

No. 373

AN ACT

To amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, by modifying the procedure for the sale of unserviceable property, and enlarging the scope of the appropriation of the Manufacturing Fund; clarifying the provisions pertaining to the furnishing of State automobiles from the temporary fleet; authorizing the purchase of liability insurance covering State officers or employes operating vehicles loaned by the Federal Government; prohibiting contractors with the Commonwealth from requiring or receiving refunds of part of any premium, wage or wages required by their contract to be paid to their employes; providing for the demolition or destruction of certain military stores in certain cases; authorizing the transfer of surplus products between State institutions; further defining the working hours and duties of State employes; amplifying the supervision of the Department of Welfare over inmates in and the transfer of inmates from State penal and correctional institutions; empowering the Department of Welfare to enforce compliance with its orders to remedy unfavorable conditions in State and supervised institutions; eliminating the office of business manager in State institutions under the Department of Welfare; authorizing the Department of Property and Supplies to establish standards for the operation of certain State equipment, and to make periodical surveys of the buildings, equipment, land and improvements of State institutions; further modifying and regulating the procedure to be followed for construction projects; making further provision for bid performance bonds of bidders for State contracts; extending the scope of the work of the State Park Commission; further regulating purchases made directly by departments, boards, and commissions; authorizing the Governor to grant commissions to State pilots; providing for the disposal of accumulated files of papers no longer needed or useful in the Commonwealth; providing for the promulgation of rules and regulations by and enlarging the powers of the Department of Forests and Waters and the Water and Power Resources Board; further regulating the maximum price that may be paid for land acquired for State forestry purposes; prescribing the membership and powers and duties of the State Park Commission; creating and prescribing the powers and duties of Regional State Park Boards; eliminating the limitation on the amount per acre that may be paid for land acquired for State park purposes; eliminating the Board of Game Commissioners,

and extending the provisions of the code to its successor the Pennsylvania Game Commission; eliminating the Public Service Commission of the Commonwealth of Pennsylvania, and extending the provisions of the code to its successor the Pennsylvania Public Utility Commission; transferring the State Athletic Commission from the Department of Military Affairs to the Department of Revenue, the State Employees' Retirement Board from the Department of State to the Treasury Department, and the State Board of Undertakers from the Department of Public Instruction to the Department of Health; eliminating the State Aeronautics Commission, the Pennsylvania Alcohol Permit Board, and the Board of Trustees of Cumberland Valley State Institution for Mental Defectives, and the Anatomical Board; conferring police powers upon persons commissioned to police State parks; changing qualifications of certain members of the Anthracite Mine Inspectors' Examining Board; authorizing the Department of Forests and Waters to set aside certain State lands for park purposes; authorizing the Department of Property and Supplies, with the approval of the Governor, to convey or lease State lands and buildings to The General State Authority for the erection and construction, alteration and repair of new buildings and existing buildings, including an office building on the Capitol grounds; and authorizing the Department of Property and Supplies, with the approval of the Governor, to acquire such projects from The General State Authority by lease; authorizing demolition of buildings and structures no longer useful and beyond repair; conforming various provisions of the code to existing law; and generally further reorganizing and clarifying the conduct of the administrative work of the Commonwealth.

Sections 201,
202, 203, 210,
221, 222, 301,
303, 401, 402,
419, 424, 427,
431, 445, 448,
507, 508, 511,
522, 701, 709,
712, 906, 1310,
1311, 1402, 1802,
1804, 1806, 2110,
2112, 2304, 2307,
2311, 2312, 2318,
2319, 2402, 2403,
2404, 2405, 2406,
2407, 2408, 2409,
and 2414, act of
April 9, 1929
(P. L. 177),
amended or
further amended
as the case
may be.

Section 1. Be it enacted, &c., That sections 201, 202, 203, 210, 221, 222, 301, 303, 401, 402, 419, 424, 427, 431, 445, 448, 507, 508, 511, 522, 701, 709, 712, 906, 1310, 1311, 1402, 1802, 1804, 1806, 2110, 2112, 2304, 2307, 2311, 2312, 2318, 2319, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, and 2414 of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of

certain departments, boards and commissions shall be determined," are hereby amended or further amended, as the case may be, to read as follows:

Section 201. Executive Officers, Administrative Departments, and Independent Administrative Boards and Commissions.—The executive and administrative work of this Commonwealth shall be performed by the Executive Department, consisting of the Governor, Lieutenant Governor, Secretary of the Commonwealth, Attorney General, Auditor General, State Treasurer, Secretary of Internal Affairs, and Superintendent of Public Instruction; by the Executive Board, and the Pennsylvania State Police; by the following administrative departments: Department of State, Department of Justice, Department of the Auditor General, Treasury Department, Department of Internal Affairs, Department of Public Instruction, Department of Military Affairs, Insurance Department, Department of Banking, Department of Agriculture, Department of Forests and Waters, Department of Mines, Department of Highways, Department of Health, Department of Labor and Industry, Department of Welfare, Department of Property and Supplies, and Department of Revenue; and by the following independent administrative boards and commissions: [Board of Game Commissioners] *Pennsylvania Game Commission*, Board of Fish Commissioners, and the [Public Service Commission of the Commonwealth of Pennsylvania] *Pennsylvania Public Utility Commission*.

Section 202. Departmental Administrative Boards, Commissions, and Offices.—The following boards, commissions, and offices are hereby placed and made departmental administrative boards, commissions, or offices, as the case may be, in the respective administrative departments mentioned in the preceding section, as follows:

[In the Department of State,

State Employes' Retirement Board]

In the Department of Justice,

Board of Pardons,

Board of Commissioners on Uniform State Laws;

In the Treasury Department,

Board of Finance and Revenue,

State Employes' Retirement Board;

In the Department of Internal Affairs,

Board of Property;

[State Aeronautics Commission]

In the Department of Public Instruction,

State Council of Education,

Pennsylvania State Board of Censors,

Public School Employes' Retirement Board,

Pennsylvania Historical Commission,

Board of Trustees of Thaddeus Stevens Industrial School,

Board of Trustees of Pennsylvania State Oral
 School for the Deaf,
 [Board of Trustees of Home for Training in Speech
 of Deaf Children Before They Are of School Age,
 which shall hereafter be known as Board of Trus-
 tees of Home for Training in Speech of Deaf
 Children,]
 Board of Trustees of Pennsylvania Soldiers' Or-
 phan School,
 Board of Trustees of West Chester State Teachers'
 College,
 Board of Trustees of Millersville State Teachers'
 College,
 Board of Trustees of Kutztown State Teachers' Col-
 lege,
 Board of Trustees of East Stroudsburg State
 Teachers' College,
 Board of Trustees of Mansfield State Teachers' Col-
 lege,
 Board of Trustees of Bloomsburg State Teachers'
 College,
 Board of Trustees of Shippensburg State Teachers'
 College,
 Board of Trustees of Lock Haven State Teachers'
 College,
 Board of Trustees of Indiana State Teachers' Col-
 lege,
 Board of Trustees of California State Teachers' Col-
 lege,
 Board of Trustees of Slippery Rock State Teachers'
 College,
 Board of Trustees of Edinboro State Teachers' Col-
 lege,
 Board of Trustees of Clarion State Teachers' Col-
 lege,
 Board of Trustees of Cheyney Training School for
 Teachers,
 State Board of Medical Education and Licensure,
 State Board of Pharmacy,
 State Dental Council and Examining Board,
 State Board of Optometrical Examiners,
 State Board of Osteopathic Examiners,
 Osteopathic Surgeons' Examining Board,
 State Board of Examiners for the Registration of
 Nurses,
 [State Board of Undertakers]
 State Board of Veterinary Medical Examiners,
 State Board for the Examination of Public Ac-
 countants,
 State Board of Examiners of Architects,
 Anthracite Mine Inspectors' Examining Board,
 Mine Inspectors' Examining Board for the Bitumi-
 nous Coal Mines of Pennsylvania,

- State Registration Board for Profession Engineers;
 In the Department of Military Affairs,
 Armory Board of the State of Pennsylvania,
 Board of Trustees of Pennsylvania Soldiers' and
 Sailors' Home;
 [State Athletic Commission]
 In the Department of Banking,
 Board to License Private Bankers,
 Pennsylvania Securities Commission;
 In the Department of Agriculture,
 State Farm Product Show Commission;
 In the Department of Forests and Waters,
 Water and Power Resources Board,
 Geographic Board,
 Lake Erie and Ohio River Canal Board,
 Pennsylvania State Park and Harbor Commission
 of Erie,
 Washington Crossing Park Commission,
 Valley Forge Park Commission,
 Fort Washington Park Commission;
 In the Department of Mines,
 Anthracite Mine Inspectors,
 Bituminous Mine Inspectors;
 In the Department of Highways,
 State Bridge Commission;
 In the Department of Health,
 Sanitary Water Board,
 [Anatomical Board]
State Board of Undertakers;
 In the Department of Labor and Industry,
 Workmen's Compensation Board,
 Workmen's Compensation Referees,
 State Workmen's Insurance Board,
The Industrial Board;
 In the Department of Welfare,
 State Council for the Blind,
 [Pennsylvania Alcohol Permit Board]
 Board of Trustees of Eastern State Penitentiary,
 Board of Trustees of Western State Penitentiary,
 Board of Trustees of Pennsylvania Industrial [Re-
 formatory, hereafter to be known as Board of
 Trustees of Pennsylvania Industrial] School,
*which, upon the completion of the present Penn-
 sylvania Industrial School at Huntingdon for the
 reception, care, maintenance, detention, employ-
 ment, and training of defective delinquents, shall
 thereafter be known as the Board of Trustees of
 Pennsylvania Institution for Defective Delin-
 quents,*
 Board of Trustees of State Industrial Home for
 Women,
 Board of Trustees of Pennsylvania Training School,

Board of Trustees of Allentown State Hospital,
 Board of Trustees of Danville State Hospital,
 Board of Trustees of Farview State Hospital,
 Board of Trustees of Harrisburg State Hospital,
 Board of Trustees of Norristown State Hospital,
 Board of Trustees of Warren State Hospital,
 Board of Trustees of Wernersville State Hospital,
 Board of Trustees of Torrance State Hospital,
 Board of Trustees of Ashland State Hospital,
 Board of Trustees of Blossburg State Hospital,
 Board of Trustees of Coaldale State Hospital,
 Board of Trustees of Connellsville State Hospital,
 Board of Trustees of Hazelton State Hospital,
 Board of Trustees of Locust Mountain State Hospital,
 Board of Trustees of Nanticoke State Hospital,
 Board of Trustees of Philipsburg State Hospital,
 Board of Trustees of Scranton State Hospital,
 Board of Trustees of Shamokin State Hospital,
 Board of Trustees of Laurelton State Village,
 Board of Trustees of Pennhurst State School,
 Board of Trustees of Polk State School,
 [Board of Trustees of Cumberland Valley State Institution for Mental Defectives]
 Board of Trustees of Selinsgrove State Colony for Epileptics;

In the Department of Property and Supplies,
 Board of Commissioners of Public Grounds and Buildings,
 State Art Commission;

§ In the Department of Revenue,
 State Athletic Commission.

All of the foregoing departmental administrative boards and commissions shall be organized or reorganized as provided in this act.

Section 203. Advisory Boards and Commissions.—The following advisory boards and commissions are placed in and made parts of the respective administrative departments, as follows:

In the Department of Military Affairs,
 State Military Reservation Commission,
 State Veterans Commission;

In the Department of Forests and Waters,
 State Forest Commission,
 State Parks Commission,
 Bushy Run Battlefield Commission,
 Regional State Park Boards;

In the Department of Health,
 Advisory Health Board;

In the Department of Labor and Industry,
 Industrial Board;

In the Department of Welfare,
 State Welfare Commission;

In the Department of Property and Supplies,
General Galusha Pennypacker Monument Commission.

Section 210. Compensation of Members of Administrative Boards and Commissions.—(a) Annual salaries shall be payable in equal semi-monthly installments as follows:

To the Commissioner of Fisheries, six thousand dollars.

To the Chairman of [The Public Service Commission of the Commonwealth of Pennsylvania] *the Pennsylvania Public Utility Commission*, ten thousand five hundred dollars, *as provided by law*.

To the members of [The Public Service Commission of the Commonwealth of Pennsylvania] *the Pennsylvania Public Utility Commission*, other than the chairman, each ten thousand dollars, *as provided by law*.

(b) The members of the [Board of Game Commissioners] *Pennsylvania Game Commission*, and of the Board of Fish Commissioners, other than the Commissioner of Fisheries, shall not receive any compensation.

(c) Except as in this act otherwise provided, the members of departmental administrative boards and commissions, and of advisory boards and commissions, shall serve without compensation.

Section 221. Office Hours.—All administrative offices of the State Government shall be open for the transaction of public business at least eight hours each day, except Saturdays, Sundays and legal holidays. [On Saturdays, when not legal holidays, such offices shall be open for business for at least three hours.] The hours when such offices shall open and close shall from time to time be determined by the Executive Board.

Section 222. Work-Hours and Vacations.—Each employe of an administrative department, of an independent administrative board or commission, or of a departmental administrative board or commission, if employed for continuous service, shall work during such hours as the head of the department or the board or commission shall require but not less than [thirty-eight] *thirty-five* hours per week. Such employe shall be entitled, during each calendar year, to fifteen days' leave of absence, with full pay, and, in special and meritorious cases where to limit the annual leave to fifteen days in any one calendar year would work peculiar hardships, the extent of such leave with pay may, in the discretion of the head of the department or of the board or commission, be extended, but any such extension shall not be for more than fifteen days, except with the approval of the Executive Board, in the case of employes of departments or of independent administrative boards or commissions, and, in the case of employes of departmental administrative boards or commissions, of the depart-

ments with which such boards or commissions are respectively connected. This section shall be construed to mean that the pay of such employe shall cease upon the expiration of the granted leave, regardless of his or her continuation thereafter upon the rolls of the department board or commission. The annual leave of absence with pay shall be exclusive of *Saturdays*, *Sundays* and legal holidays.

Section 301. [Board of Game Commissioners.—The Board of Game Commissioners shall consist of eight competent citizens of this Commonwealth, no two of whom shall be from the same senatorial district. The board shall annually elect a president and a vice-president from among its members. It shall also appoint, to serve at its pleasure, and, with the approval of the Governor, fix the compensation of, an executive secretary, who need not be a member of the board, and who shall attend to the administrative work of the board.

Five members of the board shall constitute a quorum. Members of the board shall be appointed to serve for terms of six years.] *Pennsylvania Game Commission.*—*The Pennsylvania Game Commission shall consist of eight competent citizens of this Commonwealth, who shall be so appointed that they shall fairly represent the several geographical sections of the Commonwealth, and shall be well informed on the subject of wild life conservation and restoration. The commission shall annually elect a president and a vice-president from among its members. It shall also appoint, to serve at its pleasure, and, with the approval of the Governor, fix the compensation of an executive director, who shall attend to the administrative work of the commission. No member of the commission, nor anyone who has served as a member thereof within one year, shall be eligible for appointment as executive director.*

Five members of the commission shall constitute a quorum.

The members of the Board of Game Commissioners in office on the effective date of this act shall constitute the Pennsylvania Game Commission, and shall hold their offices as members of the Pennsylvania Game Commission until their successors are appointed as provided by law. The original members of the commission shall be appointed for such terms as are prescribed by law, and subsequent appointments of commissioners shall be for terms of eight years, and shall be staggered as provided by law.

Section 303. [The Public Service Commission of the Commonwealth of Pennsylvania.—The Public Service Commission of the Commonwealth of Pennsylvania shall consist of seven members, who shall have the qualifications and be appointed as now provided by law.

A member designated by the Governor, as now provided by law, shall be the chairman of the commission during such member's term of office. When present, the chairman shall preside at all meetings, but, in his absence, the member who has served on the commission for the longest period of time shall preside and shall exercise, for the time being, all of the powers of the chairman. In addition to the authority now conferred by law, the chairman shall have power, as often as he may deem the work of the commission requires, (a) to designate the time and place for the conducting of investigations, inquiries and hearings; (b) to assign cases to a commissioner or commissioners for hearing, investigation, inquiry, study, or other similar purpose; (c) to assign cases to special agents or examiners for the taking and receiving of evidence; and (d) to direct and designate officers and employes of the commission to make investigations, inspections, inquiries, studies, and other like assignments, for report to the commission.

The commission may appoint a secretary to hold office at its pleasure. Such secretary, if appointed, shall have such powers and shall perform such duties, not contrary to law, as the commission shall prescribe, and shall receive such compensation as the commission, with the approval of the Governor, shall determine. He shall have power and authority to designate from time to time one of the clerks appointed by the commission to perform the duties of the secretary during his absence, and the clerk so appointed shall possess, for the time so designated, the powers of the secretary of the commission.

The terms of the members of the commission shall be ten years.

The offices of counsel, of marshal, and of investigator of accidents, as they exist under The Public Service Company Law, are hereby retained, appointments there-to to be made as now provided by law. The compensation of counsel, marshal, and investigator of accidents shall be fixed by the commission, with the approval of the Governor.] *Pennsylvania Public Utility Commission.—The Pennsylvania Public Utility Commission shall consist of five members, who shall have the qualifications, and be appointed in the manner, and for such terms, as now provided by law.*

A member designated by the Governor, as now provided by law, shall be the chairman of the commission during such member's term of office.

The commission may appoint a secretary to hold office at its pleasure as now provided by law.

Section 401. Boards of Trustees of State Institutions.—The board of trustees of each of the State institutions hereinafter mentioned shall consist of nine members, and the head of the department having supervision over the institution ex officio.

The terms of the members of each such board shall be four years, and until their successors are qualified.

Five members of any such board shall constitute a quorum.

Each such board shall annually elect a president and vice-president from among its members, and a secretary and treasurer who need not be members of the board. The secretary and treasurer may be the same person.

This section shall apply to:

- Board of Trustees of Thaddeus Stevens Industrial School,
- Board of Trustees of Pennsylvania State Oral School for the Deaf,
[Board of Trustees of Home for Training in Speech of Deaf Children,]
- Board of Trustees of Pennsylvania Soldiers' Orphan School,
- Board of Trustees of West Chester State Teachers' College,
- Board of Trustees of Millersville State Teachers' College,
- Board of Trustees of Kutztown State Teachers' College,
- Board of Trustees of East Stroudsburg State Teachers' College,
- Board of Trustees of Mansfield State Teachers' College,
- Board of Trustees of Bloomsburg State Teachers' College,
- Board of Trustees of Shippensburg State Teachers' College,
- Board of Trustees of Lock Haven State Teachers' College,
- Board of Trustees of Indiana State Teachers' College,
- Board of Trustees of California State Teachers' College,
- Board of Trustees of Slippery Rock State Teachers' College,
- Board of Trustees of Edinboro State Teachers' College,
- Board of Trustees of Clarion State Teachers' College,
- Board of Trustees of Cheyney Training School for Teachers,
- Board of Trustees of Pennsylvania Soldiers' and Sailors' Home,
- Board of Trustees of Eastern State Penitentiary,
- Board of Trustees of Western State Penitentiary,
- Board of Trustees of Pennsylvania Industrial School, *which, upon the completion of the present Pennsylvania Industrial School at Huntingdon for the reception, care, maintenance, detention, employment, and training of defective delinquents, shall thereafter be known as the*

Board of Trustees of Pennsylvania Institution for Defective Delinquents,

Board of Trustees of State Industrial Home for Women,

Board of Trustees of Pennsylvania Training School,

Board of Trustees of Allentown State Hospital,

Board of Trustees of Danville State Hospital,

Board of Trustees of Farview State Hospital,

Board of Trustees of Harrisburg State Hospital,

Board of Trustees of Norristown State Hospital,

Board of Trustees of Warren State Hospital,

Board of Trustees of Wernersville State Hospital,

Board of Trustees of Torrance State Hospital,

Board of Trustees of Ashland State Hospital,

Board of Trustees of Blossburg State Hospital,

Board of Trustees of Coaldale State Hospital,

Board of Trustees of Connellsville State Hospital,

Board of Trustees of Hazelton State Hospital,

Board of Trustees of Locust Mountain State Hospital,

Board of Trustees of Nanticoke State Hospital,

Board of Trustees of Philipsburg State Hospital,

Board of Trustees of Scranton State Hospital,

Board of Trustees of Shamokin State Hospital,

Board of Trustees of Laurelton State Village,

Board of Trustees of Pennhurst State School,

Board of Trustees of Polk State School,

[Board of Trustees of Cumberland Valley State Institution for Mental Defectives,]

Board of Trustees of Selinsgrove State Colony for Epileptics.

Section 402. State Employes' Retirement Board.—

The State Employes' Retirement Board shall consist of the [Secretary of the Commonwealth] *State Treasurer*, who shall be chairman thereof, the [State Treasurer] *Secretary of the Commonwealth*, one member who shall be appointed by the Governor, and two members of the State Employes' Retirement Association, who shall be elected from among their number in a manner to be approved by the board.

A vacancy occurring during a term shall be filled, for the unexpired term, by the appointment or election of a successor, in the same manner as his or her predecessor was appointed or elected.

The member of the board appointed by the Governor shall serve until his successor is appointed. The members elected by the State Employes' Retirement Association shall be elected for terms of three years.

The members of the board elected by the State Employes' Retirement Association shall not suffer any loss of salary or wages through serving on the board.

Section 419. State Board of Undertakers.—The State Board of Undertakers shall consist of the [Superintend-

ent of Public Instruction] *Secretary of Health*, ex officio, and five persons, who shall be practicing undertakers. The terms of members of the board shall be [six years] *for such periods of time as is now provided by law.*

Three members of the board shall constitute a quorum. The board shall select from among their number a chairman, and shall elect a secretary who need not be a member of the board.

Each member of the board, other than the [Superintendent of Public Instruction] *Secretary of Health*, shall receive fifteen dollars per diem, when actually engaged in the transaction of official business.

The secretary of the board shall receive such reasonable compensation as the board may determine, with the approval of the [Superintendent of Public Instruction] *Secretary of Health.*

Section 424. Anthracite Mine Inspectors' Examining Board.—The Anthracite Mine Inspectors' Examining Board shall consist of the Superintendent of Public Instruction, ex officio, the Secretary of Mines, two mining engineers, who shall have had at least five years' experience in the anthracite mines of Pennsylvania, and three members, who shall be coal miners [in actual practice and] *who shall have had at least five years' practical experience in the anthracite mines of Pennsylvania.*

All members of the board shall be at least thirty years of age.

The Secretary of Mines shall be chairman of the board.

The board shall elect a secretary who need not be a member of the board.

Each member of the board, other than the Superintendent of Public Instruction and the Secretary of Mines, shall receive fifteen dollars per diem, while actually engaged in the performance of the work of the board, and the secretary shall receive such reasonable compensation as shall be determined by the board, with the approval of the Superintendent of Public Instruction: Provided, That the Secretary of Mines shall have the right to determine, from time to time, the maximum number of days for which the members of the board entitled thereto shall receive compensation.

Section 427. State Athletic Commission.—The State Athletic Commission shall consist of three members, who shall be appointed for terms of two years, and the [Adjutant General] *Secretary of Revenue*, ex officio.

Each member of the commission, except the [Adjutant General] *Secretary of Revenue*, shall receive a salary of five thousand dollars per annum.

Two members of the commission shall constitute a quorum, and the concurrence of at least two members

of the commission shall be necessary to render valid any action by the commission.

The commission may appoint such number of deputies as shall be approved by the Executive Board, whose compensation shall be fixed by the commission, with the approval of the Governor.

The commission may, with the approval of the [Adjutant General] *Secretary of Revenue*, appoint a secretary, who shall receive a salary to be fixed by the commission, with the approval of the Governor.

Section 431. Water and Power Resources Board.—The Water and Power Resources Board shall consist of five members, four of whom shall be the Secretary of Forests and Waters, the Secretary of Health, the Commissioner of Fisheries, and a member of [The Public Service Commission of the Commonwealth of Pennsylvania] *the Pennsylvania Public Utility Commission*, to be designated by the Governor. The fifth member shall be an engineer, and shall receive [compensation for his services at such rate per diem as shall be fixed by the other members of the board, but such compensation shall not exceed] *a salary of three thousand dollars per annum.*

The Secretary of Forests and Waters shall be chairman of the board.

Three members of the board shall constitute a quorum.

Any investigation, hearing or other proceeding which the board has power to undertake or hold, may be undertaken or held by or before any member of the board, or by or before any official of the board designated by the board for such purpose, provided all actions and orders shall be approved by a majority thereof.

The board shall have authority to make and adopt rules and regulations for its procedure, acts and orders, not inconsistent with this act.

Interim permits and orders may be issued and made by the chairman of the board, or by any official of the board designated for such purpose by the board, but such interim permits and orders shall be subject to subsequent approval or confirmation by the board.

Section 445. [Pennsylvania Alcohol Permit Board.—The Pennsylvania Alcohol Permit Board shall consist of the Secretary of Welfare, the Secretary of Health, and the Attorney General.

Two members of the board shall constitute a quorum.

The board shall select, from among its members, a chairman, and may elect a secretary who need not be a member of the board.

None of the regular employes of the Department of Welfare shall be authorized or permitted to engage or assist in the work of the board.]

The Industrial Board. The Industrial Board shall consist of the Secretary of Labor and Industry, and four

additional members, one of whom shall be an employer of labor, one a wage earner, and one a woman. The Secretary of Labor and Industry shall be the chairman of the board.

Three members of the board shall be a quorum.

The members of the Industrial Board, other than the chairman, shall receive fifteen dollars per day while in the performance of their official duties.

Section 448. Advisory Boards and Commissions.—The advisory boards and commissions, within the several administrative departments, shall be constituted as follows:

(a) The State Military Reservation Commission shall consist of the Governor, the Major General commanding the National Guard of Pennsylvania, any Major General who commands, has commanded, or shall hereafter command, the National Guard of Pennsylvania, who shall retire from the service subsequent to the first day of January, one thousand nine hundred and thirty-three, regardless of such retirement, the Adjutant General, the Brigadier Generals commanding brigades, the Chief of Staff of the Twenty-eighth Division, and two other members to be appointed by the Governor.

The commission shall elect from among its members a chairman and a secretary.

(b) The State Veterans' Commission shall consist of the Adjutant General, ex-officio, and five members, all of whom shall have served in the armed forces of the United States while a state of war existed between the United States of America and another sovereign power, and shall be members in good and regular standing of a Pennsylvania branch, post, lodge, or club, of a recognized national veterans organization active in this Commonwealth.

Three members of the commission shall constitute a quorum.

The commission shall select from its number a chairman and a secretary.

(c) The State Forest Commission shall consist of four persons, and the Secretary of Forests and Waters, ex-officio, who shall be chairman thereof.

(d) The State Parks Commission shall consist of the Secretary of Forests and Waters, *the Secretary of Highways, the Executive Director of the Pennsylvania Game Commission, the Commissioner of Fisheries, the chairman of the several Regional State Park Boards, and the chairman of the Pennsylvania Historical Commission* [and four other citizens].

[Four] A majority of the members of the commission shall constitute a quorum.

The State Parks Commission shall annually elect from among its members a chairman and vice-chairman.

(e) *Bushy Run Battlefield Commission.*—The Bushy Run Battlefield Commission shall consist of the Secretary of Forests and Waters, and the chairman and secretary of the Pennsylvania Historical Commission, ex-officio, and six other members residing in the vicinity of the Bushy Run Battlefield State Park, and having a knowledge of and interest in the history of the locality wherein said park is situated.

The members of the commission shall annually elect a chairman and a secretary.

Five members of the commission shall constitute a quorum.

(f) The Advisory Health Board shall consist of the Secretary of Health, and six members, a majority of whom shall be physicians, graduates of legally constituted medical colleges, and of at least ten years' experience in the practice of their profession, and one of whom shall be a civil engineer. The Secretary of Health shall be chairman of the board.

Three members of the board, together with the Secretary of Health, shall constitute a quorum.

[(g) The Industrial Board shall consist of the Secretary of Labor and Industry, and four additional members, one of whom shall be an employer of labor, one a wage earner, and one a woman. The Secretary of Labor and Industry shall be the chairman of the board.

Three members of the board shall be a quorum.

The members of the Industrial Board, other than the chairman, shall receive fifteen dollars per day while in the performance of their official duties.]

[(h)](g) The State Welfare Commission shall consist of the Secretary of Welfare, ex-officio, and eight other members. The Secretary of Welfare shall be chairman of the board. The Secretary of Welfare and four other members of the board shall constitute a quorum.

[(i)] (h) The General Galusha Pennypacker Monument Commission shall consist of the Secretary of Property and Supplies, the president of the Pennsylvania Academy of Fine Arts of Philadelphia, and three other persons. The commission shall annually elect a president and secretary.

Three members of the commission shall constitute a quorum.

(i) *The Regional State Park Boards shall consist of the Secretary of Forests and Waters, and five other members, three of whom shall reside in the region where the particular board of which they are members functions.*

Each Regional State Park Board shall annually elect from its membership a chairman and a vice-chairman.

The Secretary of Forests and Waters shall appoint a secretary for each Regional State Park Board.

Four members of a Regional State Park Board shall constitute a quorum.

Section 507. Purchases.—It shall be unlawful for any administrative department, other than the Department of Property and Supplies, or for any independent administrative board or commission, or for any departmental administrative body, board or commission, or for any advisory board or commission, to purchase or contract for the purchase of any stationery, paper, printing, binding, ruling, lithographing, engraving, envelopes, or other printing or binding supplies, or any fuel, supplies, furniture, furnishings, or equipment, except

(a) Any departments, boards, or commissions, which by law are authorized to purchase materials or supplies and pay for the same out of fees or other moneys collected by them, or out of the moneys appropriated to them by the General Assembly: Provided, That every such department, board, and commission, shall make its purchases through the Department of Property and Supplies, as purchasing agency, and all such purchases shall conform to the effective supplies contracts of the Department of Property and Supplies, unless in any case the Board of Commissioners of Public Grounds and Buildings shall specifically authorize a departure from such effective supplies contracts.

(b) Any department, board, or commission, having charge of a State institution, which may purchase perishable foodstuffs [and fuel] for such institution directly, and may purchase any article directly if it can, after competitive bidding, purchase the same, f. o. b. the institution, for a price [equal to or] less than the Department of Property and Supplies can furnish it f. o. b. the institution, but all articles purchased directly hereunder shall conform to the specification contained in the effective supply contracts of the Department of Property and Supplies, or, if the article be not included in the effective supply contracts, then to the standard specification, if any, adopted by the Department of Property and Supplies for the commodity purchased, unless the Board of Commissioners of Public Grounds and Buildings shall have specifically authorized a departure from such specification.

In all other cases, such departments, boards, or commissions shall make purchases through the Department of Property and Supplies, as purchasing agency, and all purchases made by the Department of Property and Supplies, as purchasing agency hereunder, shall conform to the specifications contained in the effective supply contracts of the department, or, if the article be not included in the effective supply contracts, then to the standard specifications, if any, adopted by the department for the commodity purchased, unless the Board of Commissioners of Public Grounds and Buildings shall specifically authorize a departure from such effective supply contracts or specifications.

(c) Any department, board, or commission, which shall have been authorized in writing by the Department of Property and Supplies to make purchases in the field, not exceeding a specified amount, but records of all such purchases shall be transmitted periodically to the Department of Property and Supplies in such form as it may require. *In so far as practicable, purchases under this paragraph shall be made from contractors having effective supplies contracts with the Department of Property and Supplies, and shall be in accordance with applicable specifications in such contracts, otherwise such purchases shall be made from the lowest of at least two bidders.*

Section 508. Erection, Repairs, or Alterations of and Additions to Buildings.—(a) No administrative department, except the Department of Property and Supplies, and no administrative board or commission, shall, except as in this act otherwise specifically provided, erect or construct, or contract for the erection or construction of, any new building, or make, or contract for making, any alterations or additions to an existing building, involving an expenditure of more than [ten thousand dollars (\$10,000)] *four thousand dollars (\$4,000)*, and, in any case in which any other department or any board or commission is by this act authorized to erect or construct buildings, or make alterations or additions, such erection or construction shall be under the [general] *complete supervision, and shall be the responsibility* of the Department of Property and Supplies.

[(b) All repairs to or alterations of existing buildings of the Commonwealth, involving expenditures of more than one thousand dollars (\$1,000), shall be subject to inspection by, and the general supervision of, the Department of Property and Supplies, which shall be notified thereof at least ten days prior to the execution of the contract, or if the work is not to be done under contract, then at least ten days prior to the commencement of the work, and all plans and specifications for repairs to or alterations of buildings, under the control of departmental administrative boards and commissions, shall be subject to approval by the departments with which such boards or commissions are respectively connected.]

(b) The Department of Property and Supplies shall make, at least once every two fiscal years, a survey of all buildings, equipment, land, improvements connected with and comprising each State institution. After making any survey, the Department of Property and Supplies shall prepare a report, setting forth in detail the results of the survey, including the needs of such institution, with respect to the maintenance of, and repairs, improvements, alterations and additions to, its

buildings, land, and equipment. The Department of Property and Supplies shall file a copy of such report with the Governor and the department or departmental administrative board having supervision or control of the institution. Such reports shall be used, so far as practical, as a guide in formulating the biennial budgetary requests for appropriations for the maintenance of, and repairs, improvements, alterations, and additions to, the buildings, lands, and equipment of State institutions.

(c) All plans and specifications for new buildings, and for alterations or additions to existing buildings, shall be subject to the approval of the *Department of Property and Supplies*, and, in addition thereto, shall also be subject to the approval of the department, board, or commission using or intending to use the building being erected or constructed, or to which an alteration or addition is being made, [and in] *with respect to the type and general character of the proposed building, the floor layouts, radiation, natural light, artificial illumination, ventilation, medical equipment, or other equipment of a nature peculiar to the building, for which the plans and specifications are being prepared.* In the case of buildings used by or for the use of departmental administrative boards or commissions, the plans and specifications shall also be approved, *with respect to the above mentioned matters*, by the department with which the board or commission is connected.

(d) Buildings may be erected or constructed, or alterations or additions made, wholly or partially by the labor of employes or inmates or patients of State institutions, if, in the judgment of the agency responsible for the management of such institutions, and of the Department of Property and Supplies, the work can be properly and safely done by such employes, inmates, or patients. In such cases, the Department of Property and Supplies, [or such agency of the State Government] or outside supervising engineer or engineering concern, as it may approve, shall have *full and direct [supervision] responsibility for the management* of the work, and [in all cases the Department of Property and Supplies shall have the right to inspect and generally supervise the work] *the department, board or commission using or intending to use the building shall have complete charge of such employes, inmates, or patients.*

(e) *In order to procure the erection and construction of new buildings or alterations, repairs or additions to existing buildings of the Commonwealth by The General State Authority, the Department of Property and Supplies shall have power and authority, with the approval of the Governor, and, in the case of such buildings not on the Capitol grounds, with the approval of*

the department, board or commission having control of the same, to grant, assign and convey, with or without consideration, to The General State Authority any lands or buildings, or both, now owned by the Commonwealth of Pennsylvania, or hereafter acquired by it, together with any other improvements, easements or rights-of-way in or on such lands, which may be required by The General State Authority for this purpose, or to lease to The General State Authority for a term, not exceeding ninety-nine years, at a nominal or such other rental as may be determined, any or all such lands and buildings and improvements, easements or rights-of-way, including, but without limiting the generality of the foregoing, that portion of the Capitol Park grounds at Harrisburg bounded on the north by North Street, on the east by Fisher Plaza, on the south by North Drive, and on the west by Commonwealth Avenue, for the purpose of having The General State Authority to erect and construct thereon an office building for the use of the Commonwealth.

(f) The Department of Property and Supplies shall have power and authority, with the approval of the Governor, to enter into contracts with The General State Authority to lease, as lessee, from the Authority any or all of the projects undertaken for the Commonwealth by the Authority, for a term, with respect to each such project, not exceeding thirty (30) years, at such rental or rentals as may be determined by the Authority, and upon the completion of such projects, the Department of Property and Supplies shall have power and authority, with the approval of the Governor, to lease, as lessee, any or all of the projects completed by the Authority for a term, with respect to each project leased, not exceeding thirty (30) years, at such rental or rentals as may be determined by the Authority.

(g) Whenever any building or structure on any land owned by the Commonwealth shall become so obsolete and dilapidated as to make it impractical to repair the same, and shall be no longer of use to the Commonwealth, the Department of Property and Supplies, with the approval of the Governor, shall have power to demolish or authorize the demolition of such building or structure whenever requested to do so by the department, board, commission or agency having control or possession of such building or structure.

Section 511. Sale and Transfer of Surplus Products.
—All departments, boards and commissions may sell, for the best price obtainable, but not less than the current market price for similar products, any surplus products of the soil, meats, live stock, timber, or other materials, raised or grown upon or taken from property

of the Commonwealth administered by such departments, boards, or commissions, or *their by-products*, respectively. *Transfers may be made of such products by and between State institutions under the control and management of such departments, boards or commissions.*

As used in this section, "surplus" shall mean products, meats, live stock, timber, or other materials, or their by-products, respectively, which cannot conveniently and economically be used in connection with the proper maintenance of the institution, park, or other property, administered by the department, board, or commission involved, but under no circumstances shall live trees be cut for sale unless and until the Department of Forests and Waters has approved the cutting of such trees, and no sales or *transfers* shall be made under this section by any departmental administrative board or commission without the approval of the department with which such board or commission is connected.

The proceeds of the sale of any products of the soil, meats, live stock, timber, or other materials, sold by any department, board, or commission, under the provisions of this section, shall be paid into the State Treasury, through the Department of Revenue, and credited to the General Fund, unless the expenses of such department, board, or commission, are paid wholly or mainly out of a special fund, in which case, such proceeds shall be credited to the proper special fund. Any questions arising hereunder shall be determined by the Governor, and his decision shall be certified to the Department of Revenue, and the Treasury Department.

Every department, board, or commission, which sells or *transfers* any product of the soil, meats, live stock, timber, or other materials, under the provisions of this section, shall keep an accurate record of the dates, quantities, and prices, of all sales or *transfers*, which records shall, at all times, be subject to audit by the Department of the Auditor General.

The Executive Board shall prescribe rules and regulations prescribing the manner in which transfers shall be made under this section.

Section 522. Wage Specifications in Contracts for Public Works.—The specifications upon which contracts are entered into by the Commonwealth for the construction, alteration, or repair of any public work shall, as far as possible, contain the minimum wage or wages which may be paid by the contractor or his subcontractors for the work performed by laborers and mechanics employed in such public work, and such laborers or mechanics shall be paid not less than such minimum wage or wages, and shall not be required to refund, directly or indirectly, any part of such wage or wages.

The contractor shall submit to the Commonwealth certified detailed payrolls, giving names, classifications, hours worked, rates per hour, and total paid on each pay day. The contractor shall also certify that he is not receiving or requiring, or will not receive or require, directly or indirectly, from any employe any refund of any such minimum wage or wages.

Every contract entered into upon such specifications shall stipulate a penalty of an amount equal to twice the difference between the minimum wage contained in said specifications and the wage actually paid to each such laborer or mechanic for each day during which he has been employed at a wage less than that prescribed in said specifications. Every officer or person designated as inspector of the work to be performed under any such contract, or to aid in the enforcing of the fulfillment thereof, shall, upon observation or investigation, report to the department, board, or commission which made the contract award, all violations of minimum wage stipulations, together with the name of each laborer or mechanic who has been paid less than that prescribed by the specifications, and the day or days of such violation. All such penalties shall be withheld and deducted, for the use of the Commonwealth, from any moneys due the contractor, by the officer or person whose duty it shall be to authorize the payment of moneys due such contractor, whether the violation of the minimum wage stipulation of the specifications is by the contractor or by any of his subcontractors.

Section 701. The Governor.—The Governor shall have the power, and it shall be his duty:

(a) To take care that the laws of the Commonwealth shall be faithfully executed;

(b) To act as Commander-in-Chief of the Army and Navy of the Commonwealth, and of the Militia, except when they shall be called into active service by the United States Government;

(c) To cause to be published, through the Department of Property and Supplies, from time to time, for the information of the public, bulletins of the work of the State Government;

(d) To prescribe and require the installation of a uniform system or systems of bookkeeping, accounting, and reporting, for the several administrative departments, boards, and commissions, except for the Department of the Auditor General and the Treasury Department, but, before prescribing and requiring such installation, the Governor shall consult with the Department of the Auditor General;

(e) To prescribe forms for accounts and financial records, reports, and statements, for the several administrative departments, boards, and commissions, ex-

cept the Department of the Auditor General and the Treasury Department, but, before prescribing such forms, the Governor shall consult with the Department of the Auditor General;

(f) To approve or disapprove all investments by departments, boards, or commissions, of funds administered by such departments, boards, or commissions;

(g) To submit to the General Assembly a State budget;

(h) After each biennial appropriation to the Department of Property and Supplies, (1) for the purchase of stationery, paper, printing, binding, ruling, lithographing, color printing, engraving, paper, envelopes, and other printing and binding supplies, (2) for fuel, supplies, furniture, furnishings, repairs, alterations, and improvements, (3) for automobiles, and (4) for rentals of branch offices, after making proper deductions for the needs of the legislative and judicial departments, to allocate and, from time to time, to re-allocate to the several administrative departments, boards, and commissions, such portions of such appropriations as will fairly represent the needs of the departments, boards, and commissions, for the biennium, taking into consideration the right of any such department, board, or commission, to pay its necessary expenses or purchase furniture, materials, or supplies out of fees or other moneys received by or moneys specifically appropriated to it.

Every administrative department, board, or commission shall be limited in its right to make requisition upon the Department of Property and Supplies to the amount allocated to it, unless the Governor shall subsequently permit the Department of Property and Supplies to honor requisitions in excess of such amount.

(i) To do all other acts, make all appointments, fill all vacancies, exercise all the powers vested in him, and perform all the duties imposed upon him, as provided and required by the Constitution and laws of this Commonwealth.

(j) *To grant to pilots, engaged in the aeronautical work of the Department of Revenue, commissions of such grades as the Governor may prescribe.*

Section 709. Executive Board.—The Executive Board shall have the power:

(a) To standardize the qualifications for employment, and all titles, salaries, and wages, of persons employed by the administrative departments, boards, and commissions, except the Department of the Auditor General and the Treasury Department. In establishing such standards the board may:

(1) Take into consideration the location of the work and the conditions under which the service is rendered,

(2) Establish different standards for different kinds, grades and classes of similar work or service;

(b) To approve or disapprove the establishment of bureaus and divisions by the administrative departments, other than the Department of the Auditor General and the Treasury Department, and by the independent administrative boards and commissions, and to investigate duplication of work of the several administrative departments, boards, and commissions, and the efficiency of the organization and administration thereof, and the better coordination of such departments, boards, and commissions;

(c) To approve or disapprove, as provided by this act, the payment of extra compensation to employes of administrative departments, boards, or commissions, who are employed at fixed compensation;

(d) To determine, from time to time, the hours when the administrative offices of the State Government shall open and close;

(e) To approve or disapprove extensions of leaves of absence, with pay, for employes of administrative departments, or of independent administrative boards or commissions;

(f) To make rules and regulations defining the expenses for which officers and employes of the executive branch of the State Government may be reimbursed;

(g) To determine by what members of independent administrative boards and commissions fidelity bonds shall be given, to approve or disapprove recommendations of department heads, or of independent administrative boards or commissions, for the bonding of officers or employes of their departments, or members or officers or employes of departmental administrative boards or commissions, or officers or employes of independent administrative boards or commissions, to fix the amounts of the bonds of all such members, officers, or employes required to give bond, and to require any bond or bonds to be executed by a surety or sureties, even though the Commonwealth may have established its own indemnity fund, as elsewhere in this act provided;

(h) To approve or disapprove the establishment of branch offices outside of the Capital city by or for administrative departments, boards, or commissions;

(i) From time to time to determine within what limits the Department of Property and Supplies shall procure liability insurance covering claims for damages against the Commonwealth, and State officers and employes, arising out of the operation of State automobiles by such officers and employes;

(j) From time to time to determine the number and type of automobiles to be purchased by the Department of Property and Supplies, acting either on its own be-

half or as purchasing agency for any other department, except the Department of the Auditor General and the Treasury Department, or for any board or commission, and to make rules and regulations for the use of State automobiles by State officers and employes, except the Department of the Auditor General and the Treasury Department;

(k) *To approve or disapprove requests for and to direct the disposal of files of correspondence, reports, records or other papers which are not needed for the current or anticipated future operations of any administrative department, board or commission, and which date back a period of four years and more.*

Section 712. The Pennsylvania State Police Force.—The various members of the Pennsylvania State Police are hereby authorized and empowered:

(a) To make arrests, without warrant, for all violations of the law which they may witness, and to serve and execute warrants issued by the proper local authorities. They shall have all the powers and prerogatives conferred by law upon members of the police force of cities of the first class, and upon constables of the Commonwealth;

(b) To act as game protectors, and as forest, fish, or fire wardens, and for the better performance of such duties,

(1) Seize all guns, boats, decoys, traps, dogs, game, fish, shooting paraphernalia, or hunting or fishing appliances or devices, used, taken, or had in possession, contrary to the laws of this State. Any article so seized shall be held subject to such disposition as the Commissioner of Fisheries or the [Secretary of the Board of Game Commissioners] *Executive Director of the Pennsylvania Game Commission* or the Secretary of Forests and Waters may respectively determine.

(2) Seize and take possession of all birds, animals, or fish, which have been taken, caught or killed, or had in possession, or under control, or which have been shipped, or are about to be shipped, contrary to any law of this State.

(3) Search without warrant any boat, conveyance, vehicle, or receptacle, when there is good reason to believe that any law has been violated, the enforcement or administration of which is imposed on or vested in the Board of Fish Commissioners or the [Board of Game Commissioners] *Pennsylvania Game Commission* or in the Department of Forests and Waters.

(4) Serve subpoenas issued for any examination, investigation, or trial, had pursuant to any law as aforesaid.

(5) Purchase game or fish for the purpose of securing evidence.

Section 906. Deputy Attorneys General.—In addition to such deputy attorneys general as may be appointed to assist in the conduct of the regular work of the department, the Attorney General, with the approval of the Governor, shall have power:

(a) To appoint and fix the compensation of such special deputy attorneys general, as may be required, to represent and advise the Workmen's Compensation Board, and any other departments, boards, and commissions, which may require the services of counsel to such an extent as to render it reasonably necessary to assign deputy attorneys general exclusively to their work: Provided, That the office of counsel to the [Public Service Commission of the Commonwealth of Pennsylvania] *Pennsylvania Public Utility Commission* shall be retained, such counsel to be appointed by the Attorney General *as now provided by law*. The Attorney General, *as now provided by law*, may also, from time to time, with the approval of the Governor, appoint such assistant counsel to the [Public Service Commission] *Pennsylvania Public Utility Commission* as may be required for the proper conduct of its work. The compensation of the counsel and assistant counsel of the [Public Service Commission] *Pennsylvania Public Utility Commission* shall be fixed by the commission with the approval of the Governor *as now provided by law*.

(b) From time to time appoint and fix the compensation of special deputy attorneys general, and special attorneys, to represent the Commonwealth, or any department, board, or commission thereof, in special work or in particular cases.

(c) To appoint and fix the compensation of deputy attorneys general, to represent the Commonwealth, and the several departments, boards, and commissions thereof, in all legal matters arising in any city or county, other than the State capital, except as otherwise provided in this act: Provided, That the same deputy attorney general may be assigned to two or more cities or counties in the discretion of the Attorney General.

Section 1310. Professional Examining Boards.—The professional examining boards within the Department of Public Instruction shall, respectively, exercise the rights and powers, and perform the duties, by law vested in and imposed upon them: Provided, however, That all certificates and official documents of such examining boards shall be issued by the Department of Public Instruction, but may be signed by the members of the appropriate board, or any of them, as determined by such board.

Subject to the preceding provisions of this section, and to any other inconsistent provisions in this act contained:

The State Board of Medical Examination and Licensure shall continue to exercise the powers, and perform the duties by law, vested in and imposed upon the said board and the Bureau of Medical Examination and Licensure in the Department of Public Instruction;

The State Board of Pharmacy shall continue to exercise the powers, and perform the duties, by law vested in and imposed upon the said board;

The State Dental Council and Examining Board shall continue to exercise the powers, and perform the duties, by law vested in and imposed upon the said board, the State Dental Council and the Board of Dental Examiners for the Commonwealth of Pennsylvania;

The State Board of Optometrical Examiners shall continue to exercise the powers, and perform the duties, by law vested in and imposed upon the said board and the Board of Optometrical Education, Examination, and Licensure;

The State Board of Osteopathic Examiners shall continue to exercise the powers, and perform the duties, by law vested in and imposed upon the said board and the State Board of Osteopathic Examiners of Pennsylvania;

The Osteopathic Surgeons' Examining Board shall continue to exercise the powers, and perform the duties, by law vested in and imposed upon the said board;

The State Board of Examiners for Registration of Nurses shall continue to exercise the powers, and perform the duties, by law vested in and imposed upon the said board;

[The State Board of Undertakers shall continue to exercise the powers, and perform the duties, by law vested in and imposed upon the said board;]

The State Board of Veterinary Medical Examiners shall continue to exercise the powers, and perform the duties, by law vested in and imposed upon the said board;

The State Board of Examination of Public Accountants shall continue to exercise the powers, and perform the duties, by law vested in and imposed upon the said board;

The State Board of Examiners of Architects shall continue to exercise the powers, and perform the duties, by law vested in and imposed upon the said board;

The Anthracite Mine Inspectors' Examining Board shall continue to exercise the powers, and perform the duties, by law vested in and imposed upon the said board;

The Mine Inspectors' Examining Board for the Bituminous Coal Mines of Pennsylvania shall continue to exercise the powers, and perform the duties, by law vested in and imposed upon the said board, and the Mine Inspectors' Examining Board, created by the act, ap-

proved the ninth day of June, one thousand nine hundred and eleven (Pamphlet Laws, seven hundred and fifty-six), entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania, and for the protection and preservation of property connected therewith," and the amendments and supplements thereto;

The State Registration Board for Professional Engineers shall continue to exercise the powers, and perform the duties, by law vested in and imposed upon the said board.

Section 1311. Boards of Trustees of State Institutions Within the Department.—The boards of trustees of the several State Normal Schools or Teachers Colleges, the Board of Trustees of the Cheyney Training School for Teachers, the Board of Trustees of Pennsylvania State Oral School for the Deaf, [the Board of Trustees of Home for Training in Speech of Deaf Children] the Board of Trustees of Pennsylvania Soldiers' Orphan School, and the Board of Trustees of Thaddeus Stevens Industrial School, shall have general direction and control of the property and management of their respective institutions. Each of the said boards of trustees shall have the power, and its duty shall be:

(a) Subject to the approval of the Governor, to elect a president, principal, or superintendent, of the institution, who shall, subject to the authority of the board, administer the institution, and, if deemed advisable, a business manager;

(b) On nomination by the president, principal, or superintendent, from time to time, to appoint such officers and employes as may be necessary;

(c) To fix the salaries of its employes in conformity with the standards established by the Executive Board;

(d) Subject to the approval of the Superintendent of Public Instruction, to make such by-laws, rules, and regulations for the management of the institution as it may deem advisable.

Section 1402. Pennsylvania National Guard.—The Department of Military Affairs have the power, and its duty shall be:

(a) To keep in its custody all books and accounts and military property of the Commonwealth, issued by it, pertaining to the Pennsylvania National Guard;

(b) To distribute all orders from the Commander-in-Chief, and perform such other duties as the Commander-in-Chief shall direct;

(c) To make returns periodically, as required of the Pennsylvania National Guard, and report of their arms, uniforms, accoutrements, and ammunition, according to such forms as may be prescribed by the Secretary of War of the United States, and to forward a copy thereof to the Secretary of War of the United States;

(d) To pay the troops, and make all other disbursements authorized by law, by requisition presented to the Auditor General in the usual way;

(e) To supply, to all officers of the Pennsylvania National Guard, such copies of drill regulations, manuals of rifle practice, service manuals, and military publication forms, and books, prescribed for use of the United States Army, as the Governor as Commander-in-Chief may designate;

(f) To supply to all organizations of the Pennsylvania National Guard all necessary military stores, arms, and equipment;

(g) With the approval of the Governor as Commander-in-Chief, to sell or exchange, from time to time, such military stores belonging to the Commonwealth as are found to be unserviceable, or in state of decay, or which it may be deemed for the best interests of the Commonwealth to sell or exchange, *but if the department is unable to obtain a bid for the property, it may be demolished or destroyed. The destruction of the property shall be witnessed by three disinterested officers of the Pennsylvania National Guard, and their certificate shall constitute proper authority to issue a voucher for marking off the property.* All moneys received for stores so sold shall be paid into the State Treasury through the Department of Revenue;

(h) To audit and adjust all claims incident to the organization, training, discipline, maintenance, and service, of the Pennsylvania National Guard, other than fixed allowances, and to pay such claims, when audited and adjusted, but all claims paid thereunder shall be subject to audit by the Department of the Auditor General;

(i) Subject to the approval of the Governor as Commander-in-Chief, to procure and issue, from time to time, to the Pennsylvania National Guard, such flags, standards, and guidons, as may be necessary, which shall, however, as far as practical, be similar in style to those of the United States Army;

(j) Appoint a board of not less than three commissioned officers of the Pennsylvania National Guard for the purpose of investigating claims for damages, based on injuries to persons or damages to property arising out of accident or negligence and incident to the organization, training, discipline, maintenance, and service of the Pennsylvania National Guard, and, upon the recommendation of the board so appointed, to adjust and pay such claims for damages: Provided, however, That each such claim shall be in an amount not exceeding two hundred and fifty dollars (\$250): And provided further, however, That all claims paid hereunder shall be subject to audit by the Department of the Auditor General.

Section 1802. Forest Powers and Duties.—The Department of Forests and Waters shall have the power, and its duty shall be:

(a) With the approval of the State Forest Commission, to acquire, in the name of the Commonwealth, by purchase, gift, lease, or condemnation, and hold as State forests, subject to the conditions of any such lease, and subject to such reservations, if any, of mineral rights, stumpage rights, rights of way, or other encumbrances, as the department and the State Forest Commission deem to be consistent with such holding, any lands which, in the judgment of the department, the Commonwealth should hold, manage, control, protect, maintain, utilize, and regulate, as State forests. [Provided: That the] *The purchase price of any such lands shall not exceed ten dollars per acre, [and that the] except the price paid for interior holdings and farms and marginal farms along State forest lands, which shall not exceed twenty dollars per acre. The amount expended for the acquisition of lands for State forest purposes, in any biennial appropriation period, shall not exceed the appropriation for that purpose for such period;*

(b) To purchase and hold, as State forest, unseated, vacant, or unappropriated lands, lands advertised for sale for taxes, and land sold for taxes, as may now or hereafter be provided by law;

(c) To hold, manage, control, protect, maintain, utilize, develop, and regulate, the occupancy and use of all lands, heretofore or hereafter acquired, owned, leased, and maintained as State forests, together with the resources thereof;

(d) To divide the State into such convenient forest districts as it deems economical and effective, to administer, protect, develop, utilize, and regulate, the occupancy and use of the lands and resources of the State forests, to protect all forest land in the State from forest fires, fungi, insects, and other enemies, to promote and develop forestry and knowledge of forestry throughout the State, to advise and assist landowners in the planting of forest and shade trees, to obtain and publish information respecting forest lands and forestry in the State, to assist in Arbor Day work, and promote and advance any other activity in local forestry which the department may deem helpful to the public interest, and to execute the rules and regulations of the department for the protection of forests from fire and depredation. It may also assign district foresters to take active charge of such forest districts, and also foresters, forest rangers, and other help, for the administration of such forest districts, as the Secretary of Forests and Waters may deem necessary, for

the accomplishment throughout the State of the purposes for which the department is established;

(e) To cooperate with the authorities of townships, boroughs, and cities, of this Commonwealth in the acquisition and administration of municipal forests, as may now or hereafter be provided by law;

(f) With the advice of the State Forest Commission, to establish such rules and regulations, not inconsistent with law, for the control, management, protection, utilization, development, occupancy, and use, of the lands and resources of the State forests, as the department deems proper, to conserve the interests of the Commonwealth. Such rules and regulations shall be compatible with the purposes for which the State forests are created, namely to provide a continuous supply of timber, lumber, wood, and other forest products, to protect the watersheds, conserve the waters, and regulate the flow of rivers and streams of the State, and to furnish opportunities for healthful recreation to the public.

The net receipts, arising out of the occupancy and use of the State forests hereunder, shall be paid into the State Treasury, through the Department of Revenue, and shall belong to and form part of the State [School] *Forests and Waters Fund*.

(g) Whenever it shall appear that the welfare of the Commonwealth, with reference to reforestation, and the betterment of the State forests, with respect to control, management, protection, utilization, development, and regulation, of their occupancy and use, will be advanced by selling or disposing of any of the timber on the State forests, to dispose of such timber on terms most advantageous to the State: Provided, That the department is authorized and directed to set aside, within the State forests, unusual or historical groves of trees, or natural features, especially worthy of permanent preservation, to make the same accessible and convenient for public use, and to dedicate them in perpetuity to the people of the State for their recreation and enjoyment. And the said department is hereby empowered, with the advice of the State Forest Commission, to make and execute contracts or leases, in the name of the Commonwealth, for the mining or removal of any valuable minerals that may be found in said State forests, whenever it shall appear to the satisfaction of the department that it would be for the best interests of the State to make such disposition of said minerals: And provided further, That any proposed contracts or leases of valuable minerals, exceeding three hundred dollars in value, shall have been advertised once a week for three weeks, in at least two newspapers published nearest the locality indicated, in advance of awarding such contract or lease. Such contracts or leases may

then be awarded to the highest and best bidder, who shall give bond for the proper performance of the contract as the department shall designate.

(h) To appoint and, with the approval of the Governor, fix the compensation of a chief forest fire warden, and such district forest fire wardens, and to appoint and fix the compensation of such local forest fire wardens and other assistants, as shall be required for the prevention, control, and extinction of forest fires;

(i) To establish and administer auxiliary forest reserves, in the manner and under such terms and conditions as may now or hereafter be provided by law;

(j) To distribute young forest trees, as provided by law, to those desiring to plant them;

(k) To furnish information, and issue certificates and requisition necessary for the payment of such fixed charges, in lieu of taxes on State forests and auxiliary forest reserves, to school districts, road districts, and counties, as may now or hereafter be provided by law;

(l) To sell or exchange State forest land, as provided by law, whenever it shall be to the advantage of the State forest interests: Provided, That such action has been authorized by resolution of the State Forest Commission, unanimously adopted at a meeting at which a majority of its members are present and voting, and has been approved by the Governor;

(m) *To set aside, when, in the judgment of the Department of Forests and Waters, it is deemed necessary, for exclusive use for parks, parkways, and other places of scientific, scenic, historic or wild life interest, any State owned lands which are now or which may hereafter be under the jurisdiction of the Department of Forests and Waters.*

Section 1804. Waters.—The Department of Forests and Waters shall have the power, and its duty shall be:

(a) To study, consider, and determine upon a public policy with regard to the conservation, marketing, and equitable distribution of the water and power to be derived from the utilization of the water resources of the Commonwealth, to the restoration, development, and improvement of transportation by water, to the supply of water and power for municipal, domestic, and industrial use, and to the conservation of water resources by the aid of forestation;

(b) To investigate or examine dams, *walls, wing walls, wharves, embankments, abutments, projections, bridges,* and other water obstructions, determine whether they are unsafe, need repair, *alteration or change in their structure or location,* or should be removed, notify owners to repair, *alter or change the structure or location* or remove the same, *repair, alter or change the structure or location* or remove the same in emergencies

without notice and at the cost of the owners, and apply for injunctions to enforce compliance with or restrain the violation of the law in regard to the safety of dams, *or the derogatory effect of walls, wing walls, wharves, embankments, abutments, projections, bridges, or other water obstructions upon the regimen of streams*, or the violation of any lawful order or notice of the department *or the Water and Power Resources Board* in regard thereto. *The power of the department under this paragraph shall extend to and include all types of water obstructions, regardless of the date when such obstructions were constructed, and whether or not the same were constructed by express or implied permission of the Commonwealth, or any agency thereof;*

(e) To collect such information relative to the existing conditions of the water resources of the State as, in the opinion of the department, shall be necessary for the utilization of waters, and for the conservation, purification, development, and equitable distribution of water and water power resources, and in particular, for the use of such citizens and communities as may be in need of extended facilities for these purposes;

(d) To establish and maintain gauging stations on rivers and their tributaries;

(e) To issue bulletins, during freshet and flood conditions, forecasting gauge heights, and the times thereof;

(f) To maintain a complete inventory of all the water resources of the Commonwealth; collect all pertinent data, facts, and information in connection therewith; classify, tabulate, record, and preserve the same; and, upon the basis thereof, determine, with the approval of the Water and Power Resources Board, the points at which storage reservoirs may be constructed for flood control, for municipal and domestic supply, hydraulic and hydroelectric power, steam raising, steam condensation, navigation, and other utilization; and generally to devise all possible ways and means to conserve and develop the water supply and water resources of the Commonwealth for the use of the people thereof;

(g) To construct, maintain, and operate works for water storage, flood control, channel improvement, or other hydraulic purposes.

Section 1806. Parks.—The Department of Forests and Waters shall have the power, and its duty shall be:

(a) To supervise, maintain, improve, regulate, police, and preserve, all parks belonging to the Commonwealth, except the Pennsylvania State Park at Erie, Washington Crossing Park, Valley Forge Park, and Fort Washington Park;

(b) For the purpose of promoting healthful outdoor recreation and education, and making available for such

use natural areas of unusual scenic beauty, especially such as provide impressive views, water falls, gorges, creeks, caves, or other unique and interesting features, to acquire, in the name of the Commonwealth, by purchase, gift, lease, or condemnation, any lands which, in the judgment of the department, should be held, controlled, protected, maintained and utilized as State park lands. Such lands may be purchased or accepted, subject to the conditions of any such lease and subject to such reservations, if any, of mineral rights, rights of way, or other encumbrances as the department may deem not inconsistent with such holdings: Provided, however, That the amount expended for the acquisition of lands for State park purposes shall not exceed the amount specifically appropriated for such purposes; [nor shall the purchase cost exceed fifty dollars per acre]

(c) To establish such rules and regulations, not inconsistent with law, for the control, management, protection, utilization, development, occupancy and use of the lands and resources of State parks, as it may deem necessary to conserve the interests of the Commonwealth. Such rules and regulations shall be compatible with the purposes for which State parks are created;

(d) To see that conveniences and facilities for the transportation, shelter, comfort and education of people shall be so designed and constructed as to retain, so far as may be, the naturalistic appearance of State park areas, surroundings and approaches, and conceal the hand of man as ordinarily visible in urban, industrial and commercial activities;

(e) To lease for a period not to exceed ten years, on such terms as may be considered reasonable, to any citizen or organization of this Commonwealth a portion of any State park, whether owner or leased by the Commonwealth, as may be suitable as a site for temporary buildings to be used for health, recreational or educational purposes, or for parking areas or concessions for the convenience and comfort of the public;

(f) To study, counsel and advise in reference to gifts of lands or money for park purposes;

(g) To counsel and advise in reference to the development of park lands by concessionaries with facilities and equipment for the accommodation and education of the public;

(h) *To appoint and commission persons to preserve order in the State parks, which persons shall have all of the following powers:*

(1) *To make arrests without warrant for all violations of the law which they may witness, and to serve and execute warrants issued by the proper authorities: Provided, however, That in cases of offenses for viola-*

tion of any of the provisions of the Vehicle Code, the power to make arrests without warrant shall be limited to cases where the offense is designated a felony or a misdemeanor, or in cases causing or contributing to an accident resulting in injury or death to any person.

(2) To have all the powers and prerogatives conferred by law upon members of the police force of cities of the first class.

(3) To have all the powers and prerogatives conferred by law upon constables of the Commonwealth.

(4) To serve subpoenas issued for any examination, investigation or trial had pursuant to any law of the Commonwealth.

Section 2110. Sanitary Water Board.—Subject to any inconsistent provisions in this act contained, the Sanitary Water Board shall have the power, and its duty shall be:

(a) To exercise all the powers, and perform all the duties, vested in and imposed upon the Commissioner of Health, the Governor, and the Attorney General, or any of them, by sections four and five, and sections seven to eleven inclusive, of the act, approved the twenty-second day of April, one thousand nine hundred and five (Pamphlet Laws, two hundred and sixty), entitled “An act to preserve the purity of the waters of the State for the protection of the public health,” which reads as follows:

“Section 4. No person, corporation, or municipality shall place, or permit to be placed, or discharge, or permit to flow into any of the waters of the State, any sewage, except as hereinafter provided. But this act shall not apply to waters pumped or flowing from coal mines or tanneries, nor prevent the discharge of sewage from any public sewer system, owned and maintained by a municipality, provided such sewer system was in operation and was discharging sewage into any of the waters of the State at the time of the passage of this act. But this exception shall not permit the discharge of sewage from a sewer system which shall be extended subsequent to the passage of this act.

“For the purpose of this act, sewage shall be defined as any substance that contains any of the waste products or excrementitious or other discharges from the bodies of human beings or animals.

“Section 5. Upon application duly made to the Commissioner of Health, by the public authorities having by law the charge of the sewer system of any municipality, the Governor of the State, the Attorney General, and the Commissioner of Health shall consider the case of such a sewer system, otherwise prohibited by this act from discharging sewage into any of the waters of the State, and whenever it is their unanimous opinion that

the general interests of the public health would be subserved thereby, the Commissioner of Health may issue a permit for the discharge of sewage from any such sewer system into any of the waters of the State, and may stipulate in the permit the conditions on which such discharge may be permitted. Such permit, before being operative, shall be recorded in the office of the recorder of deeds for the county wherein the outlet of the said sewer system is located. Every such permit for the discharge of sewage from a sewer system shall be revocable, or subject to modification and change, by the Commissioner of Health, on due notice, after an investigation and hearing, and an opportunity for all interested therein to be heard thereon, being served on the public authorities of the municipality owning, maintaining, or using the sewage system. The length of time, after receipt of the notice, within which the discharge of sewage shall be discontinued may be stated in the permit, but in no case shall it be less than one year or exceed two years, and if the length of time is not specified in the permit it shall be one year. On the expiration of the period of time prescribed, after the service of a notice of revocation, modification, or change, from the Commissioner of Health, the right to discharge sewage into any of the waters of the State shall cease and terminate; and the prohibition of this act against such discharge shall be in full force, as though no permit had been granted, but a new permit may thereafter again be granted as hereinbefore provided.

“Section 7. The penalty for the discharge of sewage from any public sewer system into any of the waters of the State, without a duly issued permit, in any case in which a permit is required by this act, shall be five hundred dollars, and a further penalty of fifty dollars per day for each day the offense is maintained, recoverable by the Commonwealth, at the suit of the Commissioner of Health, as debts of like amount are recoverable by law. The penalty for the discharge of sewage from any public sewer system into any of the waters of the State, without filing a report, in any case in which a report is required to be filed, shall be fifty dollars, recoverable by a like suit.

“Section 8. All individuals, private corporations, and companies that, at the time of the passage of this act, are discharging sewage into any of the waters of the State may continue to discharge such sewage, unless, in the opinion of the Commissioner of Health, the discharge of such sewage may become injurious to the public health. If at any time the Commissioner of Health considers that the discharge of such sewage into any waters of the State may become injurious to the public health, he may order the discharge of such sewage discontinued.

“Section 9. Every individual, private corporation, or company shall discontinue the discharge of sewage into any of the waters of the State, within ten days after having been so ordered by the Commissioner of Health.

“Section 10. Any individual, private corporation, or company that shall discharge sewage, or permit the same to flow into the waters of the State, contrary to the provisions of this act, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of twenty-five dollars for each offense, and a further fine of five dollars per day for each day the offense is maintained, or by imprisonment not exceeding one month, or both, at the discretion of the court.

“Section 11. Any order or decision, under this act, of the Commissioner of Health, or that of the Governor, Attorney General and Commissioner of Health, shall be subject to an appeal to any court of common pleas of the county wherein the outlet of such sewer or sewer system, otherwise prohibited by this act, is situated; and said court shall have power to hear said appeal, and may affirm or set aside said order or decision, or modify the same, or otherwise fix the terms upon which permission shall be granted. But the order or decision appealed from shall not be superseded by the appeal, but shall stand until the order of the court as above.”

Provided, That it shall require the affirmative votes of three of the members of the board to authorize the granting of a permit for discharging sewage into any of the waters of the State under section five of the said act;

(b) To exercise all other powers not contrary to law formerly exercised by the Department of Health, or the Commissioner of Health, with regard to granting permits for the erection of sewage disposal works or plants, and the construction of sewers or sewer systems;

(c) To exercise all the powers, not contrary to law, exercised by the former Department of Fisheries, the former Commissioner of Fisheries, and the former Water Supply Commission of Pennsylvania, with regard to the prevention of pollution of the waters of this Commonwealth;

(d) To investigate, hold hearings upon, and determine any question of fact regarding the purity of water supplied to the public by any [public service company] *public utility* over which the [Public Service Commission of the Commonwealth of Pennsylvania] *Pennsylvania Public Utility Commission* has jurisdiction, whenever said commission shall certify such question to the board.

The findings of the board upon any such questions shall be incorporated in and made a part of the determination or decision of said commission of the contro-

versy or other proceeding in connection with which the question arose, and shall be binding upon the parties to such controversy or other proceeding, unless either party shall take an appeal from the commission's determination or decision as may now or hereafter be provided by law.

(e) To make rules and regulations for the effective administration and enforcement of the laws of this Commonwealth prohibiting the pollution of the waters thereof;

(f) To study, investigate, and, from time to time, report ways and means of eliminating from the streams and waters of the Commonwealth, so far as practicable, all substances and materials which pollute or tend to pollute the same, and to determine and recommend methods of preventing pollution detrimental to the public health, or to the health of animals, fish, or aquatic life, or detrimental to the use of waters for recreational purposes. The board shall have the power to investigate the character of all wastes discharged into or deposited on the banks of the streams or waters of the Commonwealth, and shall make similar investigations and recommendations with regard to the matter of preventing pollution of the waters of interstate streams which touch the boundaries of the Commonwealth;

(g) To call upon the Department of Health to make such inspections, conduct such investigations, and do such other acts as may be necessary and proper in the exercise of the powers and the performance of the duties of the board.

Section 2112. [Anatomical Board.—The Anatomical Board shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board] *State Board of Undertakers.—The State Board of Undertakers shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board.*

Section 2304. Visitations and Inspections.—The Department of Welfare shall have the power, and its duty shall be:

(a) To make and enforce rules and regulations for the visitation, examination and inspection of all supervised institutions;

(b) To visit and inspect, at least once in each year, all State and supervised institutions; to inquire and examine into their methods of instruction, discipline, detention, imprisonment, care or treatment, the care, treatment, government or management of their inmates or those committed thereto, or being imprisoned, detained, treated or residing therein, the official conduct of their inspectors, trustees, managers, directors or other officer or officers charged with their management by law

or otherwise, or having the management, care, custody or control thereof, the buildings, grounds, premises, and equipment thereof, or connected therewith, and all and every matter and thing relating to their usefulness, administration, and management, and to the welfare of the inmates thereof, or those committed thereto or being imprisoned, detained, treated or residing therein;

For these purposes, the Secretary of Welfare, or other officer, inspector or agent of the department, shall have free and full access to the grounds, premises, and buildings, of and to all the records, books or papers of or relating to any such State or supervised institution, and full opportunity to interrogate or interview any inmate thereof, or any person or persons committed to or being imprisoned, detained, treated or residing therein, and all persons connected with any such State or supervised institution as officers, or charged with the management, thereof, by law or otherwise, or in any way having the care, custody, control, or management thereof, or connected therewith as employes, are hereby directed and required to give to the Secretary of Welfare, or to such officer, inspector or agent of the department, such means, facilities, and opportunity for such visitation, examination, inquiry, and interrogation, as is hereby provided and required, or as the department, by its duly ordained rules or regulations, may require.

(c) Whenever upon the visitation, examination, and inspection of any State or supervised institution, any condition is found to exist therein which, in the opinion of the department, is unlawful, unhygienic, or detrimental to the proper maintenance and discipline of such State or supervised institution, or to the proper maintenance, custody, *safety*, and welfare of the inmates thereof, or of the persons committed thereto, or being treated, detained or residing therein, to direct the officer or officers charged by law with or in any way having or exercising the control, government, or management of such State or supervised institution, to correct the said objectionable condition in the manner and within the time specified by the department, *whereupon it shall be the duty of such officer or officers to comply with the direction of the department. If such officer or officers shall fail to comply with such direction, the department may request the Department of Justice to institute appropriate legal proceeding to enforce compliance therewith, or the department may withhold any State money available for such institution until such officer or officers comply with such direction;*

(d) To cause to be visited and examined any person found by an inquisition to be insane, and to authorize such visiting and examining by an officer or agent of the department, or any board of visitors, or by a physician,

and to apply to the court having jurisdiction over the committee or guardian of such insane person, or to a judge of a court of common pleas of the county in which the insane person is a resident or detained, to make such orders for the maintenance, custody, or care of the insane person, and for the care and disposition of the property of the insane person as the case may require.

Section 2307. Recommendations.—The Department of Welfare shall have the power, and its duty shall be, from time to time, to recommend and bring to the attention of the officers or other persons having the management of the State and supervised institutions such standards and methods as may be helpful in the government and administration of such institutions and for the betterment of the inmates therein, *whereupon it shall be the duty of such officers or other persons to adopt and put into practice such standards and methods.*

Section 2311. Restoration.—The Department of Welfare shall have the power, and its duty shall be:

(a) To require and supervise the transfer of inmates [of one penitentiary to another under any law providing therefor] *from one State penal or correctional institution to any other State penal or correctional institution.*

(b) *To formulate and put into operation plans for the classification of State penal or correctional institutions, and also to formulate and put into operation a program for the classification of inmates so that the inmates may be grouped in those institutions which have the proper facilities.*

[b] (c) To request, from any or all magistrates, chiefs of police, sheriffs, district attorneys, courts, judges, probation officers, and all others concerned in the control, apprehension, trial, and punishment of criminals and delinquents in this Commonwealth, periodical reports as to the number and kind of crimes reported, the numbers, age, sex, color, nativity, and offenses of criminals and delinquents arrested, tried, and otherwise disposed of, the sentences imposed, and whether executed or suspended, the number placed on probation, and the reasons therefor, the number of probation officers, and the nature of the oversight exercised over those placed on probation, and, for the purpose of verifying the reports so made, the department shall have the power to make such further inquiry or investigation as may seem to it necessary, and it shall be the duty of all such magistrates, and other officers, to make such reports, at such time or times, and to furnish such facilities for investigation and such cooperation, as the department may require.

Section 2312. Inmate Labor.—The Department of Welfare shall have the power, and its duty shall be:

(a) To establish, maintain, and carry on industries

in the Eastern State Penitentiary, the Western State Penitentiary, the Rockview Penitentiary, the new Eastern State Penitentiary at Graterford, the Pennsylvania Industrial Reformatory at Huntingdon, and such other penal or correctional institutions of this Commonwealth as it may deem proper, in which industries all persons sentenced to such institutions, who are physically capable of such labor, may be employed at labor for not to exceed eight hours each day, other than Sundays and public holidays. Such labor shall be for the purpose of doing printing, or of manufacturing and producing supplies, or for the preparation and manufacture of building material for the construction or repair of any State institution, or in the work of such construction or repair, or for the planting of seed trees, or the performance of other work in State forests, or for the purpose of industrial training, or instruction, or in the manufacture and production of crushed stone, brick, tile and culvert pipe, or other material suitable for draining roads of the State, or in preparation of road building and ballasting material;

(b) To determine the amount, kind, and character of the machinery to be erected in each of the said penitentiaries, reformatory or other penal or correctional institutions of the Commonwealth, and the industries to be carried on therein, having due regard to the location and convenience thereof with respect to other institutions to be supplied, to the machinery therein and the number and character of inmates;

(c) To contract to sell or sell the articles manufactured or produced in the said industries carried on in the said penitentiaries, reformatory, or other penal or correctional institutions, which cannot be used therein, to the Commonwealth, or to any county, city, borough, township, school district, or poor district thereof, or to any State institution, or to any educational or charitable institution receiving aid from the Commonwealth, or to the Government of the United States, or any department, bureau, commission or agency thereof, or to any other State or political subdivision thereof, or to any institution receiving aid from the Government of the United States or of any other State;

(d) To arrange for the employment of inmates of such institutions, at such work or labor, within or upon the grounds of such institutions, as may be necessary for the maintenance of the institutions or the raising of food products therefor;

(e) To charge to each such institution such rate per diem, as may be paid by the department to such inmate hereunder for his services, for the work or labor of each inmate engaged in work or labor within or upon the grounds of such institution for the maintenance of the institution or the raising of food products therefor.

Also to collect from each such institution, for any manufactured supplies or products used by it, the same price per article used as it would receive upon the sale of such article in similar quantities to the Commonwealth, or any other agency to which it is authorized to sell articles manufactured or produced by inmate labor. All amounts collected by the Department of Welfare from such institutions hereunder shall be paid, through the Department of Revenue, into the Manufacturing Fund in the State Treasury, and all such amounts shall be considered a part of such institutions' maintenance expense.

(f) To charge to each such institution, in like manner, for the labor of all inmates engaged in preparing materials for the construction of buildings, or in doing construction work, such payments to be made by the institutions out of funds available for construction work. All moneys received hereunder shall be paid into the Manufacturing Fund, through the Department of Revenue.

(g) Through the Department of Revenue, to pay into the Manufacturing Fund the proceeds of all sales of manufactured products made under this section, and all moneys received for the labor of inmates in State forests or elsewhere than on the grounds of the institutions. This clause shall not, however, apply to the sale of surplus food products, or products of the soil as elsewhere in this act permitted.

(h) To pay, out of the Manufacturing Fund, [for the machinery, equipment, and material required or used in the carrying on of the industries in the said penitentiaries, reformatory, or other institutions, under the provisions hereof, and all salaries of superintendents, managers, salesmen, clerks, and others employed in the management of the industries, and the wages, as hereinafter provided, for the labor of the inmates of said penitentiaries, reformatory, or other institutions in such industries] *all expenses necessary for the proper conduct of the work of the department pertaining to the establishment, maintenance, and carrying on of industries in the State penal and correctional institutions, including the payment of salaries, wages, and other compensation of superintendents, managers, supervisors, chairmen, clerks, assistants and other employes engaged in the operation and management of such industries; the payment of wages for the labor of inmates of such institutions; the payment of rentals and other expenses for offices, rooms, garage space, and other accommodations outside of the Capitol buildings, either in or outside the city of Harrisburg; the erection, construction, alteration, or repair of buildings necessary to house such industries; the payment of premiums for workmen's com-*

compensation insurance covering officers and employes, and for surety bonds for such officers and employes, as may be required by law, to furnish such bonds; the purchase and the payment of the operating cost of motor vehicles required for full-time use, including premiums and liability insurance covering such motor vehicles for officers and employes operating them; the payment of mileage charges to the Department of Property and Supplies for the use of automobiles supplied by it for temporary use; the purchase of machinery, equipment, furniture, materials, supplies, and commodities; the payment of charges to the Department of Property and Supplies for any purchases or services made through the Purchasing Fund; and for the payment of all other necessary expenses.

Estimates of the amounts to be expended from the Manufacturing Fund shall be submitted to the Governor, from time to time, for his approval or disapproval, as in the case of other appropriations, and it shall be unlawful for the Department of the Auditor General to honor any requisition for expenditures or moneys out of this appropriation, in excess of the estimates approved by the Governor. Subject to this provision, the Department of the Auditor General shall, from time to time, draw warrants upon the Treasury Department for the amounts specified in such requisitions, not exceeding, however, the amount in the Manufacturing Fund at the time of the making of any such requisitions.

(i) To require that an account shall be kept by the proper officers of each said penitentiary, reformatory, and other correctional institution, of the labor performed by inmates. In such account, shall be shown the time each inmate is actually engaged in work, the rate of wage at which he is to be paid, which shall be regulated by the department. In no case shall the amount be less than ten cents for each day of labor actually performed. The rate of compensation shall be based, both upon the pecuniary value of the work performed, and also on the willingness, industry, and good conduct of the inmate. All amounts payable to inmates hereunder shall be paid to the institution out of the Manufacturing Fund, to be disbursed or held by such institution in the manner following:

Three-fourths of the amount of wages payable to an inmate of such penitentiary, reformatory, or other institution, or the entire amount, if the inmate so wishes, shall constitute a fund for the relief of any person or persons dependent upon such inmate, and shall be paid, upon the order of the board of trustees of the penitentiary, reformatory, or other institution, in which the inmate is a prisoner, to the person or persons establishing such dependency to the satisfaction of such board, at such time or times as said board may order.

All sums credited to any inmate, and not paid to a dependent or dependents, shall be paid to the inmate on his discharge from the penitentiary, reformatory, or other institution in which he was a prisoner: Provided, however, That, subject to the rules and regulations of the board of trustees of the penitentiary, reformatory, or other institution in which such inmate is a prisoner, the whole or any part of said sum may be paid to him during his imprisonment for his present needs, such rules and regulations to be subject to the approval of the department.

(j) To have and exercise supervision over the labor employed in the aforesaid industries and to make rules and regulations for carrying on such industries;

(k) To the extent to which it is unable to provide work for every physically able inmate of such institutions, to authorize the several boards of trustees of such institutions to permit inmates to engage in such work or industries as the department may approve, and which they are able to provide from other sources, but all such work shall be performed, the products thereof sold, and the proceeds thereof disposed of, under the rules and regulations of the department covering the same,

(l) To supervise the establishment, in other State institutions, of industries classes in occupational therapy and other means for the employment and training of inmates or patients.

Section 2318. Boards of Trustees of State Institutions.—The board of trustees of each State institution within the Department of Welfare shall have general direction and control of the property and management of such institution. It shall have the power, and its duty shall be:

(a) Subject to the approval of the Governor, to elect a superintendent or warden of the institution, who shall, subject to the authority of the board, administer the institution in all its departments; [and, if the board shall deem it advisable, a business manager.]

(b) On nomination by the superintendent or warden, from time to time, to appoint such officers and employes as may be necessary;

(c) To fix the salaries of its employes in conformity with the standards established by the Executive Board;

(d) Subject to the approval of the Secretary of Welfare, to make such by-laws, rules, and regulations for the management of the institution as it may deem wise.

The boards of trustees of the several State institutions shall exercise the foregoing powers in the management of the following institutions:

Board of Trustees of Eastern State Penitentiary, of Eastern State Penitentiary at Philadelphia,
Board of Trustees of Western State Penitentiary, of

Western State Penitentiary at Pittsburgh, and of the State Penitentiary at Rockview,

Board of Trustees of Pennsylvania Industrial School, of Pennsylvania Industrial Reformatory, [hereafter] to be known as Pennsylvania Industrial School, at Huntingdon, *until its completion as an institution for the reception, care, maintenance, detention, employment, and training of defective delinquents, and thereafter to be known as the Pennsylvania Institution for Defective Delinquents,*

Board of Trustees of State Industrial Home for Women, of State Industrial Home for Women at Muncy,

Board of Trustees of Pennsylvania Training School, of Pennsylvania Training School at Morganza,

Board of Trustees of Allentown State Hospital, of Homeopathic State Hospital for the Insane at Allentown,

Board of Trustees of Danville State Hospital, of State Hospital for the Insane at Danville, Pennsylvania,

Board of Trustees of Farview State Hospital, of State Hospital for the Criminal Insane at Farview,

Board of Trustees of Harrisburg State Hospital, of Harrisburg State Hospital at Harrisburg,

Board of Trustees of Norristown State Hospital, of State Hospital for the Insane of the Southeastern District of Pennsylvania at Norristown,

Board of Trustees of Warren State Hospital, of State Hospital for the Insane at Warren, Pennsylvania,

Board of Trustees of Wernersville State Hospital, of State Asylum for the Chronic Insane of Pennsylvania at South Mountain,

Board of Trustees of Torrance State Hospital, of Western State Hospital for the Insane, Torrance,

Board of Trustees of Ashland State Hospital, of State Hospital for Injured Persons of the Anthracite Coal Regions of Pennsylvania at Ashland,

Board of Trustees of Blossburg State Hospital, of Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania at Blossburg,

Board of Trustees of Coaldale State Hospital, of State Hospital of Coaldale, Schuylkill County,

Board of Trustees of Connellsville State Hospital, of Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania at Connellsville,

Board of Trustees of Hazleton State Hospital, of State Hospital of the Middle Coal Field of Pennsylvania at Hazleton,

Board of Trustees of Nanticoke State Hospital, of State Hospital of Luzerne County at Nanticoke,

Board of Trustees of Philipsburg State Hospital, of

Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania at Philipsburg,

Board of Trustees of Scranton State Hospital, of State Hospital of the Northern Anthracite Coal Region of Pennsylvania at Scranton,

Board of Trustees of Shamokin State Hospital, of State Hospital of the Trevorton, Shamokin and Mount Carmel Coal Fields of Pennsylvania at Shamokin,

Board of Trustees of Locust Mountain State Hospital, of Locust Mountain State Hospital at Shenandoah,

Board of Trustees of Laurelton State Village, of Pennsylvania Village for Feeble-Minded Women at Laurelton,

Board of Trustees of Pennhurst State School, of State Institution for the Feeble-Minded and Epileptic of Eastern Pennsylvania at Pennhurst,

Board of Trustees of Polk State School, of State Institution for the Feeble-Minded of Western Pennsylvania at Polk,

Board of Trustees of Selinsgrove State Colony for Epileptics, of the State Colony for Epileptics at Selinsgrove.

Section 2319. [Board of Trustees of Cumberland Valley State Institution for Mental Defectives.—The Board of Trustees of Cumberland Valley State Institution for Mental Defectives shall, when and as the Legislature shall appropriate money for the purpose, cooperative with the Department of Property and Supplies, as provided in this act, in the erection on the property at New Cumberland, Cumberland County, Pennsylvania, acquired by the Commission for the Selection of a Site and the Erection of a State Institution for Inebriates of a State institution for mental defectives.

Upon the completion of such institution, the board of trustees shall manage and control the same, as provided in the preceding section of this act: Provided, That the Superintendent of such institution shall always be a physician experienced in the treatment of mental diseases and mental defectives.] *New Pennsylvania Industrial School; Maximum Security State Prison; and Western State Psychiatric Hospital.—Upon the erection, construction, and completion of the new Pennsylvania Industrial School, the Maximum Security State Prison, and the Western State Psychiatric Hospital, pursuant to law, the Department of Welfare shall manage and control the same, and shall have such powers and duties with respect thereto, as are provided by law.*

Section 2402. Grounds, Buildings and Monuments in General.—The Department of Property and Supplies shall have the power, and its duty shall be:

(a) Subject to the powers by this act vested in the

Board of Commissioners of Public Grounds and Buildings, to control and supervise the State Capitol Building, and the public grounds and buildings connected with the State Capitol, including the State Arsenal and the Executive Mansion, and to make, or supervise the making, of all repairs, alterations, and improvements, in and about such grounds and buildings, including the furnishing and refurnishing of the same, and also to have general supervision over repairs, alterations, and improvements to all other buildings, lands, and property of the State, except as in this act otherwise provided;

(b) To employ such captains, sergeants of police, and police officers, as may be necessary to preserve good order in the Capitol grounds and buildings, and fix their compensation: Provided, however, That the number and compensation of such captains, sergeants and officers shall be subject to the approval of the Governor. Such captains, sergeants and officers shall be known as the Capitol Police.

(c) To employ such help as may be reasonably necessary for the cleaning, care, and preservation of the Capitol grounds and buildings, and the furnishings therein, for operating the mechanical plants in the Capitol buildings and the Executive Mansion, and for service at the Executive Mansion;

(d) To contract in writing for and rent proper and adequate offices, rooms, or other accommodations, outside of the Capitol buildings, for any department, board, or commission, which cannot be properly and adequately accommodated with offices, rooms, and accommodations in the Capitol buildings; and, in all cases in which the head of a department, for such department or for a departmental administrative board or commission within such department, or an independent administrative board or commission, with the approval of the Executive Board, has established or is about to establish a branch office in any city or place outside of the capital city, with the approval of the Board of Commissioners of Public Grounds and Buildings, to contract in writing for and rent such offices, rooms, and other accommodations, as shall be proper and adequate for such department, board, or commission. The department shall rent such garages or contract for such garage space as may be necessary for the accommodation of State-owned automobiles, either in or outside of the capital city, at such rentals or rates as it shall deem reasonable. The department may also, if the General Assembly shall have appropriated funds therefor, lease any lands which may be necessary for use by any department, board, or commission in the exercise of its powers or the performance of its duties. It shall be unlawful for any other de-

partment, board, commission, or agency of the State Government to enter into any leases, but the Department of Property and Supplies shall act only as agent in executing leases for departments, boards, and commissions, the expenses of which are paid wholly or mainly out of special funds, and, in such cases, the rentals shall be paid out of such special funds.

(e) To employ and, with the approval of the Governor, fix the compensation of such capable superintendents of construction, engineers, or inspectors as may be necessary properly to supervise building, repairing, altering, adding to, or improving State buildings, in cases in which the work is not being done directly by or under contract with the Department of Property and Supplies. Such superintendents, engineers, or inspectors shall see that the plans and specifications prepared and adopted for such new buildings or for repairs, alterations, additions, or improvements to existing buildings, shall be faithfully carried out, and shall, subject to appeal to and final decision by the head of the department, define, determine, and decide all questions of the proper interpretation of the plans and specifications which may be raised during the progress of the work.

(f) Out of funds appropriated to the department therefor, to purchase or condemn land, with or without buildings thereon, for the purpose of adding the same to any of the public lands or parks, or for use as sites for or in connection with arsenals, armories, military reservations, intermediate landing fields, hospitals, normal schools, teachers' colleges, penal or correctional institutions, or other institutions of the Commonwealth, whenever, in the judgment of the Governor, the purchase or condemnation of such land is necessary, or whenever such purchase or condemnation shall have been authorized by law, and an appropriation shall have been made therefor. The condemnation of land hereunder shall be in the manner provided by the act, approved the fifteenth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, nine hundred seventy-six), entitled "An act to authorize the Board of Commissioners of Public Grounds and Buildings to acquire property for the Commonwealth by proceedings in eminent domain, where the purchase of such property has either been authorized by law, or determined by the Board of Commissioners of Public Grounds and Buildings under existing laws, and an appropriation made therefor," its amendments and supplements. Except as otherwise in this act expressly provided, no other department, board, or commission of the State Government shall hereafter exercise the right of eminent domain for any of the purposes aforesaid, any other act of Assembly heretofore enacted to the contrary notwithstanding.

(g) To erect or supervise the erection of all monuments which may now or hereafter be authorized by law, and to maintain and care for all monuments belonging to the Commonwealth which may now or hereafter be erected: Provided, That with regard to any monument which comes within the jurisdiction of an advisory board in the Department of Property and Supplies, the exercise of the powers hereby vested in the department shall be subject to approval or disapproval by such advisory board,

(h) Whenever loss or damage by fire or other casualty shall occur to any structure, building, equipment, or other property owned by the Commonwealth, and be reported to the department, to make an examination thereof, and, in its discretion, subject only to the approval of the Governor, to rebuild, restore, or replace the property damaged or destroyed, and, for that purpose, to have plans and specifications prepared and contracts executed, and to supervise the erection, construction, or replacement thereof, such rebuilding, restoration, or replacement to be in substantial accord with the original character, use, and purposes of the property damaged or destroyed. The cost of the materials furnished, and work and labor performed, under such contracts, shall be certified by the department to the Auditor General, who shall issue his warrant against the *State Insurance Fund* of this Commonwealth, which warrant shall be paid by the State Treasurer, in the manner provided by law: Provided, That whenever the department shall have taken such action as will involve expenditures from said fund, it shall forthwith certify the probable amount of expenditure to the State Treasurer, who shall forthwith take such action as is necessary to provide funds sufficient to meet the obligations so entered into.

(i) To rent to individuals, firms, or corporations, such real estate, owned by the Commonwealth, as is not being used in connection with the work of any department, board, or commission thereof, upon such terms and conditions as the Secretary of Property and Supplies may prescribe, with the approval of the Governor in writing: Provided, however, That no lease executed under the authority hereby conferred shall be for a longer term than one year and so on from year to year.

(j) From time to time, to rent to persons, associations, or corporations, upon such terms as shall be approved by the Board of Commissioners of Public Grounds and Buildings, the auditorium in the South Office Building, Number Two, when it shall not be required for the Commonwealth's use.

(k) *To establish standards for and supervise generally the operation of all mechanical and electrical equipment used in connection with the operation of any State institution or other State building.*

Section 2403. Standards and Purchases.—The Department of Property and Supplies shall have the power, and its duty shall be:

(a) To formulate and establish standards or specifications, whenever practicable, for articles, materials, supplies, furnishings, and equipment used by administrative departments, independent administrative, departmental administrative, and advisory boards and commissions, but no specification shall be fixed as a standard until it shall be approved by a majority of the departments, boards and commissions using the article, material or supply described in the specification.

(b) To enter into contracts for supplying all stationery, printing paper, and fuel, used in the legislative and other departments of the Government, and for repairing and furnishing the halls and rooms used for the meetings of the General Assembly and its committees. All such contracts shall be awarded to the lowest responsible bidder below such maximum price, and under such regulations as are prescribed by this act, and shall be subject to the approval of the Governor, the Auditor General, and the State Treasurer.

(c) To purchase, in like manner (*exclusive of the requirement as to maximum price*), all other furniture, materials, or supplies, required by the legislative and other departments of the State Government, except as otherwise provided in this act;

(d) To distribute stationery, paper, and fuel to the legislative and other departments of the government, and arrange for the repairing and furnishing the halls and rooms used for the meetings of the General Assembly and its committees, upon requisition of the Governor, or of the appropriate administrative department or independent administrative board or commission, or the proper officer of the General Assembly, or of the judicial department, as the case may be: Provided, That all requisitions for furniture, materials, or supplies, required by any departmental administrative board, commission or officer, or any advisory board or commission, shall be made by the administrative department with which such departmental administrative board, commission or officer or such advisory board or commission is connected: And provided further, That the department shall not, without the consent of the Governor, honor any requisition from any administrative department, board or commission after the amount of any biennial appropriation for furniture, stationery, materials, and supplies allocated to such department, board, or commission by the Governor, shall have been expended for such department, board, or commission;

(e) To act as the purchasing agency for any administrative department, or independent administrative or de-

partmental administrative board or commission, which by law is authorized to purchase materials or supplies and pay for the same out of fees or other moneys collected by it, or out of moneys specifically appropriated to it by the General Assembly, except that all departments, boards, and commissions, requiring perishable food-stuffs [or fuel] for use in State institutions may purchase such food-stuffs [and fuel] directly, and any department, board, or commission, having charge of a State institution, which is able, after competitive bidding, to purchase any article for a less price, f. o. b. the institution, than the price at which such article can be furnished by the Department of Property and Supplies, f. o. b. the institution, may purchase such article directly. All purchases made by the Department of Property and Supplies, as purchasing agency under this clause, shall conform to schedule, unless the Board of Commissioners of Public Grounds and Buildings shall specifically authorize a departure from schedule, and all purchases made directly for any State institution shall conform to the specification contained in the schedules, or, if the article be not included in the schedules, then to the standard specification, if any, adopted by the Department of Property and Supplies for the commodity purchased, unless the Board of Commissioners of Public Grounds and Buildings shall have specifically authorized a departure from such specification.

(f) To collect, and furnish on request, market prices and such other information as will be serviceable in purchasing to any institution receiving State funds directly or indirectly;

(g) To authorize any other department, or any board or commission, to make direct purchases in the field, not exceeding a specified amount, but the department shall require records of all such purchases to be transmitted to it periodically in such form as it may prescribe. *In so far as practicable, purchases under this paragraph shall be made from contractors having effective supplies contracts with the Department of Property and Supplies, and shall be in accordance with applicable specifications in such contracts, otherwise such purchases shall be made from the lowest of at least two bidders.*

Section 2404. Bonds and Liability Insurance.—The Department of Property and Supplies shall have the power, and its duty shall be:

(a) To procure from a corporation or corporations, authorized by law to act as sureties in the Commonwealth of Pennsylvania, good and sufficient bonds, which shall be approved by the Attorney General, and filed with the State Treasurer, to meet the requirements of law, in the case of all State officers and employes required by statute to give surety bonds to the Common-

wealth for the faithful performance of their official duties or to account for State funds in their possession: *Provided, That if and when the Commonwealth shall establish its own indemnity fund, such bonds shall be purchased only in such cases as the Executive Board may require;*

(b) To procure liability insurance covering vehicles owned by the Commonwealth, and operated by State officers or employes, *or State officers or employes, operating vehicles loaned by the Federal Government*, and, in its discretion, excess fire insurance on State buildings, and any other kind of insurance which it may be lawful for the Commonwealth, or any department, board, commission, or officer thereof, to carry and for which an appropriation has been made to the department, *or to any other administrative department, board, or commission.*

The department shall pay for such insurance, out of the moneys appropriated to it, except that it shall not pay for insurance covering—(1) officers, employes, or property of the departments, boards, and commissions, whose expenses are wholly paid out of funds other than the General Fund of the State Treasury; [and except] *or (2) officers, employes, and property [of State institutions] of departments, boards, and commissions receiving appropriations out of the General Fund for such purpose.* Insurance covering the officers, employes, and property of such departments, boards, and commissions shall be paid for out of the special funds appropriated to them, [and insurance covering the officers, employes, and property of State institutions shall be paid for] *or out of the moneys of the General Fund, appropriated [for their maintenance] to them, as the case may be.*

All automobile liability insurance procured by the Department of Property and Supplies hereunder shall protect both the Commonwealth and the State officer or employe operating the vehicle, against claims for damages for injury to person or property, within such limits as the department, with the approval of the Executive Board, shall prescribe.

Section 2405. Sale of Unserviceable Property.—The Department of Property and Supplies shall have the power, and its duty shall be, to receive from the several administrative departments, and independent administrative and departmental administrative boards and commissions, unserviceable personal property of this Commonwealth, to issue a receipt therefor, make a complete record thereof, and, if no other department, board or commission is able to make use of the same presently, then, as soon as convenient, to sell the same, either at public auction or private sale, in the city of Harrisburg, or elsewhere, as may be deemed advisable. Except in

the case of perishable property, such sales shall, if *the department deems it feasible in view of the value of the property involved*, be advertised in not exceeding five newspapers of the Commonwealth, once a week for three weeks, such advertisements to state the time, place, and conditions of any such sale; but, if, after such advertising, the department is unable to obtain a bid for the property, it may be demolished or destroyed: Provided, That when the unserviceable property is located [at a State institution] *outside the city of Harrisburg*, the [department] *Department of Property and Supplies*, in its discretion, may authorize [such institution] *the department, board, or commission having possession of the same*, without advertising, to obtain at least two bids in the locality where the property is located. Such bids shall be referred to the [department] *Department of Property and Supplies*, and, if it believes that the property will not realize a higher net sale price if transported to the Capitol for sale, the department may authorize the [institution] *department, board, or commission having possession of the same*, to sell the property locally to the highest bidder, to take a proper receipt therefor, and to transmit the proceeds to the [department] *Department of Property and Supplies*, to be by it paid into the State Treasury through the Department of Revenue: And provided further, That whenever any department, board, or commission shall deliver to the Department of Property and Supplies any unserviceable personal property, and, at the same time, requisition the said department to furnish new property of a similar character to replace the unserviceable property delivered as aforesaid, or request said department, as purchasing agency, to purchase new property of a similar character, the Department of Property and Supplies [with the approval of the Board of Commissioners of Public Grounds and Buildings] shall endeavor to exchange the unserviceable property for or on account of the purchase price of the new property about to be purchased, but such unserviceable property shall not be delivered for or on account of the purchase price of any property at a lower valuation than the price which such unserviceable property would bring if sold in the open market for cash, and, to the extent that advertising any such unserviceable property for sale may be necessary to establish its market value, the Department of Property and Supplies is authorized and directed to advertise as hereinabove provided. The Department of Property and Supplies shall obtain from the person, partnership, or corporation, to which any personal property is delivered in exchange under the authority of this section, a receipt therefor, describing such personal property and specifying the value at which it was taken in

exchange, and such receipt shall be delivered to the Auditor General, attached to the requisition for the payment of the balance of the purchase price due for the new property purchased. The proceeds of sales of personal property hereunder, shall be transmitted by the Department of Property and Supplies to the Department of Revenue, which shall transmit it to the Treasury Department to be credited to the fund out of which the property sold was originally purchased.

Section 2406. Publications.—The Department of Property and Supplies shall have the power, and its duty shall be:

(a) To edit for publication all reports, bulletins, and other publications of the various departments, boards, and commissions of the State Government;

(b) With the approval of the President pro tempore of the Senate, and the Speaker of the House, to determine the size and character of the various publications to be printed for the use of the General Assembly; Provided, That the quantity of any new publication for the members and officers of the General Assembly shall be fixed by act or resolution: And provided, That the members and officers of the General Assembly shall receive not less than the same number of advance sheets of the laws, bills, calendars, journals, Pamphlet Laws, department reports, and other publications, as is now authorized by law, which shall be distributed to the members and officers of the General Assembly only, on the requisition of the librarian of the Senate, and the resident clerk of the House of Representatives;

With the approval of the Governor, to determine the need, size, character, quantity, and method of distribution of the various publications to be printed for the use of or distribution by the several departments, boards, commissions, and other agencies engaged in the administrative work of the State Government: Provided, That in the case of reports made by the several departments, boards, or commissions, the department, board, or commission making the report shall be consulted with regard to the need, size, character, quantity, and method of distribution of such reports;

With the approval of the Governor, and of the Chief Justice of the Supreme Court of Pennsylvania, to determine the size, character, quantity, and method of distribution of the various publications to be printed for the use of the judicial department.

Unless specifically authorized by act or resolution, no public printing and binding shall be ordered, performed, or furnished by the department for the General Assembly, or any department, board, commission, or other agency, of the State Government, until a requisition for said work or materials has been presented to the depart-

ment, duly signed by the chief clerk, or librarian for the Senate, the chief clerk or resident clerk for the House of Representatives, or the head or the person or persons who may be given such authority by the head of the department, or the chief executive officer, or other authorized representative of the board, commission, or other agency of the State Government, making such requisition.

(c) To compile and edit a State Manual, which shall be published annually or biennially, under such name as the department and the Governor shall determine. The members and officers of the Senate and House of Representatives shall be given for distribution of said publication, not less than the number that they were heretofore given of Smull's Legislative Hand Book. The number to be published for the several State departments, boards, and commissions shall be fixed by the department, with the approval of the Governor. If in the judgment of the department, it is deemed advisable to publish copies of said manual in addition to those herein authorized, which can be sold at the cost of printing and binding, the department is authorized to publish such additional copies, and pay the amount realized from the sale of same to the State Treasurer, through the Department of Revenue.

(d) To enter into contracts for furnishing all printing used in the legislative and other departments of the government, and the printing, binding, and distributing of the laws, journals, department reports, and all other printing and binding, lithographing, cuts, plates, dies, and supplies and materials incident thereto, which contracts shall be given to the lowest responsible bidder below such maximum price and under such regulations as are prescribed by this act, and shall be subject to the approval of the Governor, Auditor General, and State Treasurer;

(e) To distribute all documents, upon requisition of the persons entitled to make requisition therefor, by causing the same to be packed in packages or boxes addressed as required in the requisition, and delivered personally at the office of the department, or free at the post office, express or freight office, indicated in the requisition: Provided, That the department shall not, without the consent of the Governor, honor any requisition from any administrative department, board, or commission, after the amount of any biennial appropriation for documents allocated to such department, board, or commission, shall have been expended for such department, board, or commission;

(f) To furnish blank requisition forms *at cost* to all persons entitled to make requisitions upon the department for documents, stationery, furniture, or supplies of any character;

(g) From time to time, to solicit, by advertising proposals for the purchase of all waste paper, documents, and other materials that have been accumulated and are no longer needed, and the department is hereby authorizer to make sale thereof, by contract or contracts, to the highest bidder, upon such terms and conditions as it shall determine, but the department shall have the right to reject any and all proposals for the sale. The proceeds of any such sale shall be paid into the General Fund in the State Treasury, through the Department of Revenue.

(h) To publish advance sheets of the Pamphlet Laws, and to transmit one copy thereof, by mail, to each department, board, and commission of the State Government, to each prothonotary, and to each law judge of the courts, and to every county and public library of this Commonwealth, and to each member of the General Assembly. Such copies shall be furnished without charge. The department shall also mail to any person, who shall pay to it the sum of five dollars, one copy of each such law enacted during any legislative session. All moneys received hereunder shall be paid into the General Fund in the State Treasury, through the Department of Revenue.

(i) To copyright, in the name of the Commonwealth, all publications of the Commonwealth, or of any department, board, or commission or officer thereof, including the State Reports, which under existing or future laws it shall be necessary to have copyrighted, and such other publications as the Secretary of Property and Supplies, with the approval of the Governor, shall deem it advisable to copyright;

(j) To distribute to the public, upon payment to the department of such sum per copy as shall cover the cost of publication, any documents published by the department for the Commonwealth, or any department, board, commission, or officer thereof, which shall cost more than five cents per copy to publish, except documents published for the Governor and the General Assembly which shall be distributed without charge as heretofore; to administer this subsection, the department may publish, for free distribution to applicants therefor, a price-list showing the publications which the department is prepared to furnish to the public and the charges for each such document. All moneys collected by the department hereunder shall be paid, through the Department of Revenue, into the General Fund in the State Treasury, except that, if the cost of publishing any document sold by the department hereunder shall have been paid out of any special fund in the State Treasury, the proceeds of the sale thereof shall be paid into such special fund through the Department of Revenue.

Section 2407. Automobiles.—The Department of Property and Supplies shall, upon the effective date of this act, take over, and thereafter assume responsibility for, the maintenance and operation of all automobiles owned by the Commonwealth, or any administrative department, board, or commission thereof, except the Department of Highways.

