dauphin County, Pennsylvania, on July 1, 1964, at eleven o'clock A. M. The convention shall conclude its sessions not later than January 15, 1965.

Convention : composition, delegates, nomination, election.

Section 3. The convention shall be composed of one hundred fifty delegates. Three delegates shall be elected from each senatorial district as provided for by the reapportionment act most recently adopted prior to February 1, 1964. Each elector in each such district may vote for not more than two candidates for the office of delegate. The three candidates receiving the highest number of votes shall be elected to the office of delegate.

The county committee or committees of each political party in each district shall collectively nominate two candidates for the office of delegates.

Qualifications of delegates.

Subject to the limitations upon the number of candidates provided in this act applicable to political parties, candidates may also be nominated by political bodies as provided in the Pennsylvania Election Code. Each delegate shall be at least twenty-one years of age, shall have been a citizen and resident of the Commonwealth of

Pennsylvania for four years and a resident of his district one year immediately prior to July 1, 1964.

Section 4. Delegates shall be elected at the primary to be held in 1964. Nominations for the office of delegate shall be made by the county committee or committees of each political party in each district in accordance with party rules and the names of the nominees submitted to the Secretary of the Commonwealth who shall certify the names of nominees to the county board of elections as provided by law not later than sixty days preceding such primary. Nominees may withdraw their names from nomination, substitutions for such vacancies shall be made, the election shall be held, and the canvass and return thereof shall be made in accordance with the provisions of the Pennsylvania Election Code and shall be certified to the Governor by the Secretary of the Commonwealth not later than June 15, 1964, and certificates of election shall immediately be issued under the seal of the Commonwealth, signed by the Governor and attested by the Secretary of the Commonwealth.

Time of election: certification of nominees to county boards of election, and of election to Governor by the Secretary of the Commonwealth.

Vacancies occurring in the office of delegate shall be filled by a vote of the delegates of the party of which the delegate whose place is to be filled was a representative.

Vacancies.

Section 5. The members of the constitutional convention shall receive the total sum of three thousand dollars (\$3,000) for expenses payable in five equal installments: on August 1, September 1, October 1, November 1, 1964, and January 15, 1965. In addition, they shall receive an allowance for traveling expenses of ten cents (10¢) per mile circular per week, payable monthly.

Compensation and travel mileage.

Section 6. The constitutional convention shall be called to order by the Governor and shall immediately organize by electing a president, secretary and such other officers as shall be necessary for the transaction of its business.

Organization and employes.

It shall have the power to adopt rules of procedure to determine the election and qualification of delegates, and generally to adjourn to such time or times and such place or places in the City of Harrisburg as it shall determine.

The convention shall employ and fix salaries of such secretaries, officers, attorneys, legal and technical assistants and other employes as are deemed necessary to carry out the provision of this act, and may request the Legislative Reference Bureau for aid and assistance.

It shall have the authority to purchase, rent or lease office supplies, equipment, telephones, telegraphs and other material deemed necessary to carry out the provisions of this act.

Powers.

Section 7. The convention is authorized and empowered to make an intensive study of our present Constitution and to draft a new Constitution for submission to the qualified electors of this Commonwealth.

Proposed constitution: certified, recorded, published, distributed.

Section 8. The new Constitution as proposed shall be certified by the president and secretary of the convention to the Secretary of the Commonwealth not later than June 1, 1965. The Secretary of the Commonwealth shall enter the proposed Constitution upon the records of his office and shall publish the same in at least two newspapers of general circulation, if there are such, in every county of this Commonwealth, once during the second week of July, 1965. He shall also publish the proposed constitution in convenient form and send a copy thereof to each elector requesting it, and ten copies thereof through the county board of elections to each polling place for the use of voters during the election.

Submission to vote at 1965 general election and, if approved, Governor's proclamation.

Section 9. The Constitution proposed by the convention shall be submitted at the general election held in 1965 to the qualified electors of the Commonwealth for their approval or rejection. The majority vote of the electors voting thereon shall determine whether the new Constitution shall be adopted. If adopted, the new Constitution shall become effective as provided therein or by the schedule attached thereto.

The Governor, upon receipt of a certificate of the results of the election from the Secretary of the Commonwealth, shall, if the new Constitution has been adopted, immediately make proclamation thereof.

Act effective immediately.

Section 10. This act shall take effect immediately.

APPROVED—The 5th day of August, A. D. 1963.

WILLIAM W. SCRANTON

No. 263

AN ACT

Amending the act of April 29, 1959 (P. L. 58), entitled "An act consolidating and revising the Vehicle Code, the Tractor Code, the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership, possession and use of vehicles and tractors," providing for the payment of judgments into court when the judgment creditor cannot be found.

The Vehicle Code.

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

Section 1415, act of April 29, 1959, P. L. 58, amended by adding a new clause (4).

Section 1. Section 1415, act of April 29, 1959 (P. L. 58), known as "The Vehicle Code," is amended by adding, at the end thereof, a new clause to read: