

## No. 200

## AN ACT

To further amend section two hundred two, to reenact and amend section four hundred seven, to reenact and further amend section one thousand two hundred eight, and to amend section two thousand nine hundred six 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," by providing for a Pennsylvania Aeronautics Commission in the Department of Commerce; by defining the constitution powers, duties and remuneration of said commission and its employes; and repealing all acts and parts of acts inconsistent therewith.

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

Section 1. Section two hundred two 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

Pennsylvania  
Aeronautics  
Commission.

Section 202, act  
of April 9, 1929,  
P. L. 177, as  
last amended by  
act of June  
6, 1939, P. L.  
250, further  
amended.

determined," as last amended by the act, approved the sixth day of June, one thousand nine hundred thirty-nine (Pamphlet Laws, two hundred fifty), is hereby further amended to read as follows:

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 Employees' 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;
- In the Department of Internal Affairs,  
Board of Property;
- In the Department of Public Instruction,  
State Council of Education,  
Pennsylvania State Board of Censors,  
Public School Employees' 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 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,  
 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 Veterinary Medical Examiners,  
 State Board for the Examination of Public Accountants,  
 State Board of Examiners of Architects,  
 Anthracite Mine Inspectors' Examining Board,  
 Mine Inspectors' Examining Board for the Bituminous Coal Mines of Pennsylvania,  
 State Registration Board for Professional Engineers,  
 State Civil Service Commissions;  
 In the Department of Military Affairs,  
 Armory Board of the State of Pennsylvania,  
 Board of Trustees of Pennsylvania Soldiers' and Sailors' Home;  
 In the Department of Banking,  
 Board to License Private Bankers,  
 Pennsylvania Securities Commission;  
 In the Department of Agriculture,  
 State Farm Products 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,  
 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,

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 delin-  
 quents, shall thereafter be known as the Board  
 of Trustees of Pennsylvania Institution for De-  
 fective 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 Hazleton State Hospital,  
 Board of Trustees of Locust Mountain State Hos-  
 pital,  
 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 Selinsgrove State Colony for  
 Epileptics.

In addition to the foregoing, there are hereby created, as departmental administrative boards in the Department of Welfare, boards of trustees for the respective institutions which are acquired by the Commonwealth from counties, cities or institution districts for actual use as State mental hospitals under the provisions of act number twenty-one, approved the twenty-ninth day of September, one thousand nine hundred thirty-eight. Each respective board of trustees shall be known as the Board

of Trustees of the

.....  
 (descriptive name of political subdivision in which institution is located)

State Hospital;

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;

In the Department of Public Assistance,  
 State Board of Public Assistance;

In the Department of Commerce,  
*Pennsylvania Aeronautics Commission*,  
 State Planning Board;

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

Section 2. Section four hundred seven of said act is hereby reenacted and amended to read as follows:

Section 407 of  
 said act re-  
 enacted and  
 amended.

Section 407. [State] *Pennsylvania Aeronautics Commission*.—The [State] *Pennsylvania Aeronautics Commission* shall consist of the Secretary of [Internal Affairs] *Commerce*, who shall be chairman thereof, and [six] *four* other members *to be appointed by the Governor*.

The Governor shall designate one of the members of the commission as vice-chairman, and the commission shall elect a secretary who need not be a member thereof.

*The commission shall have an executive director to be appointed by the Governor to serve at his pleasure who shall receive such salary as shall be fixed by the commission with the approval of the Governor. The executive director shall attend to the administrative work of the commission and shall perform such other duties as shall from time to time be imposed upon him by 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.*

[The vice-chairman of the commission shall receive such salary as shall be fixed by the commission, with the approval of the Governor.]

Each commissioner, at the time of his appointment and qualification, shall be a resident of the Commonwealth of Pennsylvania, and shall have been a qualified elector therein for a period of at least one year next preceding his appointment.

