

# VETOES OF 1951

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BILLS RETURNED TO THE LEGISLATURE BY THE GOVERNOR, WITH HIS OBJECTIONS THERETO, DURING ITS REGULAR SESSION ENDING DECEMBER 22, 1951.

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No. 1

## AN ACT

To amend clause (i) of section one thousand four hundred and one of the act, approved the third day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," by providing for the purchase of and payment for policies of insurance on commission property.

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

Section 1. Clause (i) of section one thousand four hundred and one of the act, approved the third day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," is hereby amended to read as follows:

Section 1401. Continuance of Game Fund; Appropriation.—All license fees, fines, permit fees, and other moneys received and collected (a) under the provisions of any law repealed and replaced by this act, and now held in the State Treasury as the Game Fund, or (b) that may be hereafter paid into the State Treasury under the provisions of any act so repealed or replaced, or (c) that may be paid into the State Treasury under the provisions of this act, shall be placed in the separate fund known as "The Game Fund," and shall be held separately and apart solely for the following purposes:

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(i) For the purchase of such furniture, furnishings, stationery, supplies, materials, fuel, motor vehicles, tractors, trucks, boats, horses and other equipment as may be necessary for the conduct of the work of the commission and for the maintenance of equipment, and for the payment of premiums on bonds for such officers or employes of the commission as may be required; also to furnish them policies of Workmen's Compensation Insurance and policies of liability insurance covering the aforesaid motor vehicles and the person operating same; *also to purchase policies of insurance of any kind which the commission may desire to carry on buildings, contents of buildings, furniture, machinery and equipment under its control or in its custody and to pay the requisite premiums, which bonds or insurance policies*

shall have been contracted for by the Department of Property and Supplies as agent of the commission.

Section 2. The provisions of this act shall become effective immediately upon final enactment.

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, March 31, 1951.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I return herewith, without my approval, Senate Bill No. 47, Printer's No. 41, entitled "An act to amend clause (i) of section one thousand four hundred and one of the act, approved the third day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 1225), entitled 'An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto,' by providing for the purchase of and payment for policies of insurance on commission property."

This bill amends clause (i) of section 1401, of "The Game Law" by authorizing the Pennsylvania Game Commission to purchase insurance policies in order to protect buildings and property which are in its custody or control and to pay the necessary premiums therefor.

The Act of May 14, 1915, P. L. 524, as amended by the Act of May 12, 1921, P. L. 549, makes it unlawful for any department, bureau, commission or any other branch of the State government or any board of trustees or custodians of State property to purchase, secure or obtain any policy of insurance on any property owned by the Commonwealth. This act also creates a fund for the rebuilding, restoration and replacement of any structure, property or equipment owned by the Commonwealth of Pennsylvania and damaged or destroyed by fire or other casualty.

Senate Bill No. 47, Printer's No. 41, is therefore contrary to the long established policy of this Commonwealth.

It is possible that the Act of May 14, 1915, P. L. 524, supra, and the method provided in it for the rebuilding and replacement of Commonwealth property damaged by fire or other casualty should be restudied. Until this is done, however, we see no reason to permit one commission owning a relatively very small part of the property of the Commonwealth to follow a policy contrary to that of the other departments, boards and commissions.

For this reason the bill is not approved.

JOHN S. FINE

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No. 2

AN ACT

To amend section 2 of the act, approved the first day of June, one thousand nine hundred forty-five (Pamphlet Laws 1340), entitled "An act relating to the financial responsibility of operators and owners of motor vehicles; and to make uniform the law with reference thereto; requiring owners and operators in certain cases to furnish proof of financial responsibility; providing for the suspension of operator's licenses and motor vehicle registration certificates in

certain cases; regulating insurance policies which may be accepted as proof of financial responsibility; imposing duties upon the Secretary of Revenue, the State Treasurer and prothonotaries; and prescribing penalties," by providing that certain appeals may be taken to the court of common pleas of the county in which the aggrieved person resides.

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

Section 1. Section 2 of the act, approved the first day of June, one thousand nine hundred forty-five (Pamphlet Laws 1340), entitled "An act relating to the financial responsibility of operators and owners of motor vehicles; and to make uniform the law with reference thereto; requiring owners and operators in certain cases to furnish proof of financial responsibility; providing for the suspension of operator's licenses and motor vehicle registration certificates in certain cases; regulating insurance policies which may be accepted as proof of financial responsibility; imposing duties upon the Secretary of Revenue, the State Treasurer and prothonotaries; and prescribing penalties," is hereby amended to read as follows:

Section 2. Secretary to Administer Act; Appeal to Court.—

(a) The secretary shall administer and enforce the provisions of this act and may make rules and regulations necessary for its administration.

(b) Any person aggrieved by an order or act of the secretary under the provisions of sections four to eleven of this act may, within [ten] *thirty* days after notice thereof, file a petition in the court of common pleas of [Dauphin County] *the county in which the aggrieved person resides* for a trial de novo to determine whether such order or act is lawful and reasonable. The filing of such a petition shall not suspend the order or act of the secretary, unless a stay thereof shall be allowed by a judge of said court pending final determination of the matter. The court shall summarily hear the petition and may make any appropriate order or decree.

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, May 16, 1951.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill No. 513, Printer's No. 179, entitled "An act to amend section 2 of the act, approved the first day of June, one thousand nine hundred forty-five (Pamphlet Laws 1340), entitled 'An act relating to the financial responsibility of operators and owners of motor vehicles; and to make uniform the law with reference thereto; requiring owners and operators in certain cases to furnish proof of financial responsibility; providing for the suspension of operator's licenses and motor vehicle registration certificates in certain cases; regulating insurance policies which may be accepted as proof of financial responsibility; imposing duties upon the Secretary of Revenue, the State Treasurer and prothonotaries; and prescribing penalties,' by providing that certain appeals may be taken to the court of common pleas of the county in which the aggrieved person resides."

This bill proposes to amend section two of the Motor Vehicle Safety Responsibility Act, by inter alia, eliminating the exclusive jurisdiction of the Court of Common Pleas of Dauphin County of appeals from orders issued by the Secretary of Revenue in the administration of the act and conferring jurisdiction upon the court of common pleas of the county in which the party affected thereby resides.

I am informed by the Department of Revenue and the Department of Justice that the existing law has the material advantage of uniformity of interpretation and application of the act and the elimination of administrative burdens incidental to litigation in the several common pleas courts. It has functioned well and no substantial reason is apparent for the alteration which this bill would work. Indeed, the public interest dictates the continuation of the existing law.

For these reasons, the bill is not approved.

JOHN S. FINE

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No. 3  
AN ACT

Requiring cities of the first class to make annual appropriations to Firemen's Pension Funds.

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

Section 1. Every city of the first class shall annually appropriate to the Firemen's Pension Funds of such cities, an amount which, when added to the contributions of members of such funds during each year and income from investments each year, shall equal a total sufficient to pay in full the retirement allowances payable each year. No such appropriation shall be less than two hundred thousand dollars (\$200,000).

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, June 2, 1951.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill No. 466, Printer's No. 174, entitled "An act requiring cities of the first class to make annual appropriations to Firemen's Pension Funds."

This bill would require the City of Philadelphia to appropriate annually to the Firemen's Pension Fund of Philadelphia, a sum sufficient to make up any deficiency occasioned by an excess of current benefit payments over current contributions and investment income. The bill provides further that no such appropriation should be less than \$200,000.

Section 6-600 of the City Charter of Philadelphia vests in a Board of Pensions and Retirement the function of formulating and submitting to city council for consideration and enactment a comprehensive retirement system covering all city employes. I feel that inasmuch as the City Charter of Philadelphia was adopted by the

electorate of that city on April 17, 1951, it would be inappropriate for the General Assembly to reassume those powers so recently conferred upon the voters of Philadelphia.

For these reasons, the bill is not approved.

JOHN S. FINE

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No. 4

AN ACT

To further amend the act, approved the twenty-fourth day of May, one thousand eight hundred and ninety-three (Pamphlet Laws 129), entitled "An act to empower boroughs and cities to establish a police pension fund, to take property in trust therefor and regulating and providing for the regulation of the same," by providing a method of paying service increments from the retirement fund in cities of the first class to members of the police force after retirement.

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

Section 1. Section one of the act, approved the twenty-fourth day of May, one thousand eight hundred and ninety-three (Pamphlet Laws 129), entitled "An act to empower boroughs and cities to establish a police pension fund, to take property in trust therefor and regulating and providing for the regulation of the same," as last amended by the act, approved the second day of July, one thousand nine hundred thirty-seven (Pamphlet Laws 2795), is hereby further amended to read as follows:

Section 1. Be it enacted, &c., That the several cities of this Commonwealth, incorporated by general or special laws, shall establish by ordinance a police retirement fund to be maintained by an equal and proportionate monthly charge against each member of the police force which shall not exceed annually three and one-half per centum of the pay of such member and by annual appropriations made by the city, which fund shall be under the direction of councils or committed to the direction of such officers of the city as may be designated by councils, and applied under such regulations as councils may by ordinance prescribe for the benefit of such members of the police force as shall receive honorable discharge therefrom by reason of age or disability and the families of such as may be injured or killed in the service, but such retirement allowances as shall be made to those who are retired by reason of the disabilities or age shall be in conformity with a uniform scale.

The annual appropriation made by the city each year shall be sufficient, when added to the contributions made by members of the police force during such year and income from investments, to pay in full the retirement allowances *and, in cities of the first class, only the service increments* payable during such year.

Such ordinance may prescribe a minimum period of continuous service, but not less than twenty years and a minimum age of fifty years, after which members of the force may be retired from active duty, and such members as are retired shall be subject to service from time to time as a police reserve until unfitted for such service, when they may be finally discharged by reason of age or disability.

Payments made under the provisions of this section shall not be a charge on any other fund in the treasury of the city or under its control save the police retirement fund herein provided for. The basis of the apportionment of the retirement allowance shall be determined by the rate of the monthly pay of the member at the date of death, honorable discharge, or retirement, and shall not in any case exceed in one year one-half the annual pay of such member computed at such monthly rate.

Section 2. Said act is hereby further amended by adding thereto, after section one, a new section to read as follows:

*Section 1.1. In every city of the first class, in addition to the retirement allowance which is authorized by this act and notwithstanding the limitations therein placed upon retirement allowances and upon contributions, every contributor who shall become entitled to the retirement allowance and who has reached the age of fifty years shall also be entitled to the payment of a "service increment" in accordance with and subject to the conditions hereinafter set forth.*

(1) Service increment shall be the sum obtained by computing the number of whole years after having reached the age of fifty during which a contributor has been employed by such city and paid out of the city treasury and multiplying the said number of years so computed by an amount equal to one-fortieth of the retirement allowance which has become payable to such contributor in accordance with the provisions of this act. In computing the service increment, no employment after the contributor has reached the age of sixty-five years shall be included and no service increment shall be paid in excess of one hundred dollars (\$100.00) per month.

(2) Each contributor, from and after the effective date of this amendment, shall pay into the retirement fund a monthly sum in addition to his or her retirement contribution, which shall be equal to one-half of one per centum of his or her salary: Provided, That such payment shall not exceed the sum of one dollar (\$1.00) per month: And provided, That such service increment contribution shall not be paid after a contributor has reached the age of sixty-five years.

(3) Persons who are contributors on the effective date of this amendment who have already reached the age of sixty-five years shall have his or her service increment computed on the years of employment prior to the date of reaching his or her sixty-fifth birthday.

(4) Service increment contributions shall be paid at the same time and in the same manner as retirement contributions and may be withdrawn in full, without interest, by persons who leave the employment of such city, subject to the same conditions by which retirement contributions may be withdrawn. When any person is re-employed by the city after withdrawal of retirement contributions, his or her prior service shall not be used in the computation of service increment unless the amount of such contributions be repaid into the retirement fund, subject to the same conditions by which retirement fund withdrawals are permitted to be repaid.

(5) All employes of such city who are now contributors to the retirement fund and all persons who are employed by such city after the effective date of this amendment who are required to become contributors to the retirement fund shall be subject to the provisions of this section.

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, June 2, 1951.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill No. 569, Printer's No. 239, entitled "An act to further amend the act, approved the twenty-fourth day of May, one thousand eight hundred and ninety-three (Pamphlet Laws 129), entitled 'An act to empower boroughs and cities to establish a police pension fund, to take property in trust therefor and regulating and providing for the regulation of the same,' by providing a method of paying service increments from the retirement fund in cities of the first class to members of the police force after retirement."

The proposed amendment, relating only to cities of the first class, would, in addition to the other retirement benefits, provide for a "service increment" allowance. This allowance would be accorded any member who, after having reached the age of fifty, and after having completed sufficient prior service to become eligible for retirement, nevertheless continues in active service.

Section 6-600 of the City Charter of Philadelphia vests in a Board of Pensions and Retirement the function of formulating and submitting to city council for consideration and enactment a comprehensive retirement system covering all city employes. I feel that inasmuch as the City Charter of Philadelphia was adopted by the electorate of that city on April 17, 1951, it would be inappropriate for the General Assembly to reassume those powers so recently conferred upon the voters of Philadelphia.

For these reasons, the bill is not approved.

JOHN S. FINE

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No. 5

AN ACT

To further amend section 4, to amend subsection (d) of section 4.1, to add sections 4.2 and 4.3, and to amend paragraph (1) of section 14 of the act, approved the twentieth day of May, one thousand nine hundred fifteen (Pamphlet Laws 566), entitled "An act requiring cities of the first class to establish a pension fund for employes of said cities, and all county or other public employes, if any, paid by appropriation of the city councils thereof, and out of the treasury of said cities; and regulating the administration and the payment of such pensions," by clarifying the amount of contributions by certain pensioners and the method of computing lesser pensions; changing date of completing certain payments and the age to which pension increments may be computed; fixing minimum pensions; and providing benefits for surviving spouse.

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

Section 1. Section 4 of the act, approved the twentieth day of May, one thousand nine hundred fifteen (Pamphlet Laws 566), entitled "An act requiring cities of the first class to establish a pension fund for employes of said cities, and all county or other public em-

ployes, if any, paid by appropriation of the city councils thereof, and out of the treasury of said cities; and regulating the administration and the payment of such pensions," as last amended by the act, approved the second day of May, one thousand nine hundred forty-nine (Pamphlet Laws 852), is hereby further amended to read as follows:

Section 4. During the lifetime of the said person he or she shall be entitled to receive a pension, from the fund set aside for the purpose, of fifty per centum of the amount which would constitute the average rate of pay at which he or she was employed during the highest salaried five years of his or her employment by the said city, or other public employment, as aforesaid. Said pension shall be paid in monthly payments: Provided, That if any pension be granted to a person who has not been a contributor to the pension fund, as herein provided, during a period of twenty years, such person shall be required to pay into the board of pensions, monthly, an amount equal to [two] *four* per centum of his or her pension, until such time as his or her contribution shall have extended during a period of twenty years. Should any person so employed, after twenty years of service, be dismissed, voluntarily retire, or be in any manner deprived of his position or employment, before attaining the age of sixty years, upon continuing a monthly payment to the fund equal to the last amount due and paid monthly while in active service, said person shall be entitled to a pension above mentioned, notwithstanding he or she has not attained the age of sixty years at the time of his or her separation from the public service; but said pension shall not commence until he or she has attained the age of sixty years. Should any employe, however, become totally and permanently disabled while in the service, after twenty years of service and before attaining the age of sixty years, he or she shall be entitled to the said pension. Proof of total and permanent disability shall consist of the sworn statement of three practicing physicians, designated by the board, that the employe is in a permanent condition of health which would totally disable him or her from performing the duties of his or her position or office: Provided, That in cases where the nature of such disability is such as to disable the employe from performing any work whatsoever, either within or without the scope of his regular duties or within or without the service of such city or county, the board may, upon a recommendation of the three practicing physicians herein provided for, retire upon pension such applicant after a service of fifteen years: Provided further, That the benefits of this amendment shall apply to members of the pension fund who have been contributors to the said fund for five years or more. The pension paid to any one employe whose monthly payments into the pension fund have been four dollars or less a month, shall not exceed one hundred dollars per month. The pension paid to any one employe whose monthly payments \* [unto] *into* the pension fund have been more than four dollars a month for a period of at least two years, may exceed one hundred dollars per month, but shall not exceed two hundred dollars per month: Provided, That if an employe, upon the date of retirement from service, shall have made payments of more than four dollars a month unto the pension fund for a period of less than two years, his

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\* "[unto]" omitted in original.



or her pension shall not exceed one hundred dollars per month, but an amount equal to the total amount paid in excess over four dollars a month shall be returned to such employe.

The pension to be paid to any former employe who was dismissed, voluntarily retired, or in any manner was deprived of his position and employment, after having twenty years of service as an employe of said city, and who has continued making payments to the fund equal to the last amount due and paid monthly while in active service, and who has not accepted any pension under the provisions of the act to which this is an amendment, shall be at the pension rate as provided in section five, and his payments to the board of pensions after the first day of September, one thousand nine hundred forty-five, shall be in an amount equal to the amount which he would have been permitted to make had he continued in the employ of said city after the first day of September, one thousand nine hundred forty-five, and had continued to be paid the same salary as he received when he was last employed by said city. This new amount, whether it be more, less, or the same as, the amount which he paid prior to the first day of September, one thousand nine hundred forty-five, he shall continue to pay until he applies for a pension under the provisions of this act. If there be any difference between the amount which he has paid from the first day of September, one thousand nine hundred forty-five, and the amount which he has elected to pay under the provisions of section five, he shall pay such difference into the board of pensions [within six months of the effective date of this amendment] *on or before the first day of December, one thousand nine hundred fifty-one.*

Section 2. Subsection (d) of section 4.1 of said act, as added thereto by the act, approved the second day of May, one thousand nine hundred forty-nine (Pamphlet Laws 845), is hereby further amended to read as follows:

Section 4.1. \* \* \* \* \*

(d) Every such lesser pension shall be proportionate to the pension which the employe would be entitled to receive after twenty years of service and contribution, computed as if he had continued to receive, during the remainder of the twenty years, the [same salary as \*at the time of the termination of his active service] *average rate of pay at which he was employed during the highest salaried five years of his active service* as his number of months of service is to two hundred forty months.

Section 3. Sections 4.2 and 4.3 are hereby added to said act to read as follows:

*Section 4.2. In no event shall the pension hereafter payable after twenty (20) years of service be less than seventy-five dollars (\$75.00) a month, or after fifteen (15) years and less than twenty (20) years of service, be less than sixty dollars (\$60.00) a month, to any person now or hereafter entitled to a pension under the provisions of this act.*

*Section 4.3. Any married person retiring under the provisions of this act shall, at the time of his or her retirement, receive the pension provided by this act during his or her lifetime, and a pension after*

\* "the" in original.

his or her death, payable to his or her surviving spouse at the time of retirement, equal to fifty per centum of his or her pension: Provided, That such person so retiring shall have been married to his or her spouse for not less than five years prior to the date of retirement and the spouse is dependent upon such deceased employe at the time of his or her death.

The pension to be paid to such surviving spouse shall begin on the first day of the month in which the death of the deceased spouse occurs, on the first day of the month following the surviving spouse's attainment of the age of fifty-five, whichever is the later, and shall continue to and terminate upon the death of such surviving spouse, unless such surviving spouse shall re-marry, in which event the payment of his or her survivor's pension shall thereupon be terminated.

The word "pension" as used in this section shall be construed to mean the sum of the pension provided by this act plus the amount of service increment, if any, to which the married person retiring under the provisions of this act shall be entitled.

Section 4. Paragraph (1) of section 14 of said act, as added thereto by the act, approved the second day of May, one thousand nine hundred forty-nine (Pamphlet Laws 852), is hereby amended to read as follows:

Section 14. In addition to the pension which is authorized by this act and notwithstanding the limitations therein placed upon pensions and upon contributions, every contributor who shall become entitled to the payment of a pension and who has been employed by the said city or county for at least twenty-one years shall also be entitled to the payment, in addition to the said pension, of a "service increment" in accordance with and subject to the conditions hereinafter set forth.

(1) Service increment shall be the sum obtained by computing the number of whole years in excess of twenty years during which a contributor has been employed by such city or county and paid out of the city treasury and multiplying the said number of years so computed by an amount equal to one-fortieth of the pension which has become payable to such contributor in accordance with the provisions of this act: Provided, That no service increment may be paid for employment of more than twenty such excess years nor for any excess years which shall accrue after a contributor has reached the age of [sixty-five] *seventy* years and no service increment shall be paid in excess of one hundred dollars (\$100.00) per month.

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, June 2, 1951.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill No. 647, Printer's No. 284, entitled "An act to further amend section 4, to amend subsection (d) of section 4.1, to add sections 4.2 and 4.3, and to amend paragraph (1) of section 14 of the act, approved the twentieth day of May, one thousand nine hundred fifteen (Pamphlet Laws 566), entitled 'An act requiring cities of the first class to estab-

lish a pension fund for employes of said cities, and all county or other public employes, if any, paid by appropriation of the city councils thereof, and out of the treasury of said cities; and regulating the administration and the payment of such pensions,' by clarifying the amount of contributions by certain pensioners and the method of computing lesser pensions; changing date of completing certain payments and the age to which pension increments may be computed; fixing minimum pensions; and providing benefits for surviving spouse."

The provisions of all the sections amended relate to survivorship pensions limited to the spouses of deceased pensioners.

Section 6-600 of the City Charter of Philadelphia vests in a Board of Pensions and Retirement the function of formulating and submitting to city council for consideration and enactment a comprehensive retirement system covering all city employes. I feel that inasmuch as the City Charter of Philadelphia was adopted by the electorate of that city on April 17, 1951, it would be inappropriate for the General Assembly to reassume those powers so recently conferred upon the voters of Philadelphia.

For these reasons, the bill is not approved.

JOHN S. FINE

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No. 6

AN ACT

To further amend the act, approved the twentieth day of May, one thousand nine hundred fifteen (Pamphlet Laws 566), entitled "An act requiring cities of the first class to establish a pension fund for employes of said cities, and all county or other public employes, if any, paid by appropriation of the city councils thereof, and out of the treasury of said cities; and regulating the administration and the payment of such pensions," by reducing the retirement age.

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

Section 1. Section 3 of the act, approved the twentieth day of May, one thousand nine hundred fifteen (Pamphlet Laws 566), entitled "An act requiring cities of the first class to establish a pension fund for employes of said cities, and all county or other public employes, if any paid by appropriation of the city councils thereof, and out of the treasury of said cities; and regulating the administration and the payment of such pensions," as amended by the act, approved the fifth day of July, one thousand nine hundred seventeen (Pamphlet Laws 689), is hereby further amended to read as follows:

Section 3. Every person now or hereafter employed by the said cities, or paid out of the city treasury thereof, as herein above provided, if any, of the age of [sixty] *fifty-five* years and upwards, who shall have been so employed for a period of twenty years or more, shall upon application to the board of pensions herein created, be retired from service, and shall during the remainder of his or her life receive a pension or compensation fixed by this act, subject to such qualifications as are herein contained: Provided, That if any person or persons had been employed by the said cities for a period covering

eighteen years or more prior to the passage of this act, and shall thereafter be reemployed, it shall be necessary that the period of their reemployment shall extend over a period of two years or more before such person or persons shall be entitled to receive the pension fixed by this act.

Section 2. Section 4 of said act, as last amended by the act, approved the second day of May, one thousand nine hundred forty-nine (Pamphlet Laws 852), is hereby further amended to read as follows:

Section 4. During the lifetime of the said person he or she shall be entitled to receive a pension, from the fund set aside for the purpose, of fifty per centum of the amount which would constitute the average rate of pay at which he or she was employed during the highest salaried five years of his or her employment by the said city, or other public employment, as aforesaid. Said pension shall be paid in monthly payments: Provided, That if any pension be granted to a person who has not been a contributor to the pension fund, as herein provided, during a period of twenty years, such person shall be required to pay into the board of pensions, monthly, an amount equal to two per centum of his or her pension, until such time as his or her contribution shall have extended during a period of twenty years. Should any person so employed, after twenty years of service, be dismissed, voluntarily retire, or be in any manner deprived of his position or employment, before attaining the age of [sixty] *fifty-five* years, upon continuing a monthly payment to the fund equal to the last amount due and paid monthly while in active service, said person shall be entitled to a pension above mentioned, notwithstanding he or she has not attained the age of [sixty] *fifty-five* years at the time of his or her separation from the public service; but said pension shall not commence until he or she has attained the age of [sixty] *fifty-five* years. Should any employe, however, become totally and permanently disabled while in the service, after twenty years of service and before attaining the age of [sixty] *fifty-five* years, he or she shall be entitled to the said pension. Proof of total and permanent disability shall consist of the sworn statement of three practicing physicians, designated by the board, that the employe is in a permanent condition of health which would totally disable him or her from performing the duties of his or her position or office: Provided, That in cases where the nature of such disability is such as to disable the employe from performing any work whatsoever, either within or without the scope of his regular duties or within or without the service of such city or county, the board may, upon a recommendation of the three practicing physicians herein provided for, retire upon pension such applicant after a service of fifteen years: Provided, further, That the benefits of this amendment shall apply to members of the pension fund who have been contributors to the said fund for five years or more. The pension paid to any one employe whose monthly payments into the pension fund have been four dollars or less a month, shall not exceed one hundred dollars per month. The pension paid to any one employe whose monthly payments unto the pension fund have been more than four dollars a month for a period of at least two years, may exceed one hundred dollars per month, but shall not exceed two hundred dollars per month: Provided, That if an employe, upon the

date of retirement from service, shall have made payments of more than four dollars a month unto the pension fund for a period of less than two years, his or her pension shall not exceed one hundred dollars per month, but an amount equal to the total amount paid in excess over four dollars a month shall be returned to such employe.

The pension to be paid to any former employe who was dismissed, voluntarily retired, or in any manner was deprived of his position and employment, after having twenty years of service as an employe of said city, and who has continued making payments to the fund equal to the last amount due and paid monthly while in active service, and who has not accepted any pension under the provisions of the act to which this is an amendment, shall be at the pension rate as provided in section five, and his payments to the board of pensions after the first day of September, one thousand nine hundred forty-five, shall be in an amount equal to the amount which he would have been permitted to make had he continued in the employ of said city after the first day of September, one thousand nine hundred forty-five, and had continued to be paid the same salary as he received when he was last employed by said city. This new amount, whether it be more, less, or the same as, the amount which he paid prior to the first day of September, one thousand nine hundred forty-five, he shall continue to pay until he applies for a pension under the provisions of this act. If there be any difference between the amount which he has paid from the first day of September, one thousand nine hundred forty-five, and the amount which he has elected to pay under the provisions of section five, he shall pay such differences into the board of pensions within six months of the effective date of this amendment.

Section 3. Section 4.1 of said act, as added thereto by the act, approved the second day of May, one thousand nine hundred forty-nine (Pamphlet Laws 845), is hereby amended to read as follows:

Section 4.1. (a) Anything in this act to the contrary notwithstanding and except as otherwise provided in this section, any employe of such cities or paid out of the city treasuries thereof, in active service on or after the effective date of this act, who is a contributor to and member of the pension fund of such cities, may elect to receive and shall be paid a lesser pension during his lifetime, if and when he meets the requirements of this section. Such election shall be made by application to the board of pensions.

(b) Every employe in active service on or after the effective date of this act who is dismissed, voluntarily retired, or in any manner deprived of his position or employment, with fifteen years or more but less than twenty years of service and who has contributed to the pension fund for a like period and who has reached the age of [sixty] *fifty-five* years or upwards, may apply for such lesser pension.

(c) Every employe in active service on or after the effective date of this act who is dismissed, voluntarily retired, or in any manner deprived of his position or employment after fifteen years or more but less than twenty years of service before attaining the age of [sixty] *fifty-five* years, upon continuing until he reaches the age of [sixty] *fifty-five* years a monthly payment to the fund equal to the last amount due and paid monthly while in active service, may apply for such lesser pension when he reaches the age of [sixty] *fifty-five* years.

(d) Every such lesser pension shall be proportionate to the pension which the employe would be entitled to receive after twenty years of service and contribution, computed as if he had continued to receive, during the remainder of the twenty years, the same salary as at the time of the termination of his active service as his number of months of service is to two hundred forty months.

(e) Payment of the monthly amount of contribution shall cease and be discontinued at the time any such employe begins to receive the lesser pension provided by this section.

Section 4. Section 14 of said act, as added thereto by the act, approved the second day of May, one thousand nine hundred forty-nine (Pamphlet Laws 852), is hereby amended to read as follows:

Section 14. In addition to the pension which is authorized by this act and notwithstanding the limitations therein placed upon pensions and upon contributions, every contributor who shall become entitled to the payment of a pension and who has been employed by the said city or county for at least twenty-one years shall also be entitled to the payment, in addition to the said pension, of a "service increment" in accordance with and subject to the conditions hereinafter set forth.

(1) Service increment shall be the sum obtained by computing the number of whole years in excess of twenty years during which a contributor has been employed by such city or county and paid out of the city treasury and multiplying the said number of years so computed by an amount equal to one-fortieth of the pension which has become payable to such contributor in accordance with the provisions of this act: Provided, That no service increment may be paid for employment of more than twenty such excess years nor for any excess years which shall accrue after a contributor has reached the age of sixty-five years and no service increment shall be paid in excess of one hundred dollars (\$100.00) per month.

(2) Each contributor, from and after the effective date of this amendment, shall pay into the board of pensions a monthly sum, in addition to his or her pension contribution, which shall be equal to one-half of one per centum of his or her salary: Provided, That such payment shall not exceed the sum of one dollar (\$1.00) per month nor shall the total payment for pension contribution and service increment contribution exceed thirteen dollars (\$13.00) per month: And Provided, That such service increment contribution shall not be paid after a contributor has reached the age of sixty-five years.

(3) Persons who are pension fund contributors on the effective date of this amendment who have already reached the age of sixty-five years shall have his or her service increment computed on the years of employment prior to the date of reaching his or her sixty-fifth birthday.

(4) Any pension fund contributor who shall, after the effective date of this act, leave the service of such city or county after having completed at least twenty years' service but before reaching the age of [sixty] *fifty-five* years and who shall continue to pay pension contributions into the pension fund, shall not pay service increment contributions after the date of leaving the service of such city or county and shall have his or her service increment limited to the actual years spent in the service of such city or county.

(5) Service increment contributions shall be paid at the same time and in the same manner as pension contributions and may be withdrawn in full, without interest, by persons who leave the employment of such city or county, subject to the same conditions by which pension contributions may be withdrawn. When any person is re-employed by the city or county after withdrawal of pension contributions, his or her prior service shall not be used in the computation of service increment unless the amount of such contributions be repaid into the pension fund, subject to the same conditions by which pension fund withdrawals are permitted to be repaid.

(6) All employes of such city or county who are now contributors to the pension fund, and all persons who are employed by such city and county after the effective date of this amendment who are required to become contributors to the pension fund, shall be subject to the provisions of this amendment.

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, June 2, 1951.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill No. 827, Printer's No. 268, entitled "An act to further amend the act, approved the twentieth day of May, one thousand nine hundred fifteen (Pamphlet Laws 566), entitled 'An act requiring cities of the first class to establish a pension fund for employes of said cities, and all county or other public employes, if any, paid by appropriation of the city councils thereof, and out of the treasury of said cities; and regulating the administration and the payment of such pensions,' by reducing the retirement age."

The amendment proposed simply reduces the retirement age of employes of cities of the first class from sixty to fifty-five years.

Section 6-600 of the City Charter of Philadelphia vests in a Board of Pensions and Retirement the function of formulating and submitting to city council for consideration and enactment a comprehensive retirement system covering all city employes. I feel that inasmuch as the City Charter of Philadelphia was adopted by the electorate of that city on April 17, 1951, it would be inappropriate for the General Assembly to reassume those powers so recently conferred upon the voters of Philadelphia.

For these reasons, the bill is not approved.

JOHN S. FINE

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No. 7

AN ACT

To amend Article V of the act, approved the tenth day of March, one thousand nine hundred forty-nine (Pamphlet Laws 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," by permitting school directors to attend meetings of educational or financial interest to districts and providing for the payment of their expenses.

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

Section 1. Article V of the act, approved the tenth day of March, one thousand nine hundred forty-nine (Pamphlet Laws 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," is hereby amended by adding, after section five hundred sixteen, a new section to read as follows:

*Section 516.1. Attendance at Meetings of Educational or Financial Interest to District; Expenses.—The board of school directors of each district may authorize the attendance of one or more of its members at any meeting when, in the opinion of the board, such attendance will be of educational or financial advantage to the district. Each person so authorized to attend and attending shall be reimbursed for all expenses actually and necessarily incurred in going to, attending and returning from the place of such meeting but not exceeding eight dollars (\$8) per day, together with mileage at the rate of six cents (6c) for each mile in going to and returning from such meeting. Such expenses shall be paid by the treasurer of the school district in the usual manner out of the funds of the district upon presentation of an itemized verified statement of such expenses.*

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, June 2, 1951.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill No. 73, Printer's No. 351, entitled "An act to amend Article V of the act, approved the tenth day of March, one thousand nine hundred forty-nine (Pamphlet Laws 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," by permitting school directors to attend meetings of educational or financial interest to districts and providing for the payment of their expenses."

This bill proposes to amend the Public School Code of 1949, P. L. 30, as amended, by adding a new section (516.1) to permit school directors to attend meetings of educational or financial interest to districts. It provides for reimbursement for all expenses in going to, attending and returning from the meeting not exceeding \$8.00 per day, together with mileage at the rate of \$.06 for each mile.

This bill has no restriction as to the kind of meetings, the number of meetings, or the place of meetings which a school board may authorize a director to attend at the cost of the district, except that in the opinion of the board it must be of educational or financial advantage to the district.

This restriction is so general that it amounts to none at all.



If this bill were approved, members of the board could attend meetings at public expense anywhere in the world. It would also be possible for members of a board to attend and be paid for an unlimited number of meetings a year.

Although the great majority of school directors would undoubtedly use this authority with discretion, the bill does open the door to abuses which are not now possible and which should not be permitted.

For these reasons, the bill is not approved.

JOHN S. FINE

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No. 8

AN ACT

To further amend section one of the act, approved the twenty-fourth day of May, one thousand eight hundred and ninety-three (Pamphlet Laws 129), entitled "An act to empower boroughs and cities to establish a police pension fund, to take property in trust therefor and regulating and providing for the regulation of the same," by further prescribing for the management, administration, application and regulation of such fund in cities of the first class.

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

Section 1. Section one of the act, approved the twenty-fourth day of May, one thousand eight hundred and ninety-three (Pamphlet Laws 129), entitled "An act to empower boroughs and cities to establish a police pension fund, to take property in trust therefor and regulating and providing for the regulation of the same," as last amended by the act, approved the second day of July, one thousand nine hundred thirty-seven (Pamphlet Laws 2795), is hereby further amended to read as follows:

Section 1. Be it enacted, &c., That the several cities of this Commonwealth, incorporated by general or special laws, shall establish by ordinance a police retirement fund to be maintained by an equal and proportionate monthly charge against each member of the police force which shall not exceed annually three and one-half per centum of the pay of such member and by annual appropriations made by the city [which fund]. *In cities of the first class, the fund shall be under the direction of the Board of Directors of the Pension or Retirement Fund Association and the President of Council and three members of council appointed by the President acting as members ex-officio of such board, as provided for by the by-laws of the association. In other cities, the fund shall be under the direction of councils or committed to the direction of such officers of the city as may be designated by councils [and]. Such fund shall, except in cities of the first class, be applied under such regulations as councils may by ordinance prescribe and in cities of the first class shall be applied by the aforesaid Board of Directors for the benefit of such members of the police force as shall receive honorable discharge therefrom by reason of age or disability and the families of such as may be injured or killed in the service, but*

such retirement allowances as shall be made to those who are retired by reason of the disabilities or age shall be in conformity with a uniform scale.

The annual appropriation made by the city each year shall be sufficient, when added to the contributions made by members of the police force during such year and income from investments, to pay in full the retirement allowances payable during such year.

[Such] *In cities of the first class the Board of Directors, and in other cities the ordinance may prescribe a minimum period of continuous service, not less than twenty years and a minimum age of fifty years, after which members of the force may be retired from active duty, and such members as are retired shall be subject to service from time to time as a police reserve until unfitted for such service, when they may be finally discharged by reason of age or disability.*

Payments made under the provisions of this section shall not be a charge on any other fund in the treasury of the city or under its control save the police retirement fund herein provided for. The basis of the apportionment of the retirement allowance shall be determined by the rate of the monthly pay of the member at the date of death, honorable discharge, or retirement, and shall not in any case exceed in any year one-half the annual pay of such member computed at such monthly rate.

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, June 2, 1951.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill No. 568, Printer's No. 280, entitled "An act to further amend section one of the act, approved the twenty-fourth day of May, one thousand eight hundred and ninety-three (Pamphlet Laws 129), entitled 'An act to empower boroughs and cities to establish a police pension fund, to take property in trust therefor and regulating and providing for the regulation of the same,' by further prescribing for the management, administration, application and regulation of such fund in cities of the first class."

Under existing law, the various boroughs and cities themselves administer and control their respective police pension funds. This bill would, in the case of Philadelphia, vest these functions in a body comprised of the board of directors of the pension fund and the president and three members of the city council.

Section 6-600 of the City Charter of Philadelphia vests in a Board of Pensions and Retirement the function of formulating and submitting to city council for consideration and enactment a comprehensive retirement system covering all city employes. I feel that inasmuch as the City Charter of Philadelphia was adopted by the electorate of that city on April 17, 1951, it would be inappropriate for the General Assembly to reassume those powers so recently conferred upon the people of Philadelphia.

For these reasons, the bill is not approved.

JOHN S. FINE

## AN ACT

To further amend clause (c) of section 285 of the act, approved the second day of May, one thousand nine hundred twenty-five (Pamphlet Laws 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," by authorizing the Board of Fish Commissioners to make certain expenditures with or without bids.

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

Section 1. Clause (c) of section 285 of the act, approved the second day of May, one thousand nine hundred twenty-five (Pamphlet Laws 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," as last amended by the act, approved the twenty-fifth day of May, one thousand nine hundred thirty-seven (Pamphlet Laws 801), is hereby further amended to read as follows:

Section 285. Fish License Fund Established.—

\* \* \* \* \*

(c) The purchase of any item costing up to twenty-five dollars (\$25) may be made without obtaining competitive bids; the purchase of any item costing over twenty-five dollars (\$25) but less than one hundred dollars (\$100) shall be made only upon obtaining at least two competitive bids; items costing over one hundred dollars (\$100) shall be made through the Department of Property and Supplies as purchasing agency, of such furniture, furnishings, stationery, supplies, materials, equipment, fuel, motor vehicles, and printing and binding, as may be necessary in the conduct of the work of the board, and the payment of premiums on surety bonds for such officers or employes of the board as may be required to furnish them policies of Workmen's Compensation Insurance and policies of liability insurance, covering the aforesaid motor vehicles and persons operating same, which bonds or insurance policies shall have been contracted for by the Department of Property and Supplies as agent of the board.

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, June 30, 1951.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill No. 721, Printer's No. 192, entitled "An act to further amend clause (c) of section 285 of the act, approved the second day of May, one thousand nine hundred twenty-five (Pamphlet Laws 448), entitled 'An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth,' by authorizing the Board of Fish Commissioners to make certain expenditures with or without bids."

This bill proposes to amend section 285 of the Fish Law by authorizing the Fish Commission to purchase items costing up to twenty-five dollars (\$25.00) without obtaining competitive bids, and the items costing between twenty-five dollars (\$25.00) and one hundred dollars (\$100.00) upon obtaining at least two competitive bids.

Section 12 of Article III of the Constitution of Pennsylvania provides that all stationery, printing, paper and fuel used by the State must be purchased under contract to be given to the lowest responsible bidder. Therefore, this bill is unconstitutional or ineffective so far as the items mentioned in the Constitution are concerned.

As to other articles to be purchased, it has always been a fundamental requisite with respect to award of contracts by the government that they be given to the lowest responsible bidder. As was said recently by the Dauphin County Court, in an opinion with regard to public bidding, "It is the surest criterion to insure honesty and fairness in such public contracts." I see no reason for departing from a course of long standing, even to the limited extent attempted by this bill.

For these reasons, the bill is not approved.

JOHN S. FINE

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No. 10

AN ACT

To amend the title and section 1 of the act, approved the twelfth day of July, one thousand nine hundred thirty-five (Pamphlet Laws 708), entitled "An act empowering the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of the Pennsylvania Industrial School, to grant a right of way or easement to the Penn Central Light and Power Company across lands of the Pennsylvania Industrial School, on certain conditions," by authorizing the relocation of the right of way or easement by agreement of the interested parties.

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

Section 1. The title and section 1 of the act, approved the twelfth day of July, one thousand nine hundred thirty-five (Pamphlet Laws 708), entitled "An act empowering the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of the Pennsylvania Industrial School, to grant a right of way or easement to the Penn Central Light and Power Company across lands of the Pennsylvania Industrial School, on certain conditions," are hereby amended to read as follows:

An Act

Empowering the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of the Pennsylvania [Industrial School] *Institution for Defective Delinquents*, to grant a right of way or easement to the [Penn Central Light and Power Company] *Pennsylvania Electric Company, successor of Penn Central Light and Power Company, its successors and assigns*, across lands of the Pennsylvania [Industrial School] *Institution for Defective Delinquents*, on certain conditions.

Section 1. Be it enacted, &c., That the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of the Pennsylvania [Industrial School at Huntingdon] *Institution for Defective Delinquents*, is hereby empowered, on behalf of the Commonwealth of Pennsylvania, to grant and confirm a perpetual right of way or easement to the [Penn Central Light and Power Company] *Pennsylvania Electric Company, successor of Penn Central Light and Power Company, its successors and assigns*, to occupy or continue to occupy a right of way over lands of the Pennsylvania [Industrial School] *Institution for Defective Delinquents*, located in Smithfield Township, for the purpose of maintaining a power line, on condition that the said [Penn Central Light and Power Company] *Pennsylvania Electric Company, successor of Penn Central Light and Power Company, its successors and assigns*, shall grant to the Commonwealth of Pennsylvania, for the use of the Pennsylvania [Industrial School] *Institution for Defective Delinquents*, the continued use of a spring belonging to the [Penn Central Light and Power Company] *Pennsylvania Electric Company, successor of Penn Central Light and Power Company, its successors and assigns*, together with a right of way over lands of said company for a water line to said spring.

The Department of Property and Supplies shall have power to enter into, execute and acknowledge such agreement or agreements with the [Penn Central Light and Power Company] *Pennsylvania Electric Company, successor of Penn Central Light and Power Company, its successors and assigns*, containing such covenants as may be deemed necessary, to accomplish the purposes of this act, and to protect the interests of the Commonwealth. A copy of any such agreement duly recorded shall be filed with the Department of Internal Affairs.

*Relocations of said right of way or easement may, from time to time, be made as shall be agreed upon between the Pennsylvania Electric Company, successor of Penn Central Light and Power Company, its successors and assigns, and the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of the Pennsylvania Institution for Defective Delinquents.*

Section 2. The provisions of this act shall become effective immediately upon final enactment.

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, July 19, 1951.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill No. 1071, Printer's No. 373, entitled "An act to amend the title and section 1 of the act, approved the twelfth day of July, one thousand nine hundred thirty-five (Pamphlet Laws 708), entitled 'An act empowering the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of the Pennsylvania Industrial School, to grant a right of way or easement to the Penn Central Light and Power Company across lands of the Pennsylvania Industrial

School, on certain conditions,' by authorizing the relocation of the right of way or easement by agreement of the interested parties.'"

This bill is unnecessary; it is similar to Senate Bill No. 672, Act No. 192 of 1951, approved on June 30, 1951, except that section 1 of this bill additionally provides that relocations of the right of way or easement may, from time to time, be made as shall be agreed upon between the company and the Department of Property and Supplies, with the approval of the Governor, and the Board of Trustees of the Pennsylvania Institution for Defective Delinquents.

For this reason, the bill is not approved.

JOHN S. FINE

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No. 11

AN ACT

To further amend the title and section 1 of the act, approved the sixteenth day of April, one thousand nine hundred seven (Pamphlet Laws 92), entitled, as amended, "An act defining the duty of coroners, where death is sudden or violent, or is of a suspicious nature and character, and of police, and health authorities, in this Commonwealth, in reference to the disposition of bodies of persons whose cause of death may be the subject of inquiry by the coroner, but where it appears the cause of death is not surrounded by suspicious circumstances," by prescribing duties of coroners and deputy coroners when death occurs to an inmate of any institution for juvenile delinquents and dependents.

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

Section 1. The title of the act, approved the sixteenth day of April, one thousand nine hundred seven (Pamphlet Laws 92), entitled, as amended, "An act defining the duty of coroners, where death is sudden or violent, or is of a suspicious nature and character, and of police, and health authorities, in this Commonwealth, in reference to the disposition of bodies of persons whose cause of death may be the subject of inquiry by the coroner, but where it appears the cause of death is not surrounded by suspicious circumstances," as amended by the act, approved the twelfth day of July, one thousand nine hundred thirty-five (Pamphlet Laws 710), is hereby further amended to read as follows:

An Act

Defining the duty of coroners, where death is sudden or violent, or is of a suspicious nature and character, *or occurs to an inmate of any institution for the correction, employment or reformation of juvenile delinquents or dependents*, and of police, and health authorities, in this Commonwealth, in reference to the disposition of bodies of persons whose cause of death may be the subject of inquiry by the coroner, but where it appears the cause of death is not surrounded by suspicious circumstances.

Section 2. Section 1 of said act, as reenacted and amended by the act, approved the twelfth day of July, one thousand nine hundred thirty-five (Pamphlet Laws 710), is hereby further amended to read as follows:

Section 1. Be it enacted, &c., That it shall be the duty of the coroner or the deputy coroner of any county in this Commonwealth, in all cases where death is sudden or violent or is of a suspicious nature and character, *or occurs to an inmate of any institution for the correction, employment or reformation of juvenile delinquents or dependents*, to cause a careful investigation of the facts concerning said death to be made, to ascertain whether the death was due to other than natural causes, and to make or cause to be made such an autopsy as the facts of the case may demand. *Provided, That such autopsys of inmates of institutions for juvenile delinquents or dependents shall be made in the presence of a physician designated by the immediate family of the deceased inmate, if such family exists and chooses to designate such physician.*

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, August 10, 1951.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill No. 1052, Printer's No. 661, entitled "An act to further amend the title and section 1 of the act, approved the sixteenth day of April, one thousand nine hundred seven (Pamphlet Laws 92), entitled, as amended, 'An act defining the duty of coroners, where death is sudden or violent, or is of a suspicious nature and character, and of police, and health authorities, in this Commonwealth, in reference to the disposition of bodies of persons whose cause of death may be the subject of inquiry by the coroner, but where it appears the cause of death is not surrounded by suspicious circumstances,' by prescribing duties of coroners and deputy coroners when death occurs to an inmate of any institution for juvenile delinquents and dependents."

Under existing law, coroners or their deputies have the duty to cause a careful investigation of the facts to be made in all cases where the death of a person is sudden, violent, or of a suspicious nature and character. Within the scope of this duty are such cases of death of inmates of institutions for juvenile delinquents.

With respect to such institutions, this bill would enlarge the duties of coroners and deputy coroners and require them to cause an investigation to be made in the case of every death of an inmate occurring therein. The bill would also require that the coroner or deputy coroner have present at any autopsy of a deceased inmate of such institution, the physician designated by the immediate family of the deceased inmate, if such family exists, and if such family chooses to designate such physician.

Within the Commonwealth there are many institutions for juvenile delinquents which are private institutions or which are under the administration of various church authorities. Inasmuch as coroners already have the power and duty to cause investigations to be made of the death of inmates of such institutions in a proper case, I deem it unnecessary to provide for a further extension of the scope of such power and duty so as to include all deaths of inmates occurring

therein. Moreover, the exercise of such power and duty, as thus enlarged, might well result in an unwarranted interference in the orderly administration of such institutions.

For these reasons, the bill is not approved.

JOHN S. FINE

No. 12

AN ACT

Changing the procedure in civil actions hereafter brought in the courts of common pleas in counties of the third class; providing for trial without jury, and for the filing of agreements therefor; providing for the payment of jury fees.

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

Section 1. In all civil actions hereafter brought in the court of common pleas in any county of the third class, the complaint, before it shall be received by the prothonotary, shall contain on the back thereof an indorsement signed by plaintiff or his counsel as follows: "Jury trial demanded" or "It is agreed that this case be tried by a judge without a jury." If plaintiff demands a jury trial, he shall, at the time of filing his complaint, pay to the prothonotary a jury fee of four dollars. Every answer, where plaintiff has not demanded a jury trial, shall contain on the back thereof a similar indorsement, and if defendant demands a jury trial, he shall, at the time of filing his answer, or in the case of a trespass action where no answer is filed, at the time of filing a demand for a jury trial, pay to the prothonotary a jury fee of four dollars. If both parties as aforesaid have filed agreements that the case may be tried by a judge without a jury, it shall be so tried under such rules of procedure as the several courts of common pleas shall prescribe in accordance with the rules of civil procedure promulgated by the Supreme Court of this Commonwealth.

Section 2. The decision of the court shall be rendered by the trial judge in the nature of a verdict at the end of the testimony. After verdict, counsel for any party may file motions for new trial or motions for judgment non obstante veredicto in accordance with existing laws thereto appertaining.

Section 3. The act, approved the twenty-second day of April, one thousand eight hundred seventy-four (Pamphlet Laws 109), entitled "An act to provide for the submission of civil cases to the decision of the court, and to dispense with trial by jury," is hereby repealed in so far as it applies in counties of the third class.

Section 4. All other acts and parts of acts are hereby repealed in so far as they are inconsistent with the provisions of this act.

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, August 10, 1951.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill No. 205, Printer's No. 735, entitled "An act changing the procedure in civil



actions hereafter brought in the courts of common pleas in counties of the third class; providing for trial without jury, and for the filing of agreements therefor; providing for the payment of jury fees.”

This bill would provide that in all civil actions hereafter brought in the court of common pleas of any county of the third class, if neither plaintiff nor defendant demands a jury trial, the decision of the court shall be rendered by the trial judge in the nature of a verdict at the end of the testimony.

The purpose of this bill is to dispense with the necessity of the trial judge making findings of fact and conclusions of law, as is provided by the Act of April 22, 1874.

The bill as originally introduced applied to all courts of common pleas of the Commonwealth. By an amendment the provisions of the bill were limited to courts in counties of the third class only.

The effect of limiting its provisions to courts of common pleas in counties of the third class, would render this bill, if enacted, a local and special law in violation of Article III, Section 7 of the Pennsylvania Constitution, which provides that the General Assembly shall not pass any local or special law “regulating the practice or jurisdiction of, or changing the rules of evidence in, any judicial proceeding or inquiry before courts \* \* \*.”

The bill, if enacted, would also violate the provisions of Article V, Section 26, which provides: “All laws relating to courts shall be general and of uniform operation, and the organization, jurisdiction and powers of all courts of the same class or grade, so far as regulated by law, and the force and effect of the process and judgments of such courts, shall be uniform \* \* \*.” See *Ruan Street*, 132 Pa. 257, 260 (1890); *Wyoming Street, Pittsburgh*, 137 Pa. 494, 504, 507 (1891); *Gottshall v. Campbell*, 234 Pa. 347, 351 (1912); *Chadwick v. Hepburn*, 151 Pa. Super. Ct. 459, 466 (1943).

For these reasons, the bill is not approved.

JOHN S. FINE

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No. 13

AN ACT

To further amend section four thousand three hundred two of the act, approved the twenty-third day of June, one thousand nine hundred thirty-one (Pamphlet Laws 932), entitled “An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto,” by prescribing a minimum period of continuous service and in certain cases a minimum age for police retirement.

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

Section 1. Section four thousand three hundred two of the act, approved the twenty-third day of June, one thousand nine hundred thirty-one (Pamphlet Laws 932), entitled “An act relating to cities of the third class, and amending, revising, and consolidating the law relating thereto,” as reenacted and amended by the act, approved the twenty-eighth day of June, one thousand nine hundred fifty-one (Act No. 164), is hereby further amended to read as follows:

Section 4302. Retirement; Final Discharge.—Such ordinance shall prescribe a minimum period of continuous service [, not less

than] of twenty years, and, [when] *if* any minimum age is prescribed, [a minimum] *is shall be the* age of fifty years, after which members of the force [may retire] *shall have the option of retiring* from active duty, and such members as are retired shall be subject to service, from time to time, as a police reserve until unfitted for such service, when they may be finally retired by reason of age or disability.

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, August 11, 1951.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania :

I return herewith, without my approval, House Bill No. 80, Printer's No. 754, entitled "An act to further amend section four thousand three hundred two of the act, approved the twenty-third day of June, one thousand nine hundred thirty-one (Pamphlet Laws 932), entitled 'An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto,' by prescribing a minimum period of continuous service and in certain cases a minimum age for police retirement."

This bill would amend section 4302 of The Third Class City Code, relating to pensions for police in cities of the third class, by requiring the cities to prescribe a minimum twenty-year period of continuous service before retirement, in lieu of the present minimum period of *not less than* twenty years. Where the city ordinance prescribes a minimum age, this bill would require such age to be fifty years rather than a minimum age of fifty years, as the act now provides. Stated otherwise, a retirement ordinance could not provide for minimum continuous service in excess of twenty years nor fix the minimum retirement age at more than fifty years.

The present law, in permitting the cities to prescribe minimums of twenty years of continuous service and an age of fifty years, is ample authority for all such cities to confer the same benefits as those provided by this bill. Thus the police of third class cities got nothing under this bill which they cannot now get from the cities under the provisions of The Third Class City Code approved by me June 28, 1951. Heretofore, it has been the policy to permit each city to determine, within the minimums fixed in section 4302 of The Code, the period of continuous service and the age requisite for the retirement of its police. I see no reason to change this policy which was so recently reasserted in The Code.

For this reason, the bill is not approved.

JOHN S. FINE

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No. 14

AN ACT

To amend the act, approved the tenth day of March, one thousand nine hundred forty-nine (Pamphlet Laws 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," by further regulating reimbursement by the Commonwealth to certain school districts on account of pupil transportation.

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

Section 1. The first paragraph and clause (2) of section 2541 of the act, approved the tenth day of March, one thousand nine hundred forty-nine (Pamphlet Laws 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," clause 2 of which was amended by the act, approved the fourteenth day of April, one thousand nine hundred forty-nine (Pamphlet Laws 456), and the act, approved the eleventh day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1195), are hereby amended and further amended to read as follows:

Section 2541. Payments on Account of Pupil Transportation.—School districts shall be paid by the Commonwealth for every school year on account of pupil transportation [which, and the means and contracts providing for which, have been] approved by the Department of Public Instruction, in the cases hereinafter enumerated, an amount to be determined by multiplying the *approved cost* [of approved reimbursable pupil transportation] incurred by the district by the district standard reimbursement fraction; *approved costs, in the case of a district owning and operating its own vehicles, shall include the same items of expense for operation and maintenance as those allowed for vehicles under contract.* In addition thereto, the Commonwealth shall pay to school districts which own their own vehicles, an annual depreciation charge of ten per centum (10%), to be calculated on the basis of the certified cost at which the district acquired the vehicle for which depreciation is claimed. *In no case shall depreciation allowance be paid for any vehicle which is more than ten years old.*

Such payments for pupil transportation shall be made in the following cases:

\* \* \* \* \*

(2) To school districts of the fourth class and districts of the third class which are located wholly within the boundary lines of a township, or within the boundary lines of a borough which has a population of less than five hundred (500) inhabitants to the square mile, and to merged or union school districts or *joint board operations* in which one or more such districts are a component part, for the transportation of any child living more than two (2) miles by the nearest public highway from the nearest school in session *with the proper grades.*

Section 2. The provisions of this act shall become effective the first day of July, one thousand nine hundred fifty-one.

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, August 17, 1951.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill No. 1238, Printer's No. 564, entitled "An act to amend the act, approved the

tenth day of March, one thousand nine hundred forty-nine (Pamphlet Laws 30), entitled 'An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto,' by further regulating reimbursement by the Commonwealth to certain school districts on account of pupil transportation."

This bill proposes to amend section 2541 of the Public School Code of 1949, P. L. 30, as amended, by deleting the provisions relating to contracts for pupil transportation and providing that such payment shall be approved by the Department of Public Instruction, and where such payment is approved to a district owning and operating its own vehicles such approval shall include the same items of expense for operation and maintenance as those allowed for vehicles under contract. In no case shall depreciation allowance be paid for any vehicles which are more than ten years old. Such payments for pupil transportation as now provided for by law are hereby amended to include school districts for a joint board operation.

This bill would necessitate an expenditure of at least \$400,000.00 in excess of the amount set forth in the budget to the Department of Public Instruction.

Moreover, the purpose of this bill which in essence is an appropriation item was not included in the budget and the State revenues will not permit its approval at this time.

For these reasons, the bill is not approved.

JOHN S. FINE

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No. 15

AN ACT

To amend section 308 of the act, approved the fifth day of May, one thousand nine hundred thirty-three (Pamphlet Laws 289), entitled "An act relating to nonprofit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties, and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," by further regulating the method of approval of the borrowing of money and disposition of real estate by nonprofit corporations by the members thereof.

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

Section 1. Section 308 of the act, approved the fifth day of May, one thousand nine hundred thirty-three (Pamphlet Laws 289), entitled "An act relating to nonprofit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties, and immunities upon them and their officers and members; prescribing the

conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," is hereby amended to read as follows:

Section 308. Procedure to Borrow Money and to Acquire or Dispose of Real Estate.—Unless its articles or by-laws provide for the approval of another body, a nonprofit corporation shall not borrow money, or purchase, sell, lease away, or otherwise dispose of any real estate, unless and until a resolution authorizing the same shall have been approved by a majority of the members of the corporation *who are then present in person or by proxy and entitled to vote thereat* at a regular or special meeting, duly convened upon proper notice of this purpose. A resolution of the members authorizing the borrowing of money need not specify the particular sums, rates of interest, or times of maturity of the loans, but such items may be agreed upon and authorized by the directors of the corporation. Every nonprofit corporation may mortgage, sell, lease away, or otherwise dispose of any of its real estate without application to, and the authorization or confirmation of, any court, except in those cases where the Revised Price Act of one thousand nine hundred seventeen, approved the seventh day of June, one thousand nine hundred seventeen (Pamphlet Laws 388), and its amendments and supplements, confers jurisdiction upon the orphans' court or the court of common pleas of a particular county to authorize or confirm the selling, leasing, conveying upon ground rent, or mortgaging of real estate by a corporation. All proceeds derived by a nonprofit corporation from any loan, sale, lease, ground rent, or mortgage, shall be faithfully and specifically used for or applied to the lawful activities of the corporation, and in case such proceeds are derived from any real estate subject to a trust, the trust shall be impinged upon such proceeds.

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, August 17, 1951.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill No. 1372, Printer's No. 683, entitled "An act to amend section 308 of the act, approved the fifth day of May, one thousand nine hundred thirty-three (Pamphlet Laws 289), entitled 'An act relating to nonprofit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties, and immunities upon them and their officers and members; prescribing the conditions on which such corporations

may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations,' by further regulating the method of approval of the borrowing of money and disposition of real estate by nonprofit corporations by the members thereof."

This bill amends section 308 of the "Nonprofit Corporation Law" of May 5, 1933, P. L. 289, by further regulating the method of approval of the borrowing of money and disposition of real estate by nonprofit corporations by the members thereof.

Prior to this amendment a nonprofit corporation was empowered to borrow money, or purchase or dispose of real estate, only upon the passage of a resolution authorizing the same approved by a majority of the members of a corporation at a regular or special meeting. This amendment provides that the authorizing resolution need be approved only by a majority of the members of the corporation who are then present in person or by proxy.

In the respect that this bill amends section 308 of the Act of May 5, 1933, P. L. 289, it duplicates an almost identical amendment which, together with their amendments, is proposed by Senate Bill No. 418, Printer's No. 469, approved this day.

Duplication of enactment is to be avoided, making this bill unnecessary.

For this reason, the bill is not approved.

JOHN S. FINE

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No. 16

AN ACT

To amend section two thousand five hundred five of the act, approved the tenth day of March, one thousand nine hundred forty-nine (Pamphlet Laws 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," by changing the basis for payments on account of school nurses.

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

Section 1. Section two thousand five hundred five of the act, approved the tenth day of March, one thousand nine hundred forty-nine (Pamphlet Laws 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," is hereby amended to read as follows:

Section 2505. Payments on Account of School Nurses.—Every school district and every vocational school district shall be paid by

the Commonwealth for every school year on account of the employment of properly certificated school nurses, an amount equal to one reimbursement unit for each nurse having the care of fifteen hundred or more pupils in *first class, first class A and second class districts, twelve hundred fifty or more pupils in third class districts, and one thousand or more pupils in fourth class districts* in average daily membership in the districts' public schools, and for each nurse having the care of less than fifteen hundred such pupils, *in first class, first class A and second class districts, less than twelve hundred fifty such pupils in third class districts, and less than one thousand such pupils in fourth class districts*, the fractional part of one reimbursement unit equal to the number of such pupils under her care divided by fifteen hundred, *twelve hundred fifty, or one thousand, respectively*. The reimbursement provided for by this section shall be paid by the Department of Health out of any money appropriated to said department for administering the provisions of Article fourteen of this act.

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, August 17, 1951.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill No. 74, Printer's No. 669, entitled "An act to amend section two thousand five hundred five of the act, approved the tenth day of March, one thousand nine hundred forty-nine (Pamphlet Laws 30), entitled 'An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto,' by changing the basis for payments on account of school nurses."

This bill proposes to amend section 2505 of the Public School Code by changing the basis for payment to the School District by the Commonwealth on account of the employment of school nurses.

The bill proposes to decrease the ratio of pupils to the number of nurses employed. The effect of it will be to increase the number of nurses employed by the school districts. The reimbursement for these additional nurses is to be made to the various school districts by the Department of Health. This is estimated to cost the Commonwealth one million dollars in excess of the amount recommended in the budget for that Department.

The Legislature has provided insufficient revenues to meet even the requirements of the budget. There are no funds available to increase the payments to the school districts for nurses in the amount of one million dollars.

Furthermore, it is doubtful whether during this biennium it would be possible for the various districts to find sufficient nurses to comply with the provisions of the bill.

An increased number of school nurses might be desirable, and is a matter which might well receive further study by the Department of Health and receive further consideration at the next regular session of the Legislature.

For the reasons set forth above, the bill is not approved.

JOHN S. FINE

No. 17  
AN ACT

To amend clause (b) of section 1 of the act, approved the thirtieth day of June, one thousand nine hundred forty-seven (Pamphlet Laws 1183), entitled "An act relating to strikes by public employes; prohibiting such strikes; providing that such employes by striking terminate their employment; providing for reinstatement under certain conditions; providing for a grievance procedure; and providing for hearings before civil service and tenure authorities, and in certain cases before the Pennsylvania Labor Relations Board," by requiring panel to be set up within five days after the receipt of a request therefor.

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

Section 1. Clause (b) of section 1 of the act, approved the thirtieth day of June, one thousand nine hundred forty-seven (Pamphlet Laws 1183), entitled "An act relating to strikes by public employes; prohibiting such strikes; providing that such employes by striking terminate their employment; providing for reinstatement under certain conditions; providing for a grievance procedure; and providing for hearings before civil service and tenure authorities, and in certain cases before the Pennsylvania Labor Relations Board," is hereby amended to read as follows:

Section 1. As used in this act—

\* \* \* \* \*

(b) The word "strike" means the failure to report for duty, the wilful absence from one's position, the stoppage of work or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment for the purpose of inducing, influencing or coercing a change in the conditions or compensation or the rights, privileges or obligations of employment: Provided, however, That nothing contained in this act shall be construed to limit, impair or affect the right of any public employe to the expression or communication of a view, grievance, complaint or opinion on any matter related to the conditions or compensation of public employment, or the betterment thereof, so long as the same is not designed to and does not interfere with the full, faithful and proper performance of the duties of employment; nor to limit, impair or affect the right of any such employe to attend meetings, conferences or hearings, relating to such matters, so long as such attendance is not designed to interfere with the full, faithful and proper performance of the duties of employment for the further purpose of equitably carrying out the provisions of this act. In order to avoid or minimize any possible controversies by making available full and adequate governmental facilities for the adjustment of grievances, the governmental agency involved, at the request of the public employes, shall set up, *within five days after the receipt of such request*, a panel of three members, one to be selected by the employes, one by the governmental agency, and the two so selected to select a third member. The members of the panel shall be compensated for all necessary expenses by the Commonwealth, or the political subdivision thereof, or the authority involved. The panel shall meet within fifteen (15) days. If the grievance can be adjusted through negotiation and informal conferences



between the various parties, it shall be so adjusted, if the conference negotiations do not result in rulings satisfactory to all parties concerned, the panel shall afford the public employes and the governmental agency a full hearing after which the panel shall make their findings, copy of which shall be sent to the Governor, to the General Assembly, and to the head of the agency, or political subdivision involved. Upon receipt of the findings of the panel the Governor or the head of the State agency or political subdivision involved may take administrative measures to remedy the complaints. If the Governor or the head of the State agency or political subdivision finds that the situation complained of can only be remedied by legislative action, the Governor may refer the matter to the Legislature for correction, or the head of the State agency or political subdivision may refer the matter to the proper law-making body. If the members of the panel decide that legal counsel is necessary they may, with the approval of the Attorney General, engage local counsel to advise them on the questions involved:

Provided, however, That in the case of grievances or controversies involving employes of the public school system of the Commonwealth, the school board or Board of Public Education, at the request of the employes, shall set up a panel of three members, one an employe of the school district to be selected by the employes, one a member of the board of school directors or Board of Public Education to be selected by such body, and the third shall be the State Superintendent of Public Instruction, or his nominee. The members of the panel shall serve without compensation, but shall receive all necessary traveling expenses, which shall be paid by the school district or Board of Public Education involved.

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, August 24, 1951.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill No. 829, Printer's No. 316, entitled "An act to amend clause (b) of section 1 of the act, approved the thirtieth day of June, one thousand nine hundred forty-seven (Pamphlet Laws 1183), entitled 'An act relating to strikes by public employes; prohibiting such strikes; providing that such employes by striking terminate their employment; providing for reinstatement under certain conditions; providing for a grievance procedure; and providing for hearings before civil service and tenure authorities, and in certain cases before the Pennsylvania Labor Relations Board,' by requiring panel to be set up within five days after the receipt of a request therefor."

The act which this bill proposes to amend provides that the panel for adjustment of grievances should consist of three members; one to be selected by the employes, one by the governmental agency and the third by the other two.

This bill would limit the time for setting up such a panel to five days after receipt of the request. I am informed that it is frequently difficult to obtain a third member of the panel who will be agreeable

to the other two and be willing to act, and that in many instances this would make it impossible to set up a panel within the five-day limitation provided for in this bill. There are also times when the governmental agency involved may be a Board or Commission which could not be assembled within the five-day limitation.

Although it is important that there be no undue delay in the appointment of members of the panel, actual experience has demonstrated that a five-day limitation is impractical and unreasonable.

For these reasons, the bill is not approved.

JOHN S. FINE

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No. 18

AN ACT

To amend sections 1 and 2 of the act, approved the eighteenth day of April, one thousand nine hundred forty-five (Pamphlet Laws 253, No. 114), entitled "An act relating to suits by shareholders against officers or directors in a corporation, domestic or foreign, to enforce a secondary right because the corporation refuses to enforce rights, which may be asserted by it, requiring that plaintiff be a shareholder at the time of the transaction of which he complains, or that his shares thereafter devolved upon him by operation of law; requiring security for defendant's expenses, including attorneys' fees; and providing for the assessment and recovery of such expenses, including attorneys' fees," by extending the provisions thereof to corporations having no capital stock and authorizing corporations to indemnify directors, officers and other persons against certain expenses.

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

Section 1. Sections 1 and 2 of the act, approved the eighteenth day of April, one thousand nine hundred forty-five (Pamphlet Laws 253, No. 114), entitled "An act relating to suits by shareholders against officers or directors in a corporation, domestic or foreign, to enforce a secondary right because the corporation refuses to enforce rights, which may be asserted by it, requiring that plaintiff be a shareholder at the time of the transaction of which he complains or that his shares thereafter devolved upon him by operation of law; requiring security for defendant's expenses, including attorneys' fees; and providing for the assessment and recovery of such expenses including attorneys' fees," are hereby amended to read as follows:

Section 1. In any suit brought to enforce a secondary right on the part of one or more shareholders *of or owners of a proprietary interest in a corporation, domestic or foreign*, against any officer, or director, or former officer or director of [a] *such* corporation, [domestic or foreign], because such corporation refuses to enforce rights which may properly be asserted by it, the plaintiff or plaintiffs must aver and it must be made to appear, that the plaintiff or each plaintiff was a stockholder *or owned such proprietary interest* at the time of the transaction of which he complains, or that his stock *or proprietary interest* devolved upon him by operation of law from a person who was a stockholder *or owner of such proprietary interest* at such time.

Section 2. In any such suit instituted or maintained by holder or holders of less than five per centum of the outstanding shares of

any class of such corporation's stock or voting trust certificates, or less than five per centum of the value of the total proprietary interests in a corporation having no capital stock, the corporation in whose right such action is brought shall be entitled, at any stage of the proceedings, to require the plaintiff or plaintiffs to give security for the reasonable expenses, including attorneys' fees, which may be incurred by it in connection with such suit, and by the other parties defendant in connection therewith, for which it may become liable pursuant to section three of this act, to which security the corporation shall have recourse in such amount as the court having jurisdiction shall determine upon the termination of such action. The amount of such security may, from time to time, be increased in the discretion of the court having jurisdiction of such action upon showing that the security provided has or may become inadequate.

Section 2. Said act is hereby amended by adding, after section 3, a new section to read as follows:

*Section 4. Any corporation organized under the laws of this Commonwealth, whether a stock corporation or organized on the mutual plan without capital stock, shall have power to indemnify any and all of its directors or officers or former directors or officers, or any person who may have served, at its request, as a director or officer of another corporation in which it owns shares of capital stock or of which it is a creditor, against expenses actually and necessarily incurred by them in connection with the defense of any action, suit or proceeding in which they or any of them are made parties or a party by reason of being or having been directors or officers or a director or officer of the corporation or of such other corporation, except in relation to matters as to which any such director or officer or former director or officer or person shall be adjudged in such action, suit or proceeding to be liable for negligence or misconduct in the performance of duty. Such indemnification shall not be deemed exclusive of any other rights to which those indemnified may be entitled under any by-law, agreement, vote of shareholders, or otherwise.*

Section 3. The provisions of this act shall become effective immediately upon final enactment.

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, August 24, 1951.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I return herewith, without my approval, Senate Bill No. 508, Printer's No. 219, entitled "An act to amend sections 1 and 2 of the act, approved the eighteenth day of April, one thousand nine hundred forty-five (Pamphlet Laws 253, No. 114), entitled 'An act relating to suits by shareholders against officers or directors in a corporation, domestic or foreign, to enforce a secondary right because the corporation refuses to enforce rights, which may be asserted by it, requiring that plaintiff be a shareholder at the time of the transaction of which he complains, or that his shares thereafter devolved upon him by operation of law, requiring security for defendant's expenses, including attorneys' fees; and providing for the assessment and re-

covery of such expenses, including attorneys' fees,' by extending the provisions thereof to corporations having no capital stock and authorizing corporations to indemnify directors, officers and other persons against certain expenses.'"

This bill would amend the Act of April 18, 1945, P. L. 253, which limited derivative suits by shareholders against officers or directors of a corporation to persons who were shareholders at the time of the transaction against which the complaint was filed, and authorized a corporation to require security for costs and attorneys' fees of the plaintiffs in such suits when they represent less than five percentum of the outstanding shares.

This bill would extend those provisions of the Act of 1945 to include not only suits by shareholders of a corporation, but also suits by owners of a proprietary interest in the corporation.

Section 3 of the Act of 1945 also provided that the reasonable expenses, including attorneys' fees, incurred in the successful defense of such a suit are to be assessed upon the corporation; and if the defense is only partially successful, the court is to determine and assess the extent of such costs to be paid by the corporation. Without regard to that section, this bill would add a new section to the act to authorize a corporation, with or without capital stock, to indemnify its directors or officers involved in such a suit against actual and necessary expenses incurred in the defense thereof, provided the defendant is not adjudged liable for negligence or misconduct in the performance of duty.

Under the proposed amendment, the costs incurred by the officers or directors would be paid by the corporation irrespective of whether or not such officers or directors were successful in the defense of the suit, so long as there was not an affirmative finding of negligence or misconduct. This seems to be an unwarranted and unnecessary extension of the present provisions of the law, which fully indemnify such officers or directors when they successfully defend the suit, and authorize the court to determine to what extent they shall be indemnified when their defense is only partially successful. The court having jurisdiction of the case is in a better position than the corporation to determine the merit and extent of such indemnities.

For these reasons, the bill is not approved.

JOHN S. FINE

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No. 19

AN ACT

To facilitate traffic in the northern section of the Commonwealth by providing for the construction, operation and maintenance of a turnpike from a point on the Erie extension to a point on the Scranton extension of the Pennsylvania Turnpike or to a point on the northeastern extension of the Pennsylvania Turnpike, at such points as the Pennsylvania Turnpike Commission may decide are the most feasible and practicable, for the further extension of the Pennsylvania Turnpike from or near the City of Erie in Erie County to or near the City of Scranton in Lackawanna County or to a point on the northeastern extension of the Pennsylvania Turnpike; conferring powers and imposing

duties on the Pennsylvania Turnpike Commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike, and to issue notes or other evidences of indebtedness; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds, notes or other evidences of indebtedness, and for the cost of maintenance, operation and repair of the turnpike; making such turnpike bonds, notes or other evidences of indebtedness exempt from taxation; constituting such bonds legal investments in certain instances; requiring suits against the commission to be brought in Dauphin County; prescribing conditions on which such turnpike shall become free; providing for grade separations, grade changes, relocations, restoration and vacation of public roads and State highways affected by the turnpike; providing for the purchasing or condemnation of land and procedure for determining damages in condemnation; granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission; and authorizing the issuance of turnpike revenue re-funding bonds.

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

Section 1. This act shall be known and may be cited as the "Pennsylvania Turnpike Northern Extension Act."

Section 2. In order to facilitate vehicular traffic in the western section of the Commonwealth, the Pennsylvania Turnpike Commission heretofore created by virtue of the provisions of the act, approved the twenty-first day of May, one thousand nine hundred thirty-seven (Pamphlet Laws 774), is hereby authorized and empowered to construct, operate and maintain a turnpike at such location as shall be approved by the Governor and the Department of Highways, from a point on the Erie extension to a point on the Scranton extension of the Pennsylvania Turnpike or to a point on the northeastern extension of the Pennsylvania Turnpike, at such points as the Pennsylvania Turnpike Commission may decide are the most feasible and practicable, for the further extension of the Pennsylvania Turnpike system from or near the City of Erie in Erie County to or near the City of Scranton in Lackawanna County or to a point on the northeastern extension of the Pennsylvania Turnpike, together with connecting roads, tunnels and bridges, and to issue turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such construction.

Section 3. The turnpike revenue bonds, notes or other evidences of indebtedness issued under the provisions of this act shall not be deemed to be a debt of the Commonwealth or a pledge of the faith and credit of the Commonwealth, but such bonds shall be payable exclusively from the fund herein provided therefor from tolls. All such bonds shall contain a statement on their face that the Commonwealth is not obligated to pay the same or the interest thereon except from tolls, and that the faith and credit of the Commonwealth is not pledged to the payment of the principal or interest of such bonds. The issuance of turnpike revenue bonds under the \*provisions of this act shall not directly or indirectly or contingently obligate the Commonwealth to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment.

\* "provisions" in original.

Section 4. The following words and terms shall have the following meanings:

(a) The word "commission" shall mean the Pennsylvania Turnpike Commission heretofore created by the act, approved the twenty-first day of May, one thousand nine hundred and thirty-seven (Pamphlet Laws 774), or if said commission shall be abolished, any board, commission or officer succeeding to the principal functions thereof or upon whom the powers and functions given by this act to said commission shall be given by law.

(b) The word "owner" shall include all individuals, copartnerships, associations or corporations having any title or interest in any property rights, easements or franchises authorized to be acquired by this act.

(c) The words "the turnpike" shall mean the turnpike to be constructed, as hereinafter provided, from a point on the Erie extension to a point on the Scranton extension of the Pennsylvania Turnpike or to a point on the northeastern extension of the Pennsylvania Turnpike, at such points as the Pennsylvania Turnpike Commission may decide are the most feasible and practicable, for the further extension of the Pennsylvania Turnpike system from or near the City of Erie in Erie County to or near the City of Scranton in Lackawanna County or to a point on the northeastern extension of the Pennsylvania Turnpike, and shall be deemed to include not only the turnpike and all connecting roads, tunnels and bridges connected therewith, but also all property rights, easements and franchises relating thereto and deemed necessary or convenient for the construction or the operation thereof.

(d) The term "cost of the turnpike" shall embrace the cost of constructing the turnpike and all connecting roads, tunnels and bridges, the cost of all lands, property rights, rights of way, easements and franchises acquired, which are deemed necessary or convenient for such construction, the cost of all machinery and equipment, financing charges, interest prior to and during construction and for one year after completion of construction, cost of traffic estimates and of engineering and legal expenses, plans, specifications, surveys, estimates of cost and of revenues, other expenses necessary or incident to determining the feasibility or practicability of the enterprise, administrative and legal expense, and such other expenses as may be necessary or incident to the financing herein authorized, the construction of the turnpike and connecting roads, tunnels and bridges, the placing of the same in operation, and the condemnation of property necessary for such construction and operation. Any obligation or expense contracted for by the commission with the Department of Highways of the Commonwealth of Pennsylvania, or with the United States or any agency thereof, for traffic surveys, preparations of plans and specifications, supervision of construction, and other engineering, administrative and legal services and expenses in connection with the construction of the turnpike or any of the connecting roads, tunnels and bridges, shall be regarded as part of the cost of the turnpike, and shall be reimbursed or paid out of the proceeds of the turnpike revenue bonds hereinafter authorized.

Section 5. The exercise by the commission of the powers conferred by this act in the construction, operation and maintenance of the turnpike shall be deemed and held to be an essential governmental function of the Commonwealth.

Section 6. The commission shall have the following powers and duties:

(a) It shall maintain a principal office at such place as shall be designated by the commission.

(b) The commission may contract and be contracted with in its own name.

(c) The commission may sue and be sued in its own name, plead and be impleaded: Provided, however, That any and all actions at law or in equity against the commission shall be brought only in the proper courts at the county of Dauphin.

(d) The commission shall have an official seal.

(e) The commission shall make necessary rules and regulations for its own government and shall have power and authority to acquire, own, use, hire, lease, operate, and dispose of, personal property, real property and interests in real property, and to make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act, and to employ engineering, traffic, architectural and construction experts and inspectors, and attorneys, and such other employees as may in its judgment be necessary, and fix their compensation: Provided, however, That all contracts and agreements relating to the construction of the turnpike and connecting roads, tunnels and bridges shall be approved by the Department of Highways, and the turnpike and connecting roads, tunnels and bridges shall be constructed under the supervision of the Department of Highways.

(f) The turnpike when completed and opened to traffic shall be maintained and repaired by and under the control of the commission through the Department of Highways of the Commonwealth, and all charges and costs for such maintenance and repairs actually expended by said Department of Highways shall be paid to it by the commission, upon certification thereof, out of tolls. Such turnpike shall also be policed and operated by such force of police, tolltakers and other operating employees as the commission may, in its discretion, employ.

(g) The commission shall have authority, at its own cost, to provide grade separations with respect to all public roads and State highways intersected by the turnpike and to change and adjust the lines and grades thereof so as to accommodate the same to the design of such grade separation: Provided, however, That the damages incurred in changing and adjusting the lines and grades of such public roads and State highways shall be ascertained and paid by the commission in the same manner as is provided for by this act in regard to the location and construction of the turnpike.

(h) If the commission shall find it necessary to provide a grade separation or change the site of any portion of any State highway or public road, or vacate the same, it shall cause it to be reconstructed and restored forthwith, at the commission's own proper expense, on the most favorable location and in as satisfactory a manner as the

original road, or vacate it, as the case may be: Provided, That the method of acquiring the right-of-way and determining damages incurred in changing the location of or vacating such road or State highway shall be ascertained and paid for by the commission in the same manner as is provided for by this act in regard to the location and construction of the turnpike. In such cases, the plan of such reconstruction and restoration or vacation shall be submitted to the supervisors of the proper township for approval, and in the event of failure of the supervisors to approve the plan, then it shall be submitted to the Department of Highways for final approval. In the case of State highways, the plan shall be submitted to the Department of Highways for its approval.

(i) The commission shall have authority to petition the court of quarter sessions of the county wherein is situate any public road or part thereof affected by the location therein of the turnpike, for the vacation, relocation, or supply of the same, or any part thereof, with the same force and effect as is now given by existing laws to the inhabitants of any township of such county, and the proceedings upon such petition, whether it be for the appointment of viewers, or otherwise, shall be the same as provided by existing law for similar proceedings upon such petitions.

(j) The commission shall otherwise have all of the powers and perform all of the duties prescribed by the act, approved the twenty-first day of May, one thousand nine hundred thirty-seven (Pamphlet Laws 774).

(k) All public or private property damaged or destroyed in carrying out the powers granted by this act shall be restored or repaired and placed in their original condition as nearly as practicable, or adequate compensation made therefor out of the funds provided under the authority of this act.

Section 7. (a) Each member of the commission shall be reimbursed for the necessary expenses incurred in the performance of the duties performed under the provisions of this act.

(b) All expenses incurred in carrying out the provisions of this act shall be paid solely from funds provided under the authority of this act, and no liability or obligation shall be incurred hereunder beyond the extent to which money shall have been provided under the authority of this act.

(c) Before the issuance of any turnpike revenue bonds, notes or other evidences of indebtedness under the provisions of this act, each appointed member of the commission shall execute a bond in the penalty of twenty-five thousand dollars (\$25,000), and the secretary and treasurer shall execute a bond in the penalty of fifty thousand dollars (\$50,000), each such bond to be approved by the Governor and to be conditioned upon the faithful performance of the duties of his office under the provisions of this act, which bonds shall be filed in the office of the Secretary of the Commonwealth.

Section 8. (a) The commission is hereby authorized and empowered to condemn, by resolution, any lands, interests in lands, property rights, rights of way, franchises, easements and other property deemed necessary or convenient for the construction and efficient



operation of the turnpike or necessary in the restoration or relocation of public or private property damaged or destroyed, and the date of such resolution shall be the effective date of condemnation.

(b) The commission is hereby authorized and empowered to acquire by purchase, whenever it shall deem such purchase expedient, any lands, interests in lands, property rights, rights of way, franchises, easements and other property deemed necessary or convenient for the construction and efficient operation of the turnpike or necessary in the restoration or relocation of public or private property damaged or destroyed, whether the same had \*theretofore been condemned or otherwise, upon such terms and at such price as may be considered by it to be reasonable and can be agreed upon between the commission and the owner thereof, and to take title thereto in the name of the commission.

Section 9. (a) Whenever a reasonable sum representing the damages cannot be agreed upon, or whenever the owner is legally incapacitated, or is unable to convey valid title, or is absent, or unknown, either the commission acting through the Department of Justice, or any owner or owners, shall apply to the court of common pleas of the county in which the property is located, or, in the case of property located in two or more counties, then in any one of such counties, for the appointment of viewers to determine, as hereinafter provided, the amount of damages resulting from the taking. Whereupon, said court or any law judge thereof shall appoint three disinterested freeholders to view such property and estimate the value thereof. None of the freeholders shall be a resident of the county wherein such application shall be made. The court shall fix a time, not less than twenty nor more than thirty days thereafter, when the viewers shall meet upon the property and view the same. The viewers shall cause at least ten days' personal notice of the time and place of such meeting to be given to the Attorney General, to the commission, and to the owner or owners if resident within said county. If the owner is a corporation, such notice shall be given to the president, secretary or treasurer thereof, if such officer resides within said county. If neither owner nor any of such officers reside within the county or cannot be found therein, or is unknown, notice of such first meeting shall be given as the court may direct. The viewers, having been duly sworn or affirmed faithfully and impartially to perform the duties required of them under the provisions of this act, shall, at the time fixed for the first meeting, proceed to ascertain, as accurately as may be, the value of such land, property rights, rights of way, easements or franchises, and to that end may require the attendance of any person whose testimony may be pertinent thereto and production of any such books or papers as the viewers may deem necessary. If any person shall refuse to appear and testify before such viewers or refuse to produce such books and papers when they are required, then the court or any judge thereof shall, on application of the viewers or a quorum thereof, make such order therein as may be necessary. Whenever the viewers shall have ascertained the value of the lands, property rights, rights of way, easements or franchises, they shall prepare a full report of their labors. Upon the completion of the report, the viewers shall fix

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\* "therefore" in original.

a time when they shall meet and exhibit same. Ten days' written notice of the time and place of such meeting, together with a copy of said report, shall be given to the commission, to the Attorney General, and to the owner or owners of the property condemned. At the time and place mentioned in such notice, the viewers shall meet and publicly exhibit the report and hear all exceptions thereto. After making any changes in such report as they may deem necessary, the same shall be filed in the court. Within thirty days after the filing of the report in the court, the commission, acting through the Department of Justice, or any person interested, may file exceptions thereto. Whereupon, the court shall either confirm the report absolutely or modify it, or refer it back to the same or to any viewers with like powers and duties of the former viewers. Within thirty days after the final action on the report by the court, the commission, acting through the Department of Justice, or any person interested, may demand a trial by jury. From the action of the court on exceptions, or from any judgment after a jury trial, an appeal may be taken by any party to the Supreme or Superior Court. Each of the viewers shall receive a sum not exceeding ten dollars (\$10) for each day actually and necessarily employed in the performance of the duties herein prescribed, and all necessary expenses actually incurred in the performance of his duties. Title to any property condemned by the commission shall be taken in the name of the commission. Prior to physical entry upon the land, the commission shall be under no obligation to accept and pay for any property condemned or any costs incidental to any condemnation proceedings: Provided, however, That in any condemnation proceedings, the court having jurisdiction of the suit, action or proceeding may make such orders as may be just to the commission and to the owners of the property to be condemned, and may require an undertaking or other security to secure such owners against any loss or damage by reason of the failure of the commission to enter upon, accept and pay for the property, but neither such undertaking or security nor any act or obligation of the commission shall impose any liability upon the Commonwealth except such as may be paid from the funds provided under the authority of this act.

The commission, in its discretion, may vacate any portion or all of the land condemned either prior to or after physical entry upon the land or any part thereof and prior to final determination of damages. In such cases, the commission shall be under no obligation to accept any pay for any property condemned and subsequently vacated: Provided, however, That in any such case, the court having jurisdiction of the suit, action or proceeding may make such orders as may be just to the commission and to the owners of the property, and may require an undertaking or other security to secure such owners against any and all loss or damages occasioned to the owner from the time of the original condemnation to the time of the modification thereof, but neither such undertaking or security nor any act or obligation of the commission shall impose any liability upon the Commonwealth except such as may be paid from the funds provided under the authority of this act.

(b) In addition to the foregoing powers, the commission and its authorized agents and employees may enter upon any lands, waters and premises in the State for the purpose of making surveys, sound-

ings, drillings and examinations, as it may deem necessary or convenient for the purpose of this act, and such entry shall not be deemed a trespass, nor shall an entry for such purposes be deemed an entry under any condemnation proceedings which may be then pending: Provided, however, That the commission shall make reimbursement for any actual damages resulting to such lands, waters and premises as a result of such activities.

(e) All counties, cities, boroughs, townships and other political subdivisions and municipalities, and all public agencies and commissions of the Commonwealth of Pennsylvania, notwithstanding any contrary provision of law, are hereby authorized and empowered to lease, lend, grant or convey to the commission upon its request, upon such terms and conditions as the proper authorities of such counties, cities, boroughs, townships, other political subdivisions and municipalities, or public agencies and commissions of the Commonwealth of Pennsylvania may deem reasonable and fair, and without the necessity for any advertisement, order of court or other action or formality, other than the regular and formal action of the authorities concerned, any real property which may be necessary or convenient to the effectuation of the authorized purposes of the commission, including public roads and other real property already devoted to public use.

Section 10. Whenever the commission has condemned any lands, rights, rights of way, easements and franchises, or interests therein, as hereinbefore provided, and has tendered a bond or other security to secure the owner or owners for damages and the same has been accepted, or if the acceptance of said bond has been refused and the same has been filed in and approved by the court of common pleas of the county in which the property is located, or, in the case of property located in two or more counties, then in any one of such counties, the commission shall have the right to immediate possession of the property covered by the bond and may enter thereon in the name of the commission. If the owner, lessee or occupier of any of said premises or any building or structure thereon shall refuse to remove his personal property therefrom, or give up possession thereof, the commission may proceed to obtain possession in the manner now provided by law for the obtaining possession by the Secretary of Highways of occupied structures.

Section 11. (a) The commission is hereby authorized to provide, by resolution, at one time or from time to time, for the issuance of turnpike revenue bonds of the Commonwealth for the purpose of paying the cost, as hereinabove defined, of the turnpike, which resolution shall recite an estimate of such cost. The principal and interest of such bonds shall be payable solely from the special fund herein provided for such payment. The bonds shall be dated, shall bear interest at such rate or rates not exceeding six per centum per annum payable semi-annually, shall mature at such time or times not exceeding forty years from their date or dates, as may be determined by the commission, and may be made redeemable before maturity, at the option of the commission, at such price or prices and under such terms and conditions as may be fixed by the commission prior to the issuance of the bonds: Provided, however, That the amount of

premium on any bonds shall not cause the yield to be more than six per centum per annum from the date of such bonds to the date of their redemption. The bonds may be issued in series with varying provisions as to rates of interest, maturity and other provisions not inconsistent with this act, but all bonds, of whatever series, shall share ratably in the tolls hereinafter pledged as security therefor. The principal and interest of such bonds may be made payable in any lawful medium. The commission shall determine the form of bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds, and the place or places of payment of principal and interest thereof, which may be at any bank or trust company within or without the Commonwealth. The bonds shall be signed by the Governor and by the chairman of the commission and the official seal of the commission shall be affixed thereto and attested by the secretary and treasurer of the commission, and any coupons attached thereto shall bear the facsimile signature of the chairman of the commission. In case any officer whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature shall nevertheless be valid and sufficient for all purposes, the same as if he had remained in office until such delivery. All turnpike revenue bonds issued under the provisions of this act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the Negotiable Instruments Law of the Commonwealth. The bonds may be issued in coupon or in registered form, or both, as the commission may determine, and provision may be made for the registration of any coupon bond as to principal alone and also as to both principal and interest, and registered and coupon bonds shall be interchangeable. The commission may sell such bonds in such manner and for such price as it may determine to be for the best interest of the Commonwealth, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than six per centum per annum, computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values. The proceeds of such bonds shall be used solely for the payment of the cost of the turnpike, and shall be disbursed upon requisition of the chairman of the commission under such restrictions, if any, as the resolution authorizing the issuance of the bonds, or the trust indenture hereinafter mentioned, may provide. If the proceeds of such bonds, by error of calculation or otherwise, shall be less than the cost of the turnpike, additional bonds may, in like manner, be issued to provide the amount of such deficit and, unless otherwise provided in the resolution authorizing the issuance of the bonds or in the trust indenture, shall be deemed to be of the same issue and shall be entitled to payment from the same fund, without preference or priority of the bonds first issued. If the proceeds of the bonds shall exceed the cost of the turnpike, the surplus shall be paid into the fund hereinafter provided for the payment of principal and interest of such bonds. Prior to the preparation of definitive bonds, the commission may, under like restrictions, issue temporary bonds, with or without coupons, exchangeable for definitive bonds upon the issuance of the latter. The commission may also provide for the replacement of any bonds which shall become mutilated or be destroyed or lost.

Such turnpike revenue bonds may be issued without any other proceedings or the happening of any other conditions or things than those proceedings, conditions and things which are specified and required by this act.

Such bonds are hereby made securities in which all State and municipal officers and administrative departments, boards and commissions of the Commonwealth; all banks, bankers, savings banks, trust companies, saving and loan associations, investment companies and other persons carrying on a banking business; all insurance companies, insurance associations and other persons carrying on an insurance business; and all administrators, executors, guardians, trustees and other fiduciaries; and all other persons whatsoever who now or may hereafter be authorized to invest in bonds or other obligations of the Commonwealth, may properly and legally invest any funds, including capital, belonging to them or within their control, and said bonds or other securities or obligations are hereby made securities which may properly and legally be deposited with and received by any State or municipal officers or agency of the Commonwealth, for any purpose for which the deposit of bonds or other obligations of the Commonwealth is now or may hereafter be authorized by law.

(b) The commission is hereby authorized to provide, by resolution, from time to time, for the issuance of Pennsylvania Turnpike Commission notes or other evidences of indebtedness to provide for preliminary or interim financing up to but not exceeding the estimated total cost of the turnpike, and to pledge as collateral for such notes, turnpike revenue bonds issued under the provisions of this act. All such notes or other evidences of indebtedness shall contain a statement on their face that the Commonwealth is not obligated to pay the same or interest thereon, and that the faith and credit of the Commonwealth is not pledged to the payment of the principal or interest of such notes or other evidences of indebtedness. The issuance of turnpike notes or other evidences of indebtedness under the provisions of this act shall not directly or indirectly or contingently obligate the Commonwealth to levy or to pledge any form of taxation therefor or make any appropriation for their payment.

Section 12. All moneys received from any bonds, notes or other evidences of indebtedness issued pursuant to this act shall be applied solely to the payment of the cost of the turnpike or to the appurtenant fund, and there shall be and hereby is created and granted a lien upon such moneys, until so applied, in favor of holders of such bonds, notes or other evidences of indebtedness or the trustee hereinafter provided for in respect to such bonds, notes or other evidences of indebtedness.

Section 13. In the discretion of the commission, such bonds, notes or other evidences of indebtedness may be secured by a trust indenture by and between the commission and a corporate trustee, which may be any trust company or bank having the powers of a trust company, within or outside of the Commonwealth. Such trust indenture may pledge or assign tolls and revenue to be received, but shall not convey or mortgage the turnpike or any part thereof. Either the resolution providing for the issuance of such bonds, notes or other evidences of indebtedness or such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bond-

holders or holders of notes or other evidences of indebtedness as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the commission in relation to the acquisition of properties and the construction, maintenance, operation and repair, and insurance of, the turnpike, and the custody, safeguarding and application of all moneys. It shall be lawful for any bank or trust company incorporated under the laws of this Commonwealth to act as depository of the proceeds of the bonds, notes or other evidences of indebtedness or revenues, and to furnish such indemnity bonds or to pledge such securities as may be required by the commission. Such indenture may set forth the rights and remedies of the bondholders or holders of notes or other evidences of indebtedness and of the trustee, and may restrict the individual right of action of bondholders or holders of notes or other evidences of indebtedness as is customary in trust indentures securing bonds, debentures of corporations, notes or other evidences of indebtedness. In addition to the foregoing, such trust indenture may contain such other provisions as the commission may deem reasonable and proper for the security of bondholders or holders of notes or other evidences of indebtedness. All expenses incurred in carrying out such trust indenture may be treated as a part of the cost of maintenance, operation and repair of the turnpike.

Section 14. The accomplishment by the commission of the authorized purposes stated in this act being for the benefit of the people of the Commonwealth and for the improvement of their commerce and prosperity, in which accomplishment the commission will be performing essential governmental functions, the commission shall not be required to pay any taxes or assessments on any property acquired or used by it for the purposes provided in this act, and the bonds or other securities and obligations issued by the commission, their transfer, and the income therefrom, including any profits made on the sale thereof, shall at all times be free from taxation within the Commonwealth.

Section 15. The commission is hereby authorized to fix, and to revise from time to time, tolls for the use of the turnpike and the different parts or sections thereof, and to charge and collect the same, and to contract with any person, partnership, association, or corporation, desiring the use of any part thereof, including the right of way adjoining the paved portion, for placing thereon telephone, telegraph, electric light or power lines, gas stations, garages, stores, hotels, restaurants, and advertising signs, or for any other purpose, except for tracks for railroad or railway use, and to fix the terms, conditions, rents and rates of charges for such use. Such tolls shall be so fixed and adjusted as to provide a fund at least sufficient with other revenues of the turnpike, if any, to pay (a) the cost of maintaining, repairing and operating the turnpike, and (b) the bonds, notes or other evidences of indebtedness and the interest thereon, and all sinking fund requirements, and other requirements provided by the resolution authorizing the issuance of the bonds, notes or other evidences of indebtedness or by the trust indenture, as the same shall become due. Such tolls shall not be subject to supervision or regulation by any other State commission, board, bureau or agency. The tolls and

all other revenues derived from the turnpike, except such part thereof as may be required to pay the cost of maintaining, repairing and operating the turnpike and to provide such reserve therefor as may be provided for in the resolution authorizing the issuance of the bonds, notes or other evidences of indebtedness or in the trust indenture, shall be set aside at such regular intervals as may be provided in such resolution or such trust indenture in a sinking fund, which is hereby pledged to and charged with the payment of (1) the interest upon such bonds, notes or other evidences of indebtedness, as such interest shall fall due, (2) the principal of the bonds, notes or other evidences of indebtedness, as the same shall fall due, (3) the necessary fiscal agency charges for paying principal and interest, and (4) any premium upon bonds retired by call or purchase, as herein provided. The use and disposition of such sinking fund shall be subject to such regulations as may be provided in the resolution authorizing the issuance of bonds, notes or other evidence of indebtedness or in the trust indenture, but, except as may otherwise be provided in such resolution or trust indenture, such sinking fund shall be a fund for the benefit of all bonds, notes or other evidences of indebtedness issued hereunder, without distinction or priority of one over another. Subject to the provisions of the resolutions authorizing the issuance of bonds, notes or other evidences of indebtedness or of the trust indenture, any moneys in such sinking fund in excess of an amount equal to one year's interest on all bonds, notes or other evidences of indebtedness then outstanding may be applied to the purchase or redemption of bonds, notes or other evidences of indebtedness. All bonds, notes or other evidences of indebtedness so purchased or redeemed shall forthwith be cancelled and shall not again be issued.

Section 16. The commission is hereby authorized to provide, by resolution, for the issuance of turnpike revenue refunding bonds of the Commonwealth for the purpose of refunding any turnpike revenue bonds, notes or other evidences of indebtedness issued under the provisions of this act and then outstanding. The issuance of such turnpike revenue refunding bonds, the maturities and other details thereof, the rights of the holders thereof, and the duties of the Commonwealth and of the commission in respect to the same, shall be governed by the foregoing provisions of this act in so far as the same may be applicable, and by the following provisions:

(a) No turnpike revenue refunding bonds shall be delivered unless delivered in exchange for turnpike revenue bonds, notes or other evidences of indebtedness to be refunded thereby, except in the amount necessary to provide for the payment of matured or redeemable turnpike revenue bonds, notes or other evidences of indebtedness, or turnpike revenue bonds, notes or other evidences of indebtedness maturing or redeemable within three months, including any redemption premium thereon.