After the effective date of this act, all automobiles required for use by the administrative departments, boards, commissions and officers of the State Government, shall be purchased by the Department of Property and Supplies, but, in purchasing automobiles required for the use of any department, board, or commission, having authority to purchase automobiles out of money appropriated to it, the Department of Property and Supplies shall act as purchasing agency.

The Department of Property and Supplies shall make or contract for the making of all repairs to automobiles owned by the Commonwealth, except those operated by the Department of Highways, unless in any case it shall specifically authorize any department, board, commission, or officer, to make or order the making of repairs to any specified automobiles, and, except emergency repairs necessarily made while any automobile is away from its garage.

The Department of Property and Supplies may assign to any department, board, or commission, such automobiles as may be required by it for full-time daily use, and such automobiles shall be operated by employes of such departments, boards, or commission. The department shall maintain a sufficient number of automobiles, not assigned to departments, boards, or commissions, to meet the requirements of departments, boards, and commissions which do not require the full-time daily use of automobiles, and to meet extraordinary and occasional demands of all departments, boards, and commissions, other than the Department of Highways. Such automobiles with *or without* chauffeurs, shall be furnished to departments, boards, or commissions, upon requisition of the heads of the respective departments, or of the executive officers of the respective boards or commissions. This paragraph shall not be construed to prohibit a State officer or employe from being reimbursed for the use of his own automobile on State business, but all such reimbursements shall be made under and subject to the rules of the Executive Board regulating the payment of expenses to State officers and employes.

The cost of oil, gasoline, tires, repair parts for and repairs to automobiles permanently assigned to departments, boards, and commissions, shall be paid out of the appropriations to such departments, boards, and commissions, but the Department of Property and Supplies

shall contract for all such oil, gasoline, tires, repair parts, and repairs, except that repairs may be made by the Department of Highways, and, if authorized as hereinbefore provided, by other departments and by boards and commissions. For the use of other automobiles, departments, boards, and commissions shall be billed by the Department of Property and Supplies, upon a mileage basis, at such amount per mile as the Department of Property and Supplies, with the approval of the Governor, shall determine. Amounts payable for the use of such automobiles shall be paid out of the appropriations to such departments, boards, or commissions to the Department of Property and Supplies, and shall be, by it, paid into the General Fund of the State Treasury, through the Department of Revenue.

The Department of Property and Supplies shall require every administrative department, including the Department of Highways, and every independent administrative and departmental administrative board or commission, to report to it monthly, upon forms supplied by it, and with such detail as it shall require, the places to and from which each automobile was operated, the mileage travelled, the amount of oil and gasoline purchased, the names of employes of the department, board, or commission operating each automobile, the names of the employes of the department, board, or commission for whom the automobiles were operated, and such other information as may be necessary to enable the Department of Property and Supplies to make and keep complete records of the use and cost of operation of all State automobiles, except that it shall not be necessary for the Department of the Auditor General, the Treasury Department, or the Pennsylvania State Police, to report the places to and from which, or the names of the persons by or for whom automobiles were operated.

The types and number of automobiles to be purchased by the Department of Property and Supplies hereunder shall be subject to approval by the Executive Board, and the use of automobiles by State officers and employes shall be subject to the rules and regulations of the Executive Board.

Section 2403. Procedure for Erection of Buildings and Alterations or Additions to Existing Buildings.—Whenever the General Assembly shall have appropriated money to the Department of Property and Supplies, or to any other department, or to any administrative board or commission, for the erection of new buildings, or sewage or filtration plants, other service systems, or athletic fields, or other structures, or for alterations or additions or repairs to existing buildings, or to such plants, systems, fields, or structures, to cost more than [ten thousand dollars (\$10,000)] *four thousand dollars*

(\$4,000), the following procedure shall apply, unless the work is to be done by State employes, or by inmates or patients of a State institution or State institutions, or unless the department, board, or commission to which the General Assembly has appropriated money for the foregoing purposes is, by this act or by the act making the appropriation, authorized to erect, alter, or enlarge buildings independently of the Department of Property and Supplies, or under a different procedure:

(a) If the appropriation is to a department other than the Department of Property and Supplies, or to a board or commission, such department, board, or commission shall notify the Department of Property and Supplies as soon as it is ready, to have plans and specifications for the work prepared;

(b) Promptly after such notice, in such cases, or promptly after any appropriation made to it becomes available, the Department of Property and Supplies shall select an architect and, if necessary an engineer, or both, to design the work, and prepare the specifications therefor, but, in the case of a building to be done for the use of any other department, or any board or commission (unless the building is on the Capitol grounds), the selection of the architect and engineer, if any, shall be subject to approval by such department, board, or commission, and, in case of departmental administrative boards or commissions, by the departments with which such boards or commissions are respectively connected. *Any architect or engineer so selected and approved shall submit promptly the name or names of his associate architect or engineers to the Department of Property and Supplies for its approval;*

(c) The Department of Property and Supplies shall enter into a contract with the architect [and] or engineer, [if any] which shall provide a date for the completion of the plans and specifications, and that the plans and specifications must meet with the approval of the department, board, or commission for which the building is being erected, altered, or enlarged (unless the building is on the Capitol grounds), and, in the case of departmental administrative boards or commissions, of the departments with which such boards or commissions are respectively connected, *to the extent of the type and general character of the building, the floor layouts, radiation, natural light, artificial illumination, ventilation, medical equipment, or other equipment of a nature peculiar to the building for which the plans and specifications are being prepared*, that the plans, drawings and specifications must be approved by the Department of Property and Supplies, that the exterior design of the building must be approved by the State Art Commission, and that the plans and specifications must be

approved by the Department of Labor and Industry, and the Department of Health, to the extent to which those departments, respectively, have jurisdiction to require the submission to them for approval of certain features of the building. Such architect [and] or engineer [if any] in preparing plans and specifications, shall consult with the department, board, or commission for which the building is to be erected, altered or enlarged, [(unless the building is on the Capitol Grounds)] but the Department of Property and Supplies shall insist upon the prompt completion of the plans and specifications, within the time prescribed in the architect's [and] or engineer's contracts, unless it shall agree to an extension thereof.

Every department, board, or commission, whose approval of plans [or] and specifications is required hereunder, shall, within [60] *twenty* days after submission thereof by the architect or engineer, approve or disapprove all sketches, drawings, specifications, and other documents, and shall inform the architect or engineer of decisions in such reasonable time as not to delay him in his work.

(d) Upon the completion of the plans and specifications, and their approval by all necessary State agencies, the Department of Property and Supplies shall invite proposals, by advertisements inserted at least three times in not less than six or more than twelve newspapers of large general circulation in different parts of the Commonwealth. The first and last publications of any such advertisement shall be at least ten days apart, and the department shall not advertise hereunder in more than three newspapers in the same county.

(e) The department may invite proposals, either for completely erecting, altering, or adding to any building, or separately for parts of the work, or both. Whether it shall invite proposals for part of the work, and, if so, for what parts, shall rest within the sole discretion of the department.

(f) All proposals shall be accompanied by certified or bank checks, in such amounts or percentages of the amounts of the proposals as shall be specified in the advertisement, and shall be publicly opened and tabulated at the time and place specified in the advertisement.

(g) The department shall, as soon as practicable, award the contracts to the lowest responsible qualified bidder, but it shall have the right to reject any or all bids, to waive technical defects and to accept or reject any part of any bid, if in the judgment of the department, the best interests of the Commonwealth shall require it. *The successful bidder shall also deliver to the Commonwealth, at the time of execution of the contract, a surety bond having as surety a surety company au-*

thorized to transact business in this Commonwealth, or two individual sureties approved by the Department of Justice, in the amount of ten per centum (10%) of the contract price, as surety against defective or inferior materials or workmanship which may develop during the period of one (1) year from the date of completion and acceptance of the work performed under the contract.

(h) No proposal for any contract shall be considered unless accompanied by a certified or bank check as prescribed by the department at the time of advertising. A bidder who shall have accompanied his proposal with a certified or bank check, as aforesaid, and to whom a contract shall have been awarded, must, within ten days after such award, substitute for said check a surety performance bond for not less than fifty per centum (50%) or more than one hundred per centum (100%) of the bid price of the work, as shall have been prescribed by the department in its invitation for proposals, and an additional bond in a sum not less than fifty per centum (50%) and not more than one hundred per centum (100%) of the contract price of the work, as prescribed by the department in its invitation for proposals, conditioned that the contractor will promptly pay for all material furnished and labor supplied or performed in the prosecution of the work, whether or not the material or labor enter into and become component parts of the building. Such additional bond shall be held by the Department of Property and Supplies for the use of every party who, whether as sub-contractor or otherwise, has furnished material or supplied or performed labor in the prosecution of the work, as above provided, and who has not been paid therefor; and, among other things, shall provide specifically that any such party may bring a suit thereon, in the name of the Commonwealth, for his, their, or its own use, prosecute the same to final judgment for such sum or sums as may be justly due, and have execution thereon: Provided, however, That the Commonwealth shall not be liable for the payment of any costs or expenses of any such suit. Each surety bond, required hereunder, shall have as surety a surety company authorized to transact business in this Commonwealth, or two individual sureties approved by the Department of Justice.

(i) No contract shall be valid or effective unless a certified copy thereof, detail break-down sheet of the work, and contract price of the work involved, shall have been filed in the offices of the Auditor General, the State Treasurer, and the department, board, or commission for which the work is to be done, promptly after the execution of the contract;

(j) The enforcement of all contracts provided for by this section shall be under the control and supervision

of the Department of Property and Supplies. In the event that the Department of Property and Supplies and the contractor cannot agree on any of the general conditions of the contract, and on the specifications, such disagreement shall be subject to decision by the Department of Justice, and its decision shall be final.

(k) The Department of Property and Supplies shall examine all bills on account of the contracts entered into under the provisions of this section, and, if they are correct, the department shall certify that the materials have been furnished, or that the work or labor has been performed in a workmanlike manner and in accordance with the contract, approve the bills, and issue its requisition therefor, or forward its certificate to the proper department, board, or commission, as the case may be;

(l) The Department of Property and Supplies shall have the right to engage the services of any consulting or supervising engineer or engineers, whom it may deem necessary for the proper designing of or inspection or supervision of buildings erected, altered, or enlarged by the department hereunder;

(m) Changes in the plans or specifications, or both, may be made after their approval, only with the consent of all of the departments, boards and commissions whose approval of the original plans or specifications, or both, was necessary hereunder.

(n) If the appropriation is to a department, other than the Department of Property and Supplies, or to a board or commission, the Department of Property and Supplies shall award and enter into the contract as agent for the department, board, or commission to which the appropriation was made.

Section 2409. Method of Awarding Contracts for Stationery, Paper, Fuel, Repairs, Furnishings and Supplies.—The Department of Property and Supplies shall [on or before the first day of February in each year] notify the Governor, the several administrative departments, the independent administrative, departmental administrative, and advisory boards and commissions, the chief clerks of the Senate and House of Representatives, and the proper officers of the judicial department, respectively, to furnish, *at such times as the Department of Property and Supplies may require*, lists of all *equipment*, furniture and furnishings, stationery, supplies, repairs, alterations, improvements, fuel, and all other articles that may be needed by their respective departments, boards, or commissions, or the Senate, or the House of Representatives, for [the fiscal year beginning the first day of June next following] *such periods as the Department of Property and Supplies shall prescribe*, excepting only perishable foodstuffs [and fuel] for State institutions and repairs or alterations which are not to be made by the Department of Property and Supplies.

Upon receipt of such lists, the Department of Property and Supplies shall, *as far as practicable*, consolidate and classify the articles named therein, taking care that there shall be full descriptions given, with make and number of goods when possible, and proper maximum price fixed, and shall prepare annual, semiannual, or quarterly schedules thereof, as deemed for the best interests of the Commonwealth. Whenever deemed necessary, it shall have plans, designs, and specifications prepared of any *equipment*, furniture or furnishings, repairs, alterations and improvements, paying for the preparation of the same out of the funds appropriated to the department.

The department shall state in the schedules that the work or articles for which the plans, designs, and specifications are prepared, are to be done or furnished in accordance therewith, and that the plans, designs, or specifications will be found in its office for inspection, and copies of the same shall be furnished to the successful bidders. The schedules shall state that bids will be received on one or more of the items of any classification of the schedules. In such schedules, the form of proposal shall be given, and all other information which the department shall consider necessary for the bidder. In preparing the lists or schedules, the department shall, in all cases, give preference to goods of American production or manufacture. The quantities given in the schedules shall be the estimated maximum quantities that are likely to be required during the term of contract, but the schedules, shall, in all cases, provide that the goods shall be furnished in greater or less quantity, and at such times, as the needs of the departments, boards, commissions, and the Senate and House shall require.

The schedules shall also provide, whenever practicable, a per diem penalty or forfeiture, after a stated time, for the failure of a contractor to finish or furnish the work or materials contracted for, which penalty or forfeiture shall be deducted by the Auditor General from the amount of the contractor's bill, before settlement is made, when so directed to do by the department.

The department, after conferring with the heads of the various departments, boards, commissions, and the chief clerks of the Senate and House, shall have the power to make such changes in the schedules as may be deemed proper, and may standardize any or all articles therein. When the schedules have been finally prepared, they shall be [printed in pamphlet] *prepared in such form as the department shall deem advisable, and shall be the schedules of stationery, paper, supplies, fuel, equipment, furniture, furnishings, repairs, alterations, improvements and other matters and things needed for the public grounds and buildings, the Senate and House*

of Representatives, the several departments, boards, and commissions of the State Government, and the Executive Mansion.

The department shall, not less than six weeks prior to the termination of schedule contracts now existing or that may be made in the future, advertise the opening of bids for the annual, semiannual, or quarterly schedules, by advertising inserted, for at least three days, the first and last publication to be at least ten days apart, in not less than six or more than twelve newspapers of extensive general circulation in different parts of the Commonwealth, not more than three of which shall be published in any one county, invite sealed proposals for contracts to furnish all stationery, supplies, paper, and fuel, used by the Senate and House of Representatives, the several departments, boards, and commissions of the State Government, and the Executive Mansion, and for repairing, altering, improving, furnishing or refurnishing, and all other matters or things required for the public grounds and buildings, legislative halls and rooms connected therewith, the rooms of the several departments, boards, and commissions, and the buildings connected with the State Capitol and the Executive Mansion. The advertisement shall contain a reference to the schedules so [printed] *prepared by the department*, and, as briefly as practicable, invite bids for the furnishing of articles named in the schedules, and give notice of the time and place where such bids will be received, and when they will be opened.

All proposals shall be delivered to the department on or before [twelve o'clock meridian] *the hour designated in the proposal*, on the day set by the department, following the date of the last advertisement, and each bid shall be in duplicate, one of which shall be marked "Duplicate Bid." Each bid, together with the proper certified or bank check as provided for in this act, shall be enclosed in an envelope, securely sealed, and shall be mailed or delivered to the department, which shall retain all envelopes unopened until the time fixed for the opening thereof.

The department shall, on the date fixed for opening of bids, at [twelve o'clock meridian] *the hour designated in the proposal*, open and publish said proposals, and, as soon thereafter as practicable, award the contracts to the lowest responsible bidder, on each of the items of the several classifications of the schedules. The department shall have the right to reject any or all bids. The bids, when opened, shall be tabulated and shall be subject to examination by bidders. A record of all bids shall be made by the department, in a book kept for that purpose.

When no proposal has been received, or, if for any reason the department shall reject all proposals, the de-

partment shall advertise again for proposals, giving at least fifteen days' notice of the time of receiving the same, which proposals shall be opened, awarded and approved in like manner as heretofore provided.

[No] *Except as hereinafter provided, no proposal for any contract shall be considered unless such proposal is accompanied by a certified or bank check, to the order of the State Treasurer, in one-fourth the amount of the estimated contract, or by a bond in such form and amount as may be prescribed by the department. Any such bond shall be conditioned for the faithful performance of the terms of the contract, if awarded, and shall have as surety one surety company authorized to act as surety in this Commonwealth, or two individual sureties approved by the Department of Justice.*

A bidder, who shall have accompanied his proposal with a certified or bank check as aforesaid, and to whom a contract shall have been awarded, may, within ten days after such award, substitute for said check a bond as herein prescribed, otherwise said check shall be retained in lieu of a bond.

The department may, in its discretion, permit a bidder to file a bond for an annual period, to cover proposals that may be made from time to time by such bidder during such period. Such bond shall be in such amount as the department may determine, and may be increased from time to time as the department may require, in order to keep the same commensurate with proposals made from time to time by such bidder during such period. Any such bidder to whom a contract shall have been awarded shall, within ten (10) days after such award, file a bond conditioned for the faithful performance of the terms of the contract.

The department may, in its discretion, permit a bidder to file a bond to cover proposals made by and the performance of contracts awarded to any such bidder during an annual period. Such bonds shall be in such amount as the department may prescribe, and may be increased from time to time during the annual period by the department to keep the same commensurate with the contracts awarded to such bidder during such period.

In the event that any contractor shall fail to fulfill or comply with the terms of any contract, such contract shall be awarded to the next lowest responsible bidder, and the department shall request the Department of Justice to bring suit against the failing contractor or his sureties to recover the loss sustained by the Commonwealth by the reletting.

All contracts awarded shall be severally void unless first approved by the Governor, the Auditor General, and the State Treasurer, and when so approved, together with all checks or bonds given for their faithful per-

formance, be filed with the department, which shall keep a record of the same and shall, within twenty days after the award, certify copies of all said contracts to the Auditor General. The bonds and certified checks of all unsuccessful bidders shall be returned to such bidders as soon as practicable after contracts have been awarded and approved, but not later than sixty days after the date of opening the proposals.

The enforcement of all contracts provided for by this act and of all similar contracts heretofore entered into and now in force shall be under the control and supervision of the department.