The members of the commission first appointed under

this act, shall continue in office for terms of one, two, three, *and* four [five and six] years, respectively, and until their respective successors shall be duly appointed and shall have qualified, but their successors shall be appointed for terms of [six] *four* years.

[Four] *Three* members of the commission shall be a quorum. When [four] *three* members act as a quorum for any purpose, including the making of any order or the ratification of any act done or order made by one or more of the commissioners, they must act unanimously. No vacancy in the commission shall impair the right of a quorum of the commissioners to exercise all the rights and perform all the duties of the commission.

No commissioner, and no employe, appointee, or official engaged in the service of, or in any manner connected with, said commission shall hold any office or position, or be engaged in any business, employment, or vocation, the duties of which are incompatible with the duties of his office or employment as commissioner, or in the service or in connection with the work of the commission. No commissioner shall participate in any hearing or proceeding in which he has any direct or indirect [pecuniary] *pecuniary* interest.

Every commissioner, the secretary of the commission, and every individual employed or appointed to office under, in the service of, or in connection with, the work of the commission, is hereby forbidden to solicit, suggest, request, or recommend, directly or indirectly, to any person engaged in commercial flying doing business in this Commonwealth, or to any officer, attorney, agent, or employe thereof, the appointment of any individual to any office, place or position in, or the employment of any individual in, any capacity, by said commercial flyer or common carrier.

Any investigation, inquiry, or hearing, which the commission has power to undertake or hold, may be undertaken or held by or before any one or more of the commissioners. All investigations, inquiries, or hearings, before or by any such commissioner or commissioners, shall be and be deemed to be the investigations, inquiries, and hearings of the commission. Any determination, ruling, or order of a commissioner or commissioners, upon any such investigation, inquiry, or hearing, undertaken or held by him or them, shall not become and be effective, until approved and confirmed by at least a quorum of the commission and ordered to be filed in its office. Upon such confirmation and order, such determination, ruling, or order shall be the determination, ruling, or order of the commission. In any investigation, inquiry, or hearing, which may hereafter be instituted, the commission is hereby authorized to employ [a] special [agent] *agents* or [examiner]

examiners, with the approval of the Attorney General, who shall have the power to administer oaths and examine witnesses and receive evidence in any locality which the commission, having regard to the public convenience and the proper discharge of its functions and duties, may designate. The testimony and evidence so taken or received shall have the same force and effect as if taken or received by the commission, or any one or more of the commissioners as above provided.

The chairman of the commission 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, or inspectors, 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 vice-chairman of the commission shall, in the absence of the chairman, perform his duties, and shall at any time perform such duties as the chairman shall have requested him in writing to perform, and, as to such duties, shall have authority equal to that of the chairman.

The secretary of the commission shall have such powers and perform such duties, not contrary to law, as the commission shall prescribe. The secretary 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 commission, or a quorum thereof, shall hold stated meetings at least once a month during the year, at its principal office, and may hold meetings at any time and at any place within this Commonwealth.

Section 3. Section one thousand two hundred eight of said act, as amended by the act, approved the first day of June, one thousand nine hundred thirty-one (Pamphlet Laws, three hundred fifty), is hereby re-enacted and further amended to read as follows:

Section 1208. [State] *Pennsylvania* Aeronautics Commission.—The [State] *Pennsylvania* Aeronautics Commission shall exercise the powers and perform the duties vested in and imposed upon it by [the Aeronautics Act] *The Aeronautical Code, the act approved the twenty-fifth day of May, one thousand nine hundred thirty-three (Pamphlet Laws, one thousand one)*, and other applicable laws, and, in connection with the desig-

Section 1208 of said act, as amended by act of June 1, 1931, P. L. 350, re-enacted and further amended.

nation and establishment of civil airways within, over, and above the lands or waters of this Commonwealth, it shall have the power, to the extent to which the General Assembly shall have appropriated funds to it for the purpose:

(a) Either alone or in cooperation with counties, cities, boroughs, or townships, to establish, operate, and maintain, along such airways, all necessary navigation facilities, including intermediate landing fields;