(b) No turnpike revenue refunding bonds shall be issued unless issued to refund turnpike revenue bonds, notes or other evidences of indebtedness which have matured or will mature within three months, or unless the interest rate of the turnpike revenue refunding bonds shall be at least one-fourth of one per centum less than the interest rate borne by the turnpike revenue bonds, notes or other evidences of indebtedness to be refunded.

Section 17. Any holder of bonds, notes or other evidences of indebtedness issued under the provisions of this act, or any of the coupons attached thereto, and the trustee under the trust indenture, if any, except to the extent the rights herein given may be restricted by resolution passed before the issuance of the bonds, notes or other evidences of indebtedness or by the trust indenture, may, either at law or in equity, by suit, action, mandamus or other proceedings, protect and enforce any and all rights granted hereunder or under such resolution or trust indenture, and may enforce and compel performance of all duties required by this act or by such resolution or trust indenture to be performed by the commission or any officer thereof, including the fixing, charging and collecting of tolls for the use of the turnpike.

Section 18. When all bonds, notes or other evidences of indebtedness and the interest thereon shall have been paid, or a sufficient amount for the payment of all bonds, notes or other evidences of indebtedness and the interest to maturity thereon shall have been set aside in trust for the benefit of the holders of such bonds, notes or other evidences of indebtedness and shall continue to be held for that purpose, the turnpike and the connecting roads, tunnels and bridges shall become a part of the system of State highways and shall be maintained by the Department of Highways free of tolls; and thereupon, the commission shall be dissolved, and all funds of the commission not required for the payment of the bonds, notes or other evidences of indebtedness and all machinery, equipment and other property belonging to the commission shall be vested in the Department of Highways.

Section 19. The foregoing sections of this act shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing. Such sections, being necessary for the welfare of the Commonwealth and its inhabitants, shall be liberally construed to effect the purposes thereof.

Section 20. All acts and parts of acts inconsistent with this act are hereby repealed.

Section 21. This act shall become effective immediately upon its final enactment.

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, August 25, 1951.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I return herewith, without my approval, Senate Bill No. 110, Printer's No. 381, entitled "An act to facilitate traffic in the northern section of the Commonwealth by providing for the construction, operation and maintenance of a turnpike from a point on the Erie extension to a point on the Scranton extension of the Pennsylvania Turnpike or to a point on the northeastern extension of the Pennsylvania Turnpike, at such points as the Pennsylvania Turnpike Commission may decide are the most feasible and practicable, for the



further extension of the Pennsylvania Turnpike from or near the City of Erie in Erie County to or near the City of Scranton in Lackawanna County or to a point on the northeastern extension of the Pennsylvania Turnpike; conferring powers and imposing duties on the Pennsylvania Turnpike Commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike, and to issue notes or other evidences of indebtedness; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds, notes or other evidences of indebtedness, and for the cost of maintenance, operation and repair of the turnpike; making such turnpike bonds, notes or other evidences of indebtedness exempt from taxation; constituting such bonds legal investments in certain instances; requiring suits against the commission to be brought in Dauphin County; prescribing conditions on which such turnpike shall become free; providing for grade separations, grade changes, relocations, restoration and vacation of public roads and State highways affected by the turnpike; providing for the purchasing or condemnation of land and procedure for determining damages in condemnation; granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission; and authorizing the issuance of turnpike revenue refunding bonds.”

This bill authorizes the Pennsylvania Turnpike Commission to construct an extension of the Turnpike from a point on the proposed Erie Extension of the Turnpike near Erie to a point on the proposed Scranton Extension or Northeastern Extension of the Turnpike near Scranton.

The Erie Extension was authorized by the Act of May 9, 1949, P. L. 1037, and the Scranton Extension was authorized by the Act of May 9, 1949, P. L. 1050. The Northeastern Extension is authorized by House Bill No. 1484 which has been passed by both houses of the General Assembly, but has not been sent to me for approval as of this date. The Scranton Extension Act, *supra*, is expressly repealed by said House Bill No. 1484.

Construction of neither the Erie nor the Scranton Extensions has been commenced. This means that the bill is calling for an extension of the Turnpike to connect two presently non-existent extensions or to connect to an extension which has not yet been authorized by law. Such a situation is by no means an orderly method of bringing about the expansion of our excellent Turnpike System and would undoubtedly cause more harm than good.

Furthermore, the condemnation procedure and financing provisions of the bill are not the same as those set forth for the Delaware River Extension authorized by the Act of May 23, 1951 (Act No. 74) and the Northeastern Extension proposed by the aforesaid House Bill No. 1484, and this disparity could seriously hamper its workability in relation to the overall Turnpike System.

The sounder and more orderly approach to this matter would seem to be legislation passed at such time as the extensions, to which the proposed extension is to connect, are constructed or their construction

is underway. At that time it will be possible to more accurately gauge the need for such an extension and to pass appropriate legislation if it then seems advisable.

For these reasons, the bill is not approved.

JOHN S. FINE

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No. 20

AN ACT

To amend the act, approved the first day of June, one thousand nine hundred fifteen (Pamphlet Laws 701), entitled "An act regulating the payment of persons in the employ of the Commonwealth," by providing for pay-days every two weeks.

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

Section 1. Section 1 of the act, approved the first day of June, one thousand nine hundred fifteen (Pamphlet Laws 701), entitled "An act regulating the payment of persons in the employ of the Commonwealth," is hereby amended to read as follows:

Section 1. Be it enacted, &c., That each person in the employ of the Commonwealth receiving an annual salary [shall be paid semi-monthly on the first and fifteenth of the month. If such days fall upon Sunday, the payment shall be made on the following day.] *shall be paid every other Friday. If any such Friday is a holiday, the payment shall be made on the Thursday before such Friday. Each person employed by the Commonwealth on an hourly or per diem basis shall be paid on the basis of a two week pay period, as determined by the head of the respective department, board or agency.*

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, September 29, 1951.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill No. 634, Printer's No. 571, "An act to amend the act, approved the first day of June, one thousand nine hundred fifteen (Pamphlet Laws 701), entitled 'An act regulating the payment of persons in the employ of the Commonwealth,' by providing for pay-days every two weeks."

This bill seeks to amend the Act approved June 1, 1915, P. L. 701, concerning the payment of remuneration of persons in the employ of the Commonwealth. The present law provides that each person in the employ of the Commonwealth receiving an annual salary shall be paid semi-monthly on the first and fifteenth of the month. If such days fall upon Sunday the payment shall be made on the following day. The amendment provides that each person shall be paid every other Friday. If any such Friday is a holiday the payment shall be made on the Thursday before such Friday. The bill further provides that each person employed on an hourly or per diem basis shall be paid on the basis of a two-week pay period as determined by the head of the respective department, board or agency.

I have given this legislation my most careful consideration. Inasmuch as I believe that it contains a large element of merit, at the same time when the objections to the legislation are weighed against its attractive features I have reluctantly decided that the bill must be vetoed.

Practically every State employe is a member of the Retirement System. The Retirement System was organized in 1923 and Pennsylvania was one of the leaders in establishing retirement for State employes. Among other things, the law guarantees 4% interest to each employe on his accumulated deductions. As this return cannot be made by investments in the open market the legislature must every biennium appropriate a large amount of money to make up the difference. The Retirement System is set up on a bi-monthly pay period and any change would entail a complete readjustment of the administration of the act such as the printing and preparation of new ledger cards, the recomputation of all deductions and the addition of much new equipment and new personnel. The cost would be excessive.

In the Department of the State Treasury it would mean the preparation of new name plates for over fifty thousand employes, in addition to the recomputation of salary checks based on twenty-six pay periods instead of twenty-four and, likewise, the recomputation of the federal withholding tax for each employe.

The Department of the Auditor General has advised that approximately 10% of the man hours now expended on work performed by this department in connection with its pre-audit of Commonwealth payrolls, will have to be added to the present over-all man hour requirements in the event the bill will become law.

Inasmuch as the enactment of this bill would not result in any more income to the employe, it is my belief that a general salary increase would be much more preferable to the average State employe than a change in the present system of payment.

For these reasons, the bill is not approved.

JOHN S. FINE

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No. 21

AN ACT

To further amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws 177), 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 creating the Pennsylvania Library Council, prescribing its powers and duties, providing for a State librarian and for certification of libraries and librarians and for minimum standards for public library service.

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

Section 1. As much as applies to the Department of Public Instruction of section 202 of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws 177), 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 last amended by the acts, approved the ninth day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1003), the twelfth day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1289), and the twenty-third day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1717), 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 Public Instruction,  
State Council of Education,  
*Pennsylvania Library Council*  
State Real Estate Commission,  
Pennsylvania State Board of Censors,  
Public School Employes' Retirement Board,  
Board of Trustees of Thaddeus Stevens Trade 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 Cosmetology,  
 State Board of Veterinary Medical Examiners,  
 State Board of Chiropractic Examiners,  
 State Board for the Examination of Public Accountants,  
 State Board of Examiners of Architects,  
 State Registration Board for Professional Engineers,  
 Public Service Institute Board,  
 State Board of Private Academic Schools,  
 State Board of Private Business Schools,  
 State Board of Private Trade Schools,  
 State Board of Private Correspondence Schools.

Section 2. Article four of said act is hereby amended by adding, immediately following section 408 thereof, a new section to read as follows:

*Section 408.1. Pennsylvania Library Council.—The Pennsylvania Library Council shall consist of the Superintendent of Public Instruction, eight members to be appointed by the Governor, and two members of the General Assembly, one from the Senate and one from the House of Representatives. The members of the council who are members of the General Assembly shall have no right to vote but shall in all other respects enjoy all the rights and privileges of membership. The term of office of each appointed member shall be four years and until his successor is appointed and qualified, except that in the initial appointment of members of the council, two members shall be appointed for the term of one year, two members for the term of two years, two members for the term of three years, and two members for the term of four years. Any vacancy occurring in the council shall be filled by the Governor for the unexpired term.*

*One of the members of the General Assembly shall be appointed by the president pro tempore of the Senate and one by the speaker of the House of Representatives for a term to expire with his concurrent term as a legislator and shall serve until his successor is appointed and qualified, unless he shall not be elected for the next succeeding term as a member of the General Assembly, in which case a vacancy shall occur.*

*Five members who are not members of the General Assembly shall constitute a quorum.*

*The members of the council shall receive no compensation for their services but shall be reimbursed for actual and necessary expenses*

*incurred in the performance of their duties. They may appoint a secretary who need not be a member of the council. The council shall select one of the appointed members as chairman, who shall serve for the term of one year.*

*Meetings of the council may be called by the chairman and may be called on request of the majority of the members of the council.*

Section 3. Section 1305 of said act, as amended by the act, approved the sixth day of June, one thousand nine hundred forty-five (Pamphlet Laws 1398), is hereby further amended to read as follows:

Section 1305. Library.—The [Department of Public Instruction] *Pennsylvania Library Council* 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 State Library and Museum, and the several divisions thereof, in so far as the same shall in any manner relate to the State Library or the law library or to the following powers, duties and functions. [The Superintendent of Public Instruction may designate the person in charge of the work to which this section refers, as the State Librarian.]

The [department] *Pennsylvania Library Council* shall have the power, and its duty shall be:

- (a) To control, direct, supervise, and manage the State Library;
- (b) To maintain, as a part of the State Library, a law library;
- (c) To give advice and counsel to all free libraries in the State, and to all communities which may propose to establish free libraries, [in the selection of books, cataloguing, and other details of library management, and] as to the best means of establishing and administering such libraries; and may provide assistance by any of its employes in organizing such libraries or improving service given by them.
- (d) [Generally, to supervise and] To inspect free libraries, which may be established or assisted under any legislative provision for State grants in aid to libraries, and to require annual reports from all free public libraries in such manner as may be deemed proper, and to establish and maintain a system of traveling libraries, as far as possible throughout the Commonwealth;
- (e) To appoint a State librarian who shall have the care and charge of the State Library and the affairs appertaining thereto and shall perform such other duties as shall be prescribed by the council. The State Librarian shall be a graduate of a nationally accredited library school and shall have had at least five (5) years experience in library work in an administrative capacity.
- (f) To prepare and administer standards for certification of libraries and librarians.
- (g) To establish minimum standards for public library service and to assist libraries in maintaining such standards.
- (h) To promote the establishment of libraries in those areas of the State not served by free public libraries and to conduct demonstrations, by means of bookmobiles, collections of books or otherwise, in areas without free public library service for this purpose.
- (i) To encourage contractual and cooperative relations between school districts, school libraries, and local, county, district, or regional libraries.

(j) *To report and recommend to the Governor and the General Assembly legislation needed to make the libraries of this Commonwealth more effective and useful.*

(k) *To collect and preserve statistics, undertake research pertaining to libraries, and to publish and distribute the resultant findings, and to do any and all of the things it may reasonably be able to do to promote and advance library service in the Commonwealth.*

Section 4. All acts and parts of acts are hereby repealed in so far as they are inconsistent with the provisions of this act.

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, September 29, 1951.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill No. 745, Printer's No. 851, entitled "An act to further amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws 177), 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 creating the Pennsylvania Library Council, prescribing its powers and duties, providing for a State librarian and for certification of libraries and librarians and for minimum standards for public library service."

This bill would amend sections 202 and 1305 and adds section 408.1 by creating the Pennsylvania Library Council and prescribing its powers and duties relative to public library service, certification of libraries and librarians.

The Administrative Codes of 1923, P. L. 498, June 7, and of 1929, P. L. 177, April 9, were enacted to accomplish the purposes therein stated, and abolished the following departments and offices relating to libraries: the State Library, State Librarian, Deputy State Librarian, General Library, Law Library and Library Extension and placed them under the Department of Public Instruction.

This bill is not needed because, under the provisions of the present law, adequate provision is made with regard to these offices and

libraries and the obligation assumed under The Administrative Code has been properly and fully discharged.

Moreover, this bill would be a departure from the policy inaugurated by The Administrative Code.

The purpose and intendment of having libraries is purely educational, and jurisdiction thereof should remain and be vested in the head of our schools, which at the present time is the Superintendent of Public Instruction. There is no doubt in my mind that what is desired to be accomplished by this bill may be achieved by administrative cooperation.

For these reasons, the bill is not approved.

JOHN S. FINE

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No. 22

AN ACT

Fixing the salary of the Director of the Legislative Reference Bureau.

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

Section 1. The annual salary of the Director of the Legislative Reference Bureau shall be ten thousand five hundred dollars (\$10,500).

Section 2. All acts and parts of acts are repealed in so far as inconsistent herewith.

Section 3. The provisions of this act shall become effective immediately upon final enactment.

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, September 29, 1951.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill No. 1577, Printer's No. 812, entitled "An act fixing the salary of the Director of the Legislative Reference Bureau."

The salary of this position was already increased during this session of the General Assembly. The proper salary adjustment should have been made at that time. A bad precedent would be established to increase this salary for the second time at this session.

For this reason, the bill is not approved.

JOHN S. FINE



## AN ACT

To further amend the act, approved the first day of May, one thousand nine hundred twenty-nine (Pamphlet Laws 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by providing that the Department of Revenue shall furnish one registration plate for every registered vehicle.

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

Section 1. Subsection (a) of section 501 of the act, approved the first day of May, one thousand nine hundred twenty-nine (Pamphlet Laws 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims, registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as last amended by the act, approved the sixth day of May, one thousand nine hundred forty-three (Pamphlet Laws 172), is hereby further amended to read as follows:

Section 501. Registration Plates to be Furnished by Department.—

(a) The department shall furnish [to every owner whose motor vehicle is registered, and for each registration applied for by a manufacturer, jobber, or dealer in motor vehicles, trailers, or semi-trailers, two registration plates; and,] *one registration plate* to every owner of a registered *motor vehicle*, trailer, semi-trailer, motorcycle, or bicycle with motor attached, and for each registration applied for by

a manufacturer, jobber, or dealer in *motor vehicles, trailers, semi-trailers, motorcycles or bicycles with motor attached* [one registration plate].

Section 2. Section 503 of said act, as amended by the act, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Pamphlet Laws 1135), is hereby further amended to read as follows:

Section 503. How Registration Plates Carried on Motor Vehicles.—

[Every] *The* registration plate shall, at all times, be securely fastened to the *rear of the* vehicle to which it is assigned or on which its use is authorized [, one on the front, the other on the rear, except that for motorcycles, bicycles, with motor attached, trailers, and semi-trailers, the single plate shall be on the rear].

No plate shall be attached at a height less than twelve (12) inches from the ground, measuring from the bottom of such plate, nor shall any plate be obscured.

Penalty.—Any person violating any of the provisions of this section, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of ten (\$10) dollars and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than five (5) days.

Section 3. Subsection (a) of section 505 of said act is hereby amended to read as follows:

Section 505. Lost, Defaced or Substituted Registration Plates.—

(a) In the event of the loss of [one or both] *a* registration [plates] *plate*, or if a plate [or plates become] *becomes* so defaced that the numerals or letters thereon are illegible, it shall be the duty of the owner of the motor vehicle, trailer, or semi-trailer, for which the same [were] *was* issued, to apply to the department for *a* new [plates] *plate* within forty-eight (48) hours of his discovery of the loss or defacement of such plate [or plates].

Section 4. Section one of this act shall become effective immediately upon final enactment, but shall not apply to the current registration year. Section two of this act shall become effective on the fifteenth day of the month preceding the registration year commencing in one thousand nine hundred fifty-two. Section three of this act shall become effective the first day of the registration year commencing in one thousand nine hundred fifty-two.

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, September 29, 1951.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill No. 815, Printer's No. 1008, entitled "An act to further amend the act, approved the first day of May, one thousand nine hundred twenty-nine (Pamphlet Laws 905), entitled 'An act for the protection of the public

safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds,' by providing that the Department of Revenue shall furnish one registration plate for every registered vehicle.'"

This bill would amend The Vehicle Code, Act of May 1, 1929, P. L. 905, by requiring the Department of Revenue to issue only one registration plate for each registered vehicle, which would be displayed on the rear thereof.

While the bill would reduce the purchase of basic metals for this purpose fifty per cent, and, thus, effectuate economy, it is the opinion of the Department of Revenue and the Pennsylvania State Police that the use of only one registration plate should not be continued longer than the current shortage of basic metals necessitates.

Section 3 of Act No. 336, approved August 24, 1951, permits the flexibility which the administrative and enforcement agencies feel is desirable by authorizing the Department of Revenue to determine whether one or two registration plates is the more feasible, in light of the situation existing when they must be manufactured. This bill would not permit that flexibility.

For this reason, the bill is not approved.

JOHN S. FINE

# VEToes

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BILLS FILED IN THE OFFICE OF THE SECRETARY OF THE COMMONWEALTH BY THE GOVERNOR, WITH HIS OBJECTIONS THERETO, WITHIN THIRTY DAYS AFTER THE ADJOURNMENT OF THE LEGISLATURE ON THE TWENTY-SECOND DAY OF DECEMBER, 1951.

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No. 24

## AN ACT

Making an appropriation to The Brandywine Battlefield Park Commission for the payment of necessary expenses.

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

Section 1. The sum of three thousand dollars (\$3,000), or as much thereof as may be necessary, is hereby specifically appropriated to The Brandywine Battlefield Park Commission for the payment of general expenses, supplies, printing and equipment necessary for the proper conduct of the work of the commission, and to maintain the lands or structures acquired under the provisions of Act No. 517, approved July 5, 1947 (Pamphlet Laws 1293), for the two fiscal years beginning June 1, 1951.

Section 2. When approved by the Governor, the appropriation in the act providing moneys for the purposes herein indicated for the biennium will be reduced by the amount appropriated by this act.

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, January 14, 1952.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 1715, Printer's No. 969, entitled "An act making an appropriation to the Brandywine Battlefield Park Commission for the payment of necessary expenses."