The department shall receive from the contractor or contractors the articles mentioned in the schedules. Articles contracted for must be furnished promptly. It shall be the duty of the department to reject all articles not up to the standard required and, if a contractor shall fail to exchange them for articles that meet the requirements prescribed, or shall fail to deliver any article within a reasonable time, the department may go into the open market and purchase articles to take the place of those adjudged to be of inferior quality or which have not been delivered, and deduct the expense, including any excess in price over that called for in the contract, from the amount due the contractor from the Commonwealth. If the amount due said contractor is not sufficient to meet such expenses and excess price paid for the articles purchased, the department may proceed against the contractor or his sureties, under the bond aforesaid, by proper action through the Department of Justice.

In all cases where a lump sum contract, containing a provision for partial payments, on account of materials delivered and work done, is entered into by the department, a percentage, to be fixed by the department, of the amount due, as set forth in the contract, shall be withheld from the contractor by the Auditor General, until the department shall certify that the contract has been fully complied with.

The department, *except in those cases where the department acts in the capacity of purchasing agent*, shall examine all bills on account of contracts entered into under the provisions of this section, and, if they are correct, the department shall certify that the materials have been furnished, or that the work or labor has been performed, in accordance with the contract and approve the bills. When so approved, the bills shall be audited, settled, and paid by the Auditor General and State Treasurer, in the manner provided by law.

It shall be the duty of the department, when the articles named in the schedules are received from the contractors, to care for them properly in storage rooms,

and the department shall be held responsible for their safekeeping.

The Board of Commissioners of Public Grounds and Buildings shall provide suitable storage rooms for the furniture, stationery, supplies, and fuel that may be procured.

Whenever the Governor, the heads of departments, the executive officers of independent administrative boards and commissions, the chief clerks of the Senate and House of Representatives, or the proper officers of the judicial department, shall require any portion of the stationery, supplies, fuel, furniture, furnishings, repairs, alterations, improvements, and other matters or things, appearing in the schedules, for which contracts have been awarded by the board, a requisition, giving number and description of the item needed, shall be made on the department, which shall cause the article to be delivered, taking a proper receipt therefor.

Whenever any administrative department or any independent administrative or departmental administrative board or commission, shall call upon the department to purchase for it, as purchasing agency, any article named in the schedules, if the department has such article on hand, it may deliver the same to such department, board, or commission, and forthwith [as purchasing agency for such department, board, or commission, purchase another article to replace the article so delivered, such replacement] *bill such department, board, or commission, for the cost of the same, such bill to be paid for out of the appropriation available to the department, board, or commission, for the purchase of the article.*

In the event that requisitions are made upon the department for any article of furniture, furnishing, stationery, supplies, fuel, or any other matter or thing, the want of which was not anticipated at the time of the making of the schedules, the department may, in its discretion, invite proposals from at least two responsible bidders, unless the article can be procured from only one source, and, when one proposal shall be invited, such proposal or proposals, together with such requisition or requisitions, shall be submitted to the Board of Commissioners of Public Grounds and Buildings for approval or disapproval: [at its next meeting] Provided, however, That the department may, in its discretion, purchase in the open market, without inviting any proposal, any such article costing less than fifty dollars, but all such purchases shall be reported to the Board of Commissioners of Public Grounds and Buildings at its next meeting.

Whenever any contract for the furnishing of materials for use in the construction or maintenance of highways

exceeds five hundred dollars (\$500.00) in amount, and includes the performance of labor or the use of other materials in the delivery of such material to the site of the work or in the incorporation thereof into the completed structure, the Department of Property and Supplies shall require the contractor to furnish an additional bond, conditioned for the payment of labor and materials in the same manner as is required by paragraph (h) of section two thousand four hundred and eight of the Administrative Code, to which this act is an amendment.

Section 2414. State Art Commission.—Subject to any inconsistent provisions in this act contained, the State Art Commission shall have the power, and its duty shall be, to examine and approve or disapprove the [exterior] design and proposed location of all public monuments, memorials, buildings, or other structures, except in cities of the first or second class, in accordance with the act approved the first day of May, one thousand nine hundred and nineteen (Pamphlet Laws, one hundred three), entitled “An act creating a State Art Commission in the Board of Commissioners of Public Grounds and Buildings; requiring the approval of the commission of the design and location of all public monuments, memorials, buildings, or other structures, and certain private structures proposed to be erected anywhere in this Commonwealth, other than in cities of the first and second classes,” *and any amendments thereto.*

Section 2. That article twenty-six of the said act is hereby amended to read as follows:

ARTICLE XXVI

POWERS AND DUTIES OF THE [BOARD OF GAME COMMISSIONERS] *PENNSYLVANIA GAME COMMISSION* AND ITS ENFORCEMENT OFFICERS

Section 2601. Powers and Duties in General.—The [Board of Game Commissioners] *Pennsylvania Game Commission* shall, subject to any inconsistent provisions in this act contained, [continue to] exercise the powers and perform the duties by law vested in and imposed upon the said [board] *commission.*

Section 2602. Enforcement of Game Laws.—The [Board of Game Commissioners] *Pennsylvania Game Commission* shall have the power, and its duty shall be:

(a) To protect, propagate, and preserve the game, fur-bearing animals, and protected birds of the Commonwealth, and to enforce, by proper action and proceedings, the law relating to the same;

(b) To appoint such number of game protectors as the Governor shall approve, at such compensation as the Governor shall approve, to assist the [board] *com-*

mission in the proper discharge of its duties, and such number of deputy game protectors as the Governor shall approve. Deputy game protectors shall not receive any compensation for services rendered or expenses incurred in the performance of their duties, unless specifically employed for special duties by written order of the [secretary of the board] *executive director of the commission*.

The [secretary of the board] *executive director of the commission* shall be the Chief Game Protector, and shall have the direction, supervision, and control of the other game protectors.

Section 2603. Special Hunters' Licenses. — The [Board of Game Commissioners] *Pennsylvania Game Commission* shall have the power to issue special deer licenses, special licenses to persons of known scientific attainment, agents of public museums, teachers of ornithology, breeders, taxidermists, and fur dealers, and other special licenses, upon such terms and conditions, and upon payment of such fees, as may from time to time be provided by law.

Section 2604. State Game *Land* Refuges and Farms. — The [Board of Game Commissioners] *Pennsylvania Game Commission* shall have the power to acquire lands, with or without mineral reservations, by purchase, lease, or gift, and to establish and maintain State Game Refuges and Game Farms, *State Game Propagation Areas, and Special Preserves*, for the protection and propagation of game, as may now or hereafter be authorized by law.

Section 2605. Powers of Game Protectors.—Each member of the [Board of Game Commissioners] *Pennsylvania Game Commission*, the executive [secretary] *director* of the [board] *commission*, each game protector, and each deputy game protector shall have the power:

(a) To enforce all the laws relating to game or other wild birds or wild animals, and to go upon any property, outside of buildings, posted or otherwise, in the performance of his duty;

(b) To execute all warrants and search warrants for the violation of the laws relating to game or other wild birds or wild animals;

(c) To serve subpoenas issued for the examination, investigation and trial of all offenses against the laws relating to game or other wild birds or wild animals;

(d) To carry firearms or other weapons, concealed or otherwise, in the performance of their duties;

(e) To arrest without warrant any person found in the act of violating any provisions of the laws relating to game or other wild birds or wild animals, or in pursuit immediately following such violations, or any person whom they have reason to suspect as being an un-

naturalized foreign born resident when such person has in possession a firearm or a dog of any kind;

(f) To call upon any citizen of this Commonwealth for assistance in making arrests;

(g) To search, without warrant, and examine any person, or any boat, conveyance, vehicle, game bag, game coat, or other receptacle for game, or any camp, tent or cabin, in the presence of any person stopping at or belonging to such camp, tent or cabin, or any roster when he has reason to believe, and has stated to the suspected person or persons in charge, his reason for believing that any of the laws relating to game or other wild birds or wild animals has been violated;

(h) To secure and execute search warrants and, in pursuance thereof, to enter any building, enclosure, or car, and to break open any apartment, chest, locker, box, trunk, crate, basket, bag, package or container, and to examine the contents thereof;

(i) At any time, in any manner, or for any purpose, to seize and take possession of all birds or animals which have been caught, taken, or killed, or had in possession, or under control, or which have been shipped, or are about to be shipped, contrary to the laws of this Commonwealth.

(j) To seize all guns, shooting or hunting paraphernalia, traps, dogs, boats, decoys, or other appliances used in violation of any of the laws relating to game or other wild birds or wild animals, when making an arrest, or found in the execution of a search warrant;

(k) To administer any oath required by the provisions, or relative to any violation, of any law relating to game found in a camp or in possession or under control or other wild birds or wild animals; and, where game is found in a camp, or in possession, or under control of any individual or hunting party, to question such person or persons, under oath, relative to the taking, ownership or possession of the same.

Section 3. That article twenty-eight of the said act is hereby amended to read as follows:

ARTICLE XXVIII

POWERS AND DUTIES OF THE [PUBLIC SERVICE COMMISSION OF THE COMMONWEALTH OF PENNSYLVANIA] *PENNSYLVANIA PUBLIC UTILITY COMMISSION*

Section 2801. Powers and Duties in General.—[The Public Service Commission of the Commonwealth of Pennsylvania shall, subject to any inconsistent provisions in this act contained, continue to exercise the powers and perform the duties by law vested in and imposed upon the said commission] *The Pennsylvania*

Public Utility Commission shall continue to exercise the powers and perform the duties by law vested in and imposed upon such commission.

[Section 2802. Public Service Company Law.—The Public Service Commission of the Commonwealth of Pennsylvania shall have the power, and its duties shall be:

(a) To administer and enforce the act, approved the twenty-sixth day of July, one thousand nine hundred and thirteen, entitled “An act defining public service companies; and providing for their regulation by prescribing and defining their duties and liabilities; prescribing, defining, and limiting their powers, and regulating their incorporation, and, to a limited extent, regulating municipal corporations engaged or about to engage in the business of public service companies; creating and establishing a Public Service Commission for the regulation aforesaid; prescribing and defining the powers and duties of such commission and its officers, including the exclusive power to regulate the construction, alteration, relocation or abolition of the crossings of railroad corporations, street railway corporations, or other public service companies, and of public highways by the tracks or other facilities of said companies; providing for the ascertainment by the commission of the expense and damage resulting from such construction, alteration, relocation, or abolition, and for the payment of such expense and damages, severally or proportionately, by the public service companies interested, the State or municipal corporation concerned, and giving persons whose property is thereby taken, injured, or destroyed, authority to sue the Commonwealth for damages in such cases; providing for the terms, salaries, and compensation of the members of the commission, its officers, counsel, and employes; prescribing and regulating the practice and procedure before such commission, and upon appeal and judicial review of its orders and determination by the courts of common pleas; and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases, and of all injunctions, mandamus, or other appropriate proceedings to enforce the provisions of this act and the orders of the commission, and to restrain such orders, subject to an appeal to the Supreme Court; prescribing penalties, fines, and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission; making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June, one thousand nine hundred and eleven, entitled ‘An act to promote the safety of travelers and employes on railroads, by compelling common carriers by railroad to properly man

their trains,' by amending section nine thereof; repealing the act approved the thirty-first day of May, one thousand nine hundred and seven, which provided for the appointment of the Pennsylvania State Railroad Commission; and sections one and two of the act, approved the fourth day of June, one thousand eight hundred and eighty-three, entitled 'An act to enforce the provisions of the seventeenth article of the Constitution, relative to railroads and canals'; and an act, entitled 'To provide the maximum car service charges, including car storage charges, that railroad companies and corporations, or associations, may charge and collect on each car loading, and not unloading within the free time for unloading cars, and fixing the free time that shall be allowed for unloading cars,' approved the twenty-fourth day of May, Anno Domini one thousand nine hundred and seven; and the proviso of clause three and the provisos of clause seven of section thirty-four of the act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, one thousand eight hundred and seventy-four, and all other legislation inconsistent with or supplied by this act," as amended and supplemented;

(b) To certify to the Sanitary Water Board any question of fact regarding the purity of water supplied to the public by any public service company over which it has jurisdiction, when any such question arises in any controversy or other proceeding before it, and, upon the determination of such question by the Sanitary Water Board, to incorporate the findings of the board thereon in its decision upon the controversy or other proceeding out of which the question arose.

Section 2803. Elevated and Underground Railways.—The Public Service Commission of the Commonwealth of Pennsylvania shall have the power, and its duty shall be, to exercise the powers and perform the duties heretofore by law vested in and imposed upon the board consisting of the Governor, the Secretary of the Commonwealth, and the Attorney General by the act, approved the twentieth day of June, one thousand nine hundred and one (Pamphlet Laws, five hundred and seventy-seven), entitled "An act providing that no company hereafter formed for the purpose of construction and operation of a passenger railway, either elevated or underground, or partly elevated or partly underground, with incidental surface rights, shall be incorporated except where the same shall be located upon streets in thickly populated regions, and until the necessity for such railways shall have been passed upon by a board consisting of the Governor, the Secretary of the Commonwealth and the Attorney-General, after notice," which reads as follows:

"Section 1. Be it enacted, &c., That hereafter no letters patent shall be issued to any company, nor shall any corporation be otherwise created, for the construction of an elevated or underground, or partly elevated and partly underground, passenger railway, except the same shall be located upon, over, under, across, through or along a street, road or highway in a thickly populated locality, where the surface travel is congested; nor unless and until the necessity for the construction and operation of said railway shall have been passed on and approved by a board, consisting of the Governor, the Secretary of the Commonwealth and the Attorney General, after thirty days' public notice, published as shall be prescribed by said board."]

Section 4. That at the end of article five of the said act, the following new section is hereby added:

Section 524. Disposition of Useless Records.—Except as otherwise provided by law, whenever any administrative department, board or commission shall have an accumulation of files of correspondence, reports, records or other papers, which are not needed or useful in the transaction of the current or anticipated future work of such department, board or commission, and which date back a period of four years and more, it shall be the duty of the head of such department, board or commission to submit to the Executive Board a report of that fact, accompanied by a concise statement of the condition, quantity, and character of such papers. If the Executive Board shall be of the opinion that such files of correspondence, reports, records or other papers, or any part thereof, are not needed or useful in the transaction of the current or anticipated future work of such department, board or commission, the head of such department, board or commission shall place such files, or any part thereof, as the case may be, in the custody of the Department of Property and Supplies, and such department is hereby authorized to dispose of the same as waste paper, in the manner prescribed in this act for the sale of unserviceable property: Provided, however, That the Executive Board, with the approval of the Department of Public Instruction, may direct that any such files of correspondence, reports, records or other papers, or any part thereof, that are of historical interest be turned over to the Department of Public Instruction for preservation for historical purposes.

Section 5. That at the end of article eleven of the said act, the following new section is hereby added:

Section 1103. State Employes' Retirement Board.—Subject to any inconsistent provisions in this act contained, the State Employes' Retirement Board shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said retirement

board under the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, eight hundred and fifty-eight), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," its amendments and supplements.

Section 6. That at the end of article eighteen of the said act, the following new sections are hereby added:

Section 1822. Powers and Duties of the State Parks Commission.—The State Parks Commission shall have the power, and its duty shall be:

(a) To act as a central advisory agency for all State parks and parkways and all places of historic, scientific, scenic or wild life interest, which are or may hereafter be under the jurisdiction of the Department of Forests and Waters;

(b) To formulate and recommend to the Department of Forests and Waters plans for acquisition of lands, improvements, construction, management, use, and extension of parks, parkways, and other places of historic, scientific, scenic or wild life interest, which are or hereafter may be under the jurisdiction of the Department of Forests and Waters, and plans for the establishment of a park policy for the Commonwealth;

(c) To make available, in its discretion, information on parks and recreational facilities, and to advise as to connections and relations between State parks and other parks within the Commonwealth;

(d) To assist in the preparation of State park budgets to be submitted to the General Assembly;

(e) To divide the Commonwealth into not less than four (4) park regions to be governed by Regional Park Boards, as herein provided for;

(f) To adopt such rules and regulations, not inconsistent with law, for the control, management, protection, development, and use of State parks, as it may deem proper in aid of its powers and to insure a wise and orderly use of State parks and other places of interest, which are or may hereafter be under the jurisdiction of the Department of Forests and Waters.

Section 1823. Powers and Duties of State Park Boards.—The Regional State Park Boards shall act as advisory agents to the State Parks Commission and to

the Department of Forests and Waters, and shall formulate and recommend, through the assistant executive officers appointed by the Department of Forests and Waters of their respective Park Regions, plans for the location, acquisition, development, construction, use and extension, correlation and management, of State parks, parkways, and places of historic, scientific, scenic or wild life interest, which are or may hereafter be under the jurisdiction of the Department of Forests and Waters.

Section 7. That at the end of article twenty-five of the said act, the following new section is hereby added:

Section 2503. State Athletic Commission.—The State Athletic Commission shall, subject to any inconsistent provisions in this act contained, continue to exercise the powers and perform the duties by law vested in such commission. It shall administer the laws allowing and regulating boxing sparring and wrestling matches and exhibitions within this Commonwealth.

Section 8. The members (exclusive of the ex officio member), officers, and employes of the State Athletic Commission, which is transferred by this act from the Department of Military Affairs to the Department of Revenue, shall continue to be the members, officers, and employes of such commission, and to perform their usual duties upon the same terms and conditions as heretofore until removed or appointed to other positions. Such members, officers, and employes shall retain all accrued retirement rights, and their services shall be deemed to be continuous as if such commission had not been transferred, as aforesaid.

Section 9. The following acts and parts of acts are hereby repealed as respectively indicated:

Sections four hundred forty, eight hundred eight, one thousand four hundred eight, and two thousand three hundred twenty-one of the act to which this act is an amendment, absolutely.

Section 10. This act shall become effective immediately upon its final enactment, and shall be retroactive to the first day of June, one thousand nine hundred thirty-seven.

APPROVED—The 21st day of June, A. D. 1937.

GEORGE H. EARLE.