(b) To accept, in the name of the Commonwealth, donations of intermediate landing fields, or grounds suitable for intermediate landing field purposes, or necessary for safe-guarding flying, or buildings to be used in connection with intermediate landing fields;

(c) To make recommendations to the Department of Property and Supplies for the acquisition, in the name of the Commonwealth, by lease, purchase, or condemnation, of lands, with or without buildings, suitable for the establishment thereon of intermediate landing fields, such lands to be acquired by the Commonwealth, acting alone or in cooperation with counties, cities, boroughs, or townships having authority to acquire and maintain such fields;

(d) To make additions and improvements in or to intermediate landing fields and facilities under its control, and, either alone or in cooperation with others, to provide personnel, heat, light, water, fuel, telephone service, drainage, runways, fueling facilities, and lighting facilities, and to remove or otherwise eliminate such obstructions as shall menace air travel;

(e) Either alone or in cooperation with others, to install, equip, maintain, and operate, intermediate landing field beacons, landing lights, markers, and other air navigation facilities, along civil airways established and set apart by it.

(f) With the approval of the Governor, to execute leases or licenses, with or without consideration, granting to the government of the United States, or any agency thereof, or to any county or municipality within this Commonwealth, the right to erect, operate and maintain, upon intermediate landing fields belonging to the Commonwealth, boundary lights and other equipment and air navigation facilities; but all such leases and licenses shall be revocable upon six months' notice, and shall require the lessee or licensee, at its own expense, to maintain any structures erected by it under its lease or license.

Section 2906  
of said act  
amended.

Section 4. Section two thousand nine hundred six of said act is hereby amended to read as follows:

Section 2906. Existing Officers to Continue; Exception.—All appointive administrative officers, holding



office when this act becomes effective, whose offices are not abolished by this act, the members of all independent administrative boards and commissions, and, unless expressly otherwise provided in this act, the appointive members of departmental administrative boards and commissions and advisory boards and commissions, which are not abolished by this act, shall continue in office until the term for which they were respectively appointed shall expire or until they shall die, resign, or be removed from office.

[The terms of the members of the State Aeronautics Commission now holding office shall expire upon the effective date of this act.]

Section 5. This act shall become effective immediately upon final enactment.

Act effective immediately.

APPROVED—The 21st day of May, A. D. 1943.

EDWARD MARTIN

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No. 201

AN ACT

To amend the title, the table of contents and certain sections of the act, approved the twenty-fifth day of May, one thousand nine hundred thirty-three (Pamphlet Laws, one thousand one), entitled "An act providing for the regulation of aeronautics within this Commonwealth; conferring powers and imposing duties upon the Department of Revenue in respect thereto; providing for the licensing and registration of airman and aircraft; establishing the legal status of air navigation; providing for sovereignty in, and ownership of, space; providing for lawfulness of flights; regulating civil causes of action arising out of operation of aircraft; fixing the status of contracts, crimes, and torts in, by, or by means of operation of aircraft; imposing duties upon officers, burgesses, magistrates, aldermen, justices of the peace, the courts and clerks thereof; providing for denial or revocation of licenses; providing for certain penalties and their disposition; and repealing certain existing laws," by conferring certain powers and imposing certain duties heretofore exercised and performed by the Department of Revenue upon the Pennsylvania Aeronautics Commission.

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

Section 1. The title of the act, approved the twenty-fifth day of May, one thousand nine hundred thirty-three (Pamphlet Laws, one thousand one), entitled "An act providing for the regulation of aeronautics within this Commonwealth; conferring powers and imposing duties upon the Department of Revenue in respect thereto; providing for the licensing and registration of airman and aircraft; establishing the legal status of air navigation; providing for sovereignty in, and ownership of, space; providing for lawfulness of flights; regu-

Pennsylvania  
Aeronautics  
Commission.

Title of act of  
May 25, 1933,  
P. L. 1001,  
amended.