The Brandywine Battlefield Park Commission has already received two stop-gap appropriations of \$1,000 each, and is presently using funds from the \$80,000,000 stop-gap appropriation.

This bill, which was proposed as a stop-gap measure, is further unnecessary, since House Bill No. 1488 makes a regular appropriation to The Brandywine Battlefield Park Commission.

For these reasons, the bill is not approved.

JOHN S. FINE

## AN ACT

To further amend the act, approved the fifth day of May, one thousand nine hundred eleven (Pamphlet Laws 198), entitled "An act to establish a county court for the county of Allegheny, and prescribing its powers and duties; regulating the procedure therein, and providing for the expenses thereof," by conferring exclusive jurisdiction on the county court of Allegheny County in cases of appeals from decisions of the collector of mercantile taxes imposed by political subdivisions within the territorial limits of its jurisdiction.

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

Section 1. Clause (1) of section 6 of the act, approved the fifth day of May, one thousand nine hundred eleven (Pamphlet Laws 198), entitled "An act to establish a county court for the county of Allegheny, and prescribing its powers and duties; regulating the procedure therein, and providing for the expenses thereof," as added by the act, approved the sixth day of July, one thousand nine hundred fifty-one (Act No. 205), is hereby amended to read as follows:

Section 6. The court hereby created shall have jurisdiction:

\* \* \* \* \*

(1) In all cases of appeal from decisions of the receiver of school taxes or school treasurer in the administration and enforcement of the act of Assembly imposing a mercantile license tax for school purposes in school districts of the first class A *and in all cases of appeal from decisions of collectors of mercantile taxes authorized by any act of Assembly and imposed by any political subdivision within the territorial limits of the jurisdiction of the court.*

Section 2. The provisions of this act shall become effective immediately upon final enactment.

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, January 14, 1952.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 1680, Printer's No. 920, entitled "An act to further amend the act, approved the fifth day of May, one thousand nine hundred eleven (Pamphlet Laws 198), entitled 'An act to establish a county court for the county of Allegheny, and prescribing its powers and duties; regulating the procedure therein, and providing for the expenses thereof,' by conferring exclusive jurisdiction on the county court of Allegheny County in cases of appeals from decisions of the collector of mercantile taxes imposed by political subdivisions within the territorial limits of its jurisdiction."

This bill would confer exclusive jurisdiction upon the County Court for Allegheny County in cases of appeals from the imposition of mercantile taxes by political subdivisions within Allegheny County.

I have already approved Senate Bill No. 833 (Act No. 459), which in identical language conferred the same jurisdiction upon the County Court for Allegheny County. Accordingly, this bill is unnecessary.

For this reason, the bill is not approved.

JOHN S. FINE

## AN ACT

To amend section 401 of the act, approved the twenty-first day of May, one thousand nine hundred forty-three (Pamphlet Laws 571), entitled "An act relating to assessment for taxation in counties of the fourth, fifth, sixth, seventh and eighth classes; designating the subjects, property and persons subject to and exempt from taxation for county, borough, town, township, school, except in cities and county institution district purposes; and providing for and regulating the assessment and valuation thereof for such purposes, creating in each such county a board for the assessment and revision of taxes; defining the powers and duties of such boards; providing for the acceptance of this act by cities; regulating the office of ward, borough, town and township assessors; abolishing the office of assistant triennial assessors in townships of the first class; providing for the appointment of a chief assessor, assistant assessors and other employes; providing for their compensation payable by such counties; prescribing certain duties of and certain fees to be collected by the recorder of deeds; and eliminating the triennial assessment," by changing the provisions relating to the appointment of chief assessors, requiring that the chief assessor devote a major portion of his time to his office, providing for examinations for chief assessors, and creating a committee to prepare and supervise such examinations.

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

Section 1. Section 401 of the act, approved the twenty-first day of May, one thousand nine hundred forty-three (Pamphlet Laws 571), entitled "An act relating to assessment for taxation in counties of the fourth, fifth, sixth, seventh, and eighth classes; designating the subjects, property and persons subject to and exempt from taxation for county, borough, town, township, school, except in cities and county institution district purposes; and providing for and regulating the assessment and valuation thereof for such purposes; creating in each such county a board for the assessment and revision of taxes; defining the powers and duties of such boards; providing for the acceptance of this act by cities; regulating the office of ward, borough, town and township assessors; abolishing the office of assistant triennial assessor in townships of the first class; providing for the appointment of a chief assessor, assistant assessors and other employes; providing for their compensation payable by such counties; prescribing certain duties of and certain fees to be collected by the recorder of deeds; and eliminating the triennial assessment," is hereby amended to read as follows:

Section 401. Chief Assessor; Appointment; Compensation.—

(a) In each county there shall be a chief assessor appointed by the board of assessment and revision of taxes to serve at the pleasure of said board and until his successor is appointed and qualified. The chief assessor shall *devote the major portion of his time to the duties of his office as chief assessor until a uniform permanent records system has been established, and thereafter so much of his time as the board shall determine, and shall receive compensation either monthly or semi-monthly, as other county employes are paid* [, at such rate as shall be determined by the board].

(b) *Chief assessors appointed subsequent to the effective date of this mandatory act and incumbent chief assessors within two years thereafter must qualify for such position by successfully passing an*

*examination given at Harrisburg by the committee hereinafter named, which committee shall conduct at least one such examination each year. Such examination shall test the applicants knowledge of the laws relating to the assessment of local taxes and the subjects which may be taxed by political subdivisions and his knowledge of the value of property which is the subject of local taxation.*

*(c) Whenever a vacancy occurs in the office of chief assessor and there are no eligible applicants available, the board may appoint a chief assessor to serve until the results of the next ensuing examination are known.*

*(d) The examination shall be prepared by and held under the supervision of a committee consisting of ten members, five of whom shall be members of the Pennsylvania State Association of County Commissioners, four of whom shall be members of the General Assembly, and the chairman of the Local Government Commission.*

*The members of the committee representing the Pennsylvania State Association of County Commissioners shall be appointed by the president thereof from each class of county subject to the provisions of this act, and of the four members of the General Assembly, two shall be appointed by the President pro tempore of the Senate and two shall be appointed by the Speaker of the House of Representatives, and all shall serve without compensation; but the members of the Pennsylvania State Association of County Commissioners and the members of the General Assembly, including the chairman of the Local Government Commission shall be reimbursed, respectively, by the Pennsylvania State Association of County Commissioners or the Local Government Commission for all necessary expenses incurred in attending meetings of the committee. The committee shall meet at the call of the chairman of the Local Government Commission or his agent, who shall serve as chairman. The chairman may call a meeting at any time, but shall call a meeting within thirty days after receiving a request to do so, signed by all of the members of the committee other than the chairman.*

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, January 18, 1952.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 656, Printer's No. 405, entitled "An act to amend section 401 of the act, approved the twenty-first day of May, one thousand nine hundred forty-three (Pamphlet Laws 571), entitled 'An act relating to assessment for taxation in counties of the fourth, fifth, sixth, seventh and eighth classes; designating the subjects, property and persons subject to and exempt from taxation for county, borough, town, township, school, except in cities and county institution district purposes; and providing for and regulating the assessment and valuation thereof for such purposes, creating in each such county a board for the assessment and revision of taxes; defining the powers and duties of such boards; providing for the acceptance of this act by cities; regulating the office of ward, borough, town and township assessors; abolishing the office of assistant triennial assessors in townships of the first class; providing for the appointment of a chief assessor, assistant assessor and other employes;

providing for their compensation payable by such counties; prescribing certain duties of and certain fees to be collected by the recorder of deeds; and eliminating the triennial assessment,' by changing the provisions relating to the appointment of chief assessors, requiring that the chief assessor devote a major portion of his time to his office, providing for examinations for chief assessors, and creating a committee to prepare and supervise such examinations."

This bill would amend section 401 of The Fourth to Eighth Class County Assessment Law, the Act of May 21, 1943, P. L. 571 by providing that chief county assessors must qualify for their office by passing an examination prepared and held under the supervision of a committee composed of five members of the State Association of County Commissioners, four members of the General Assembly and the Chairman of the Local Government Commission.

The assessment of property for the purpose of local taxation is peculiarly a local problem. The qualifications it is desirable to have a chief assessor possess will necessarily vary from county to county depending upon the size, character and local conditions of the particular county. For these reasons I feel that the appointment of chief assessors should be left to the complete discretion of the county boards for the assessment and revision of taxes. It will serve no useful purpose to place between these boards and their chief assessor a state-wide examining committee which cannot possibly take into consideration in every case the particular abilities that are desired in the persons named to this office in the various counties.

For these reasons, the bill is not approved.

JOHN S. FINE

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No. 27

AN ACT

To add section 10.1 to the act, approved the twenty-seventh day of June, one thousand nine hundred twenty-three (Pamphlet Laws 853), 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," by providing for credit for years of service for certain former employes of the public school system.

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

Section 1. The act, approved the twenty-seventh day of June, one thousand nine hundred twenty-three (Pamphlet Laws 858), 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," is hereby amended by adding, after section 10 thereof, a new section to read as follows:

*Credit for School Service*

*Section 10.1. The board shall credit every State employe with a "year of service" for all the purposes of this act for each year for which he, as an employe under the public school system of this Commonwealth, including State Teachers' Colleges and the Pennsylvania State College, made contributions, and for which contributions were made by the State and school district to the public school employes' retirement fund and for which he has not heretofore been credited under this act, when there is furnished to the board satisfactory proof of the contributions, and when there is paid into the fund, in instalments or a lump sum, an amount equalling such contributions made by him plus any accrued interest, and when the Public School Employes' Retirement Board transfers to the fund an amount equalling the contributions made by the State and school district to his account during such school service.*

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, January 18, 1952.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 1468, Printer's No. 1000, entitled "An act to add section 10.1 to the act, approved the twenty-seventh day of June, one thousand nine hundred twenty-three (Pamphlet Laws 858), 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,' by providing for credit for years of service for certain former employes of the public school system."

This bill proposes to add section 10.1 to the Act of June 27, 1923, P. L. 858, commonly known as the "State Employes' Retirement Act."

By the new section, the Retirement Board shall give credit to every State employe with a "year of service" for each year for which he or she was an employe of the public school systems of the Commonwealth, and a member of the Public School Employes' Retirement Board. The section further provides that upon certification by the school system, as to years of service, that it shall transfer to the State Board all of the accumulated deductions, payments made by the school district and the State in his behalf together with interest thereon over to the State Board.

The bill is a companion measure to House Bill No. 1469, Printer's No. 1001, which permits transfer from the State system to the school system, under the same conditions.

Upon initial consideration of the measures they seem desirable and meritorious but a careful analysis of the results, which would follow the enactment of these bills, leaves me but with the one alternative of vetoing both.

The financial stability of the several retirement systems of the Commonwealth must be maintained. The soundness of a retirement law must, of necessity, be based upon actuarial studies and accurate computations to the end that proper rates may be established and retirement benefits fixed by formula. The stability of the State Employees' Retirement System must be closely guarded because the Board is the trustee of money not only of the State employe but also of the taxpayer.

This bill does not recognize that the State Employees' Retirement Act and the School Employees' Retirement Act differ materially. Retirement age for a State employe is sixty years, while for a school employe it is sixty-two years. Retirement may also be accorded in the former system after twenty-five years of continuous service, but in the latter the law provides for thirty-five continuous service years. On the other hand, the rates of deductions from salary are much higher in the State than in the school system, and as a corollary the benefits are larger.

A fair example of the injustice of the operation of the provisions of this measure would be a consideration of the case of a public school employe in service for twenty-four years who resigns and enters State service, and after one year thereof would be, under the State law, entitled to retirement on superannuation in some cases at a higher allowance than had he or she remained in school service for the additional ten years required under that law. If the public school employe, however, had longer years of service, it is possible that he or she could qualify under the State system as an "original member," with credits for any years of service prior to July 1, 1924. For these years, under the present law, the State must bear all the expense in setting up proper reserves with which to provide an annuity for the total years of service. I am informed that the actuary for the State system is unable to estimate the cost to the Commonwealth of such a measure, but that his belief is that inasmuch as the superannuation retirement allowances are more favorable under the State system than under the school system, the cost to the taxpayer would, over the years, be very substantial.

Under the present law, in case of transfer, credits can be maintained in the system from which the employe is transferring, and upon retirement the beneficiary will receive retirement allowances from both systems. This law is eminently equitable.

It is unfortunate that both the State and School retirement systems were not integrated and enacted into one comprehensive law many years ago. I am advised that to do so today would entail a cost to the State of approximately five hundred million dollars. However, I have requested the Attorney General and the actuaries of both systems to study the question of transfer in light of the provisions of the present bill with a thought, perhaps, of permitting an employe of the school system in making the transfer to also make payments to the State Board of an amount sufficient to make up the difference between the reserves and accumulated deductions set up in the school system,

and those which would be necessary actuarially in the State system. This provision is in our present law as far as the amount of deductions is concerned during the time that State employes are in the armed forces of the Nation.

For these reasons, the bill is not approved.

JOHN S. FINE

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No. 28

AN ACT

To add section 12.2 to the act, approved the eighteenth day of July, one thousand nine hundred seventeen (Pamphlet Laws 1043), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing 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 boards having the employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," by providing for the furnishing of information and the transfer of certain moneys by the board to the State Employes' Retirement Board and Fund.

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

Section 1. The act, approved the eighteenth day of July, one thousand nine hundred seventeen (Pamphlet Laws 1043), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing 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 boards having the employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," is hereby amended by adding, after section 12.1 thereof, which was added by the act, approved the seventh day of July, one thousand nine hundred forty-seven (Pamphlet Laws 1365), a new section to read as follows:

*Information and payments on Account of Certain Former Employes*

Section 12.2. (a) *On the written application of any person who is a former employe under the public school system of this Commonwealth, including State Teachers' Colleges and the Pennsylvania State College, and who is a member of the State Employes' Retirement System but has no credit for his years of such school service under the State Employes' Retirement System, the board shall promptly furnish the State Employes' Retirement Board with a statement showing the number of years for which he made contributions and for which contributions were made by the State and school district to the fund and the total amount of such contributions plus accrued interest at the time of his withdrawal.*

(b) *Whenever the board has proof of such contributions, the board shall furnish the State Employes' Retirement Board with proof*

*thereof and shall transfer to the State Employees' Retirement Fund from the fund an amount equalling the contributions made by the State and school district to his account during such year of service and the amount, if any, of accumulated deductions plus accrued interest left by such person in the fund.*

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, January 18, 1952.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 1469, Printer's No. 1001, entitled "An act to add section 12.2 to the act, approved the eighteenth day of July, one thousand nine hundred seventeen (Pamphlet Laws 1043), entitled 'An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing 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 boards having the employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties,' by providing for the furnishing of information and the transfer of certain moneys by the board to the State Employees' Retirement Board and Fund."

This bill proposes to add section 12.2 to the Act of July 18, 1917, P. L. 1043, commonly known as the Public School Employes' Retirement Act.

The bill is a companion bill to House Bill No. 1468, Printer's No. 1000, which I reluctantly have been compelled to veto. Part of the reasoning applies to this bill as stated in my veto message to the companion measure.

The bill provides that an employe of the State, who is a member of the State Employees' Retirement System, may transfer to the Public School Employes' Retirement System and upon certification by the State Employees' Retirement Board, he or she shall be given credit for their years of service as a State employe in the school system.

As I have pointed out in the veto message to the companion measure, there is a marked dissimilarity in the provisions of both systems, so that under the present bill when an employe makes such a transfer, the State system would pay over to the school system an amount to his credit in salary deductions and annuity reserves which must, of necessity, be in excess of that required under the school retirement law. This would be unjust and would not accrue to the benefit of the employe but rather to the Retirement Board to which he transferred.

The actuary for the State system has pointed out that it is doubtful whether many employes would take advantage of the provisions of the present bill. The reasons for this are obvious when consideration is given to the provisions of both acts.

Under the present law, such transfers may be made and the credits maintained in the system from which the employe transfers and upon retirement, superannuation allowances shall be made from both systems.

In view, however, of the importance of the question, I have instructed the Attorney General and the actuaries of both systems to make a further study of the matter to ascertain whether a transfer may be made which would be equitable to all parties.

For these reasons, the bill is not approved.

JOHN S. FINE

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No. 29

AN ACT

To amend the act, approved the sixth day of June, one thousand eight hundred ninety-three (Pamphlet Laws 326), entitled "A supplement to an act entitled 'An act in relation to the imprisonment, government and release of convicts in the Pennsylvania Industrial Reformatory at Huntingdon,' approved the twenty-eighth day of April, Anno Domini one thousand eight hundred and eighty-seven," by correcting the name of said institution and of the governing board thereof.

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

Section 1. Sections 1, 2, 3 and 4 of the act, approved the sixth day of June, one thousand eight hundred ninety-three (Pamphlet Laws 326), entitled "A supplement to an act entitled 'An act in relation to the imprisonment, government and release of convicts in the Pennsylvania Industrial Reformatory at Huntingdon,' approved the twenty-eighth day of April Anno Domini one thousand eight hundred and eighty-seven," are hereby amended to read as follows:

Section 1. Be it enacted, &c., That whenever an inmate of the Pennsylvania Industrial [Reformatory at Huntingdon] *School at Camp Hill, Cumberland County, Pennsylvania*, shall be paroled and thereafter, when on his parole, shall in any manner violate the same and be declared a delinquent by the Board of [Managers of said reformatory] *Trustees thereof*, he shall be liable to arrest and return at any time, and upon his return be required to serve the unexpired term of his possible maximum sentence, at the discretion of the Board of [Managers] *Trustees*, and the time from the date of his declared delinquency to the date of his return to the said [Reformatory] *Industrial School* shall not be counted as any part or portion of such sentence.

Section 2. Whenever any such paroled inmate shall [, as aforesaid,] so violate his said parole and be declared a delinquent by the said Board of [Managers] *Trustees*, it shall be lawful for the president of the Board of [Managers] *Trustees* of the said [Reformatory] *Industrial School* to issue his warrant to detective or person authorized by law to execute criminal process, whose duty it shall be to arrest and deliver such paroled prisoner to the [Reformatory at Huntingdon] *Industrial School*, the cost of executing such warrant and delivering the prisoner to the said [Reformatory] *School* to be paid by the Board of [Managers] *Trustees*.

Section 3. Whenever any inmate of the said Industrial [Reformatory] *School* shall violate his parole and go into any other State, it

shall be the duty of the Governor of the Commonwealth to issue his requisition for the return of such paroled inmate as being a fugitive from justice.

Section 4. Whenever any paroled inmate of the said Industrial [Reformatory] *School* shall violate his parole and be returned to the institution, the time when he was on parole may, in the discretion of the Board of [Managers] *Trustees*, be added to the maximum sentence which he could be required to serve, and in their discretion, the said paroled inmate may be compelled to serve, in addition to the maximum sentence, a period of time equal to the time that he was on parole.

Section 2. Section 5 of said act, as amended by the act, approved the twenty-eighth day of April, one thousand eight hundred ninety-nine (Pamphlet Laws 73), is hereby further amended to read as follows:

Section 5. If any inmate should escape from the said Industrial [Reformatory] *School*, or from a keeper or any officer having him in charge, or from his place of work while engaged in working outside of the walls, the inmate so escaping shall be deemed and taken to have committed an escape or breach of prison, and shall be subject to like penalties as are now provided by law for an escape or breach of prison, and may be punished accordingly: or the board of [Managers] *Trustees* may, in their discretion, add to his maximum sentence, upon his return to the [Reformatory] *School*, the time which said escaped inmate may be at large, and in their discretion such escaped inmates may be required to serve, in addition to his maximum sentence, a further period of time equal to the time that he was at large.

Section 3. The provisions of this act shall become effective immediately upon final enactment.

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, January 18, 1952.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 640, Printer's No. 1124, entitled "An act to amend the act, approved the sixth day of June, one thousand eight hundred ninety-three (Pamphlet Laws 326), entitled 'A supplement to an act entitled 'An act in relation to the imprisonment, government and release of convicts in the Pennsylvania Industrial Reformatory at Huntingdon,' approved the twenty-eighth day of April, Anno Domini one thousand eight hundred and eighty-seven,' by correcting the name of said institution and of the governing board thereof.'"

This bill is unnecessary.

The names of the institution and the governing board thereof have already been similarly changed by House Bill No. 1112, Act No. 199, the Act of June 30, 1951, which amends the Act of April 28, 1887, P. L. 63.

By the Pennsylvania Board of Parole Act, the Act of August 6, 1941, P. L. 861, 61 P. S. Sections 331.1 et seq., the Pennsylvania Board of Parole was given the power to parole and recommit inmates of the Pennsylvania Industrial School, "when the maximum sentence

which could have been imposed for the crime of which the prisoner was convicted equals or exceeds two years:" Section 31, as amended by the Act of May 27, 1943, P. L. 767, 61 P. S. Section 331.31.

Except for possible sentences which do not fall within the foregoing classification, all the authority which the acts of 1887 and 1893, contained in this bill, conferred upon the Board of Managers (Trustees) of the institution, was subsequently given to the Pennsylvania Board of Parole by the Act of August 6, 1941, P. L. 861, as amended.

For these reasons, the bill is not approved.

JOHN S. FINE

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No. 30

AN ACT

To further amend clause (q) of section seven hundred thirty-one of the act, approved the third day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," by changing certain penal provisions.

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

Section 1. Clause (q) of section seven hundred thirty-one of the act, approved the third day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," as last amended by the act, approved the fourteenth day of April, one thousand nine hundred forty-nine (Pamphlet Laws 434), is hereby further amended to read as follows:

Section 731. Penalties.—Any person violating any of the provisions of the sections of this article shall, upon conviction, be sentenced to pay the following fines and costs of prosecution for each offense:

\* \* \* \* \*

(q) Except as otherwise herein provided, for hunting, or chasing, or catching, or taking, or killing, or wounding, or receiving, or delivering, or transporting, or shipping or using or concealing or assisting to conceal, or having in possession, [or attempting to hunt for, catch, take, kill, wound, or transport] contrary to this article, or regulations adopted thereunder by the commission, or for violating any of the provisions of this article relating to the shipping or transportation or removal out of this Commonwealth, or relating to the buying or selling or bartering of:

I. Each elk, *elk hide, or any edible part thereof*, two hundred dollars, and in the discretion of the court, six months' imprisonment.

II. Each deer, *deer hide, or any edible part thereof*, one hundred dollars.

III. Each bear, *bear hide, or any edible part thereof*, two hundred dollars.

IV. Each wild turkey, ruffed grouse, pheasant, quail, partridge, or woodcock, *or part thereof*, twenty-five dollars.

V. Each raccoon, *or part thereof*, twenty-five dollars.

VI. Each other wild bird or wild animal, *or part thereof*, ten dollars.

\* \* \* \* \*

Section 2. The provisions of this act shall become effective immediately upon final enactment.

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, January 18, 1952.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 1056, Printer's No. 1144, entitled "An act to further amend clause (q) of section seven hundred thirty-one of the act, approved the third day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 1225), entitled 'An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto,' by changing certain penal provisions."

This bill would amend clause (q) of section 731 of The Game Law, the Act approved June 3, 1937, P. L. 1225, as amended, by changing certain penal provisions therein so that they specifically apply to the transportation and possession of portions as well as the whole of certain wild game.

Under existing law there has been some question whether the penalties may be imposed where only a part of the animal or bird is illegally transported or possessed. In an attempt to remove any ambiguity in this respect, the bill used amendatory language which is entirely too broad, and if enacted into law will cause more harm than the situation intended to be remedied.

The language of the bill makes the transportation or possession of any number of parts of a single animal or bird subject to a separate penalty for each part. Bearing in mind that a single penalty may be as much as two hundred dollars, it can readily be seen that the act, as proposed to be amended by this bill, could conceivably impose a penalty out of all proportion to the infraction of the law involved.

For these reasons, the bill is not approved.

JOHN S. FINE

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No. 31

AN ACT

To amend section 256 of the act, approved the second day of May, one thousand nine hundred twenty-five (Pamphlet Laws 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," by authorizing fish wardens to make certain arrests with warrants under certain circumstances.

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



Section 1. Section 256 of the act, approved the second day of May, one thousand nine hundred twenty-five (Pamphlet Laws 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," is hereby amended to read as follows:

Section 256. Powers of Fish Wardens. A fish warden shall have power:

(a) To enforce all the laws of the Commonwealth relating to fish; (b) to execute all warrants and search-warrants for the violation of the fish laws; (c) to serve subpoenas issued for the examination, investigation, and trial of all offenses against the laws relating to fish; (d) to carry firearms or other weapons in the performance of his duties; (e) to search without warrant any boat, conveyance, vehicle, fish-box, bag, coat, basket, or other receptacle for fish, when he has reason to believe that any provision of any law of this Commonwealth relating to fish has been violated; (f) to seize and take possession of any and all fish which may have been caught, taken, or killed at any time, in any manner, or for any purpose, or had in possession or under control, or have been shipped or about to be shipped contrary to the laws of this Commonwealth—fish so seized shall be disposed of in any manner as the Commissioner may direct; (g) to enter upon any land or water in the performance of his duty; (h) to demand and secure proper assistance in case of emergency; (i) to purchase fish for the purpose of securing evidence. (j) *to arrest with a warrant any person found in the act of doing any of the following offenses, without permission of the owner, or in pursuit immediately following the doing of any such offenses: (1) obstructing an owner or his tenant ingress, egress or regress to his property or cattle ways; (2) digging in or driving upon fields under cultivation; (3) leaving garbage, bottles, cans, rubbish, or any other type of debris in or along streams or adjacent lands; (4) leaving gates open, breaking or cutting down fences.*

*Any person convicted of committing any of the offenses set forth above shall be sentenced to pay a fine of ten dollars (\$10) and costs for each such offense, and upon a second conviction for any such offense, shall have his license revoked for a period of one year.*

Section 2. The provisions of this act shall become effective immediately upon final enactment.

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, January 19, 1952.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 238, Printer's No. 1040, entitled "An act to amend section 256 of the act, approved the second day of May, one thousand nine hundred twenty-five (Pamphlet Laws 448), entitled 'An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth,' by authorizing fish wardens to make certain arrests with warrants under certain circumstances."

This bill proposes to amend section 256 of the Fish Law of 1925 by authorizing fish wardens to arrest with a warrant persons committing certain enumerated offenses which constitute invasions of the rights of owners of the lands upon which such offenses are committed.

Under existing law, fish wardens have the right to make arrests without a warrant under certain circumstances. Furthermore, the offenses enumerated in this bill would constitute the crime of trespass upon posted land punishable under section 954 of The Penal Code, the Act of June 24, 1939, P. L. 872, as amended. Therefore, to specify these offenses and make persons committing them subject to arrest with a warrant serves no purpose and might well make it more difficult to arrest and prosecute for such offenses.

For these reasons, the bill is not approved.

JOHN S. FINE

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No. 32

AN ACT

To further amend clause (a) of section one thousand eight hundred three and clause (e) of section one thousand eight hundred six of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws 177), 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 further regulating the leasing and sale of State forest and park lands by the Commonwealth, and defining the powers and duties of the Department of Forests and Waters and the rights of lessees with respect to such leased lands.

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

Section 1. Clause (a) of section one thousand eight hundred three of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws 177), 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 the act, approved the sixteenth day of July, one thousand nine hundred thirty-five (Pamphlet Laws 1052), is hereby further amended to read as follows:

Section 1803. Forests Powers.—The Department of Forests and Waters shall have the power:

(a) To lease, for a period not exceeding ten years, on such terms and conditions as it may consider reasonable, to any citizen, church organization, or school board, of Pennsylvania, such portion of any State forest, whether owned or leased by the Commonwealth, as the department may deem suitable, as a site for [a temporary building] *an improvement which, as used herein, means any building placed on the leasehold site by the lessee to be used by such citizen, church organization, or school board, for health and recreation, or as a site for a church or school purposes: Provided, That any existing lease or lease hereafter entered into by the department covering any hunting camp or cabin site upon which the lessee shall have erected an improvement shall be renewable, at the option of the lessee, for no more than four additional terms of ten years each, and that at any time during the original leasehold period or any renewal thereof, the lessee or his assignee shall have the right to assign all his right, title and interest in said lease, together with any improvement, to any citizen or organization of good repute or school board.*

*No lease entered into by the department covering any hunting or cabin site upon which the lessee shall have erected an improvement shall be cancelled by the Commonwealth other than for non-payment of rent, violation of law, or of a rule or regulation of the department not inconsistent with the provisions of this section, or when the site is required for some public use. The department shall not cancel any lease for alleged violation of a rule or regulation of the department until the lessee shall have been notified of the alleged violation and be given an opportunity to be heard.*

*No improvement shall be used for commercial purposes. Copies of all rules and regulations of the department or of the secretary applicable to a leasehold site shall be attached to the lease entered into by the department and the lessee. The lessee or his assignee shall have the right to remove any improvement erected on the leasehold site at any time during the period of the original lease or renewal thereof, or within one year following the termination of the lease. No improvement which the department has permitted or shall hereafter permit to be erected on the leasehold and which is not capable of being removed shall be disturbed or removed by the department without the payment of adequate compensation to the lessee or his assignee.*

*Any sale by the Commonwealth, other than to the lessee or his assignee, of any portion of a State forest under lease pursuant to the provisions of this subsection shall be made subject to the current lease, but shall in no way be subject to a renewal thereof: Provided, That the lessee or his assignee shall have for the term of the lease or for a*

period of six months from the time of sale of the leased land, whichever is greater, all rights, privileges and immunities granted to him under the terms of the lease except the right of renewal.

Section 2. Clause (e) of section one thousand eight hundred six of said act, as last amended by the act, approved the twenty-first day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 1865), is hereby further amended to read as follows:

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

\* \* \* \* \*

(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 owned or leased by the Commonwealth, as may be suitable as a site for [temporary buildings] *an improvement which, as used herein, means any building placed on the leasehold by the lessee, to be used for health, recreational or educational purposes, or for parking areas or concessions for the convenience and comfort of the public: Provided, That any existing lease or lease hereafter entered into by the department covering any cabin site upon which the lessee shall have erected an improvement shall be renewable, at the option of the lessee, for no more than four additional terms of ten years each, and that at any time during the original leasehold period or any renewal thereof, the lessee or his assignee shall have the right to assign all his right, title and interest in said lease, together with improvements thereon, to any citizen or organization of good repute or school board.*

*No lease entered into by the department covering any cabin site upon which the lessee shall have erected an improvement shall be cancelled by the Commonwealth other than for non-payment of rent, violation of law, or of a rule or regulation of the department not inconsistent with the provisions of this section, or when the site is required for some public use. The department shall not cancel any lease for alleged violation of a rule or regulation of the department until the lessee shall have been notified of the alleged violation and be given an opportunity to be heard.*

*No improvement shall be used for commercial purposes. Copies of all rules and regulations of the department or of the secretary applicable to a leasehold site shall be attached to the lease entered into by the department and the lessee. The lessee or his assignee shall have the right to remove any improvement erected on the leasehold site at any time during the period of the original lease or renewal thereof, or within one year following the termination of the lease. No improvement which the department has permitted or shall hereafter permit to be erected on the leasehold site and which is not capable of being removed shall be disturbed or taken by the department without the payment of adequate compensation to the lessee or his assignee.*

*Any sale by the Commonwealth, other than to the lessee or his assignee, of any portion of a State park under lease pursuant to the provisions of this subsection shall be made subject to the current lease, but shall in no way be subject to a renewal thereof: Provided, That the lessee or his assignee shall have for the term of the lease or*

*for a period of six months from the time of sale of the leased land, whichever is greater, all rights, privileges and immunities granted to him by law.*

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, January 19, 1952.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 769, Printer's No. 857, entitled "An act to further amend clause (a) of section one thousand eight hundred three and clause (e) of section one thousand eight hundred six of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws 177), 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 further regulating the leasing and sale of State forest and park lands by the Commonwealth, and defining the powers and duties of the Department of Forests and Waters and the rights of lessees with respect to such leased lands."

This bill would amend clause (a) of section 1803 and clause (e) of section 1806 of The Administrative Code, the Act approved April 9, 1929, P. L. 177, as amended, by further regulating the leasing and sale of State Forest and Park lands, and defining the rights of lessees with respect to such leased lands.

Under existing law, the Department of Forests and Waters has the power to lease such lands as a site for temporary buildings to any citizen, organization or school board for a period not exceeding ten years.

This bill deletes the requirement that such use shall be for "a temporary building" and would permit the construction of "any building placed on the leasehold site by the lessee," but continues the requirement that such building shall be used for health, recreational or educational purposes.

The bill further provides that any existing lease or lease hereafter entered into shall be renewable at the option of the lessee for four additional ten year terms, and permits the lessee or his assignee to assign said lease to any citizen, organization or school board.

The bill provides that no lease shall be cancelled by the Commonwealth other than for non-payment of rent or violation of law or a departmental regulation except when the site is required for some

public use. The lessee is given the right to remove any building during the period of the lease or within one year thereafter, and any improvement which is not capable of being removed shall not be disturbed or taken by the department without the payment of adequate compensation.

I understand that the purpose of this bill is to secure to present and future lessees of camp sites who have erected, or will in the future erect valuable improvements on such sites, a more certain tenure to assure them that such improvements will not be summarily taken away. I recognize that the present law does not afford them this protection, but the Department of Forests and Waters has been following a liberal policy in the granting of renewals of such leases, and I can assure them that I contemplate no change in that policy.

Perhaps some change in the law concerning the granting of camp site leases is necessary, and I am directing the Department of Forests and Waters to study the problem and make recommendations concerning it, which will adequately protect the interest of lessees so far as consistent with the fullest use of our Parks and Forests by the public generally.

I feel that this bill goes entirely too far in protecting the rights of lessees of these camp sites. In giving lessees the right to four renewals of their original ten year term, a leasehold interest of fifty years, fully assignable, is created by the bill. To tie up our public lands thus is certainly not in keeping with the purposes for which these State Parks and Forests have been acquired and would involve the Commonwealth in matters of land registration, devise and devolution wholly foreign to the administration of public park and forest lands.

For these reasons, the bill is not approved.

JOHN S. FINE

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No. 33

AN ACT

To further amend section 402 of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by further providing for distribution of copies of audits made by the Department of Auditor General.

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

Section 1. Section 402 of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," as last amended by the act, approved the twenty-first day of May, one thousand nine hundred forty-three (Pamphlet Laws 592), is hereby further amended to read as follows:

Section 402. Audits of Affairs of Departments, Boards and Commissions.—It shall be the duty of the Department of the Auditor General to make all audits, which may be necessary, in connection with the administration of the financial affairs of the government of this Commonwealth, with the exception of those of the Department of the Auditor General. It shall be the duty of the Governor to cause audits to be made of the affairs of the Department of the Auditor General.

At least one audit shall be made each year of the affairs of every department, board, except the State Workmen's Insurance Board, and commission of the executive branch of the government, and all collections made by departments, boards, or commissions, and the accounts of every State institution, shall be audited quarterly.

Special audits of the affairs of all departments, boards, except the State Workmen's Insurance Board, commissions, or officers, may be made whenever they may, in the judgment of the Auditor General, appear necessary, and shall be made whenever the Governor shall call upon the Auditor General to make them.

Copies of all audits made by the Department of the Auditor General shall be promptly submitted to the Governor *and transmitted to the Senate Library for the use and information of the members of the General Assembly.*

Unless the Department of the Auditor General shall fail or refuse to make annual, quarterly, or special audits, as hereinabove required,

it shall be unlawful for any other administrative department, any independent administrative board or commission, or any departmental administrative or advisory board or commission, to expend any money appropriated to it by the General Assembly for any audit of its affairs, or, in the case of departments, of any boards or commissions connected with them, except for the reimbursement of the General Fund for audits made by the Department of the Auditor General as provided by law, or for the payment of the compensation and expenses of such auditors as are regularly employed as part of the administrative staffs of such departments, boards, or commissions, respectively.

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, January 19, 1952.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 644, Printer's No. 417, entitled "An act to further amend section 402 of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws 343), entitled 'An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth,' by further providing for distribution of copies of audits made by the Department of Auditor General."

This bill would further amend Section 402 of the Fiscal Code, the Act of April 9, 1929, P. L. 343, to provide that copies of all audits made by the Department of Auditor General shall be transmitted to the Senate Library for the use and information of the Members of the General Assembly.

For many years copies of all such audits have been sent to the Legislative Reference Bureau as well as to the Governor. Such Bureau is a legislative agency of both the House of Representatives and the Senate, while the Senate Library is an agency of the Senate and not the House of Representatives. It seems to me that the Legislative Reference Bureau is a better place for such audits to be kept



for the use and information of all the Members of the General Assembly than is the Senate Library.

I am advised by the Auditor General that it is his practice to permit Members of the General Assembly to examine audits in his department. Thus all the audit reports referred to in this bill are now available to Members of the Senate and House of Representatives at two different places.

Furthermore, I find the language of the bill not well chosen. By providing that the audits be "submitted" to the Governor and "transmitted" to the Senate Library the bill indicates that the Governor's copy of the audit should be transmitted to the Senate Library. The Governor's copy should remain in his office for his use.

For these reasons, the bill is not approved.

JOHN S. FINE

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No. 34

AN ACT

To amend the act, approved the tenth day of March, one thousand nine hundred forty-nine (Pamphlet Laws 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," by further providing for exceptions to compulsory attendance.

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

Section 1. Clauses (3) and (4) of section 1330 of the act, approved the tenth day of March, one thousand nine hundred forty-nine (Pamphlet Laws 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," are hereby amended to read as follows:

Section 1330. Exceptions to Compulsory Attendance.—The provisions of this act requiring regular attendance shall not apply to any child who—

\* \* \* \* \*

(3) Has attained the age of fifteen (15) years and is engaged in farm work *on a farm owned or operated by his parents* or domestic service in [a private] *the home of his parents* on a permit issued by the school board or the designated school official of the school district of the child's residence [, in accordance with regulations which the Superintendent of Public Instruction is hereby authorized to prescribe];

(4) Has attained the age of fourteen (14) years and is engaged in farm work *on a farm owned or operated by his parents* or domestic service in [a private] *the home of his parents* on a permit issued as provided in clause (3) of this section, and who has satisfactorily completed, either in public or private schools, the equivalent of the highest grade of the elementary school organization prevailing in the public schools of the district in which he resides [, if the issuance of such a permit has first been recommended by the county or district superin-

tendent of schools having supervision of the schools of the district where such child resides, or by the principal of the private school where such child is enrolled, and the reason therefor has been approved by the Superintendent of Public Instruction.]

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, January 19, 1952.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 984, Printer's No. 1009, entitled "An act to amend the act, approved the tenth day of March, one thousand nine hundred forty-nine (Pamphlet Laws 30), entitled 'An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto,' by further providing for exceptions to compulsory attendance."

This bill would amend subsections (3) and (4) of section 1330 of the Public School Code of 1949, P. L. 30 by limiting the exceptions to compulsory school attendance granted to fourteen and fifteen year old children engaged in farm work or domestic service in private homes to cases where the farm work is on a farm owned or operated by their parents or where the domestic service is in the home of their parents. It would also eliminate the present provision that work permits for such children are to be issued in accordance with regulations prescribed by the Superintendent of Public Instruction and, in the case of fourteen year old children, that such permits be first recommended by the County or District Superintendents of Schools having supervision of the schools of the districts where such children reside.

The elimination of these provisions would divest the Superintendent of Public Instruction of any control over the issuance of work permits, and place such control solely in the hands of local school boards. This would result in a complete lack of uniformity as to the circumstances under which children would be exempt from compulsory school attendance. Such a result would certainly be violative of the spirit, if not the letter, of Article 10, Section 1, of the Constitution of Pennsylvania which charges the General Assembly with the maintenance and support of a thorough system of public schools, wherein all the children of this Commonwealth above the age of six years may be educated.

The fundamental policy of the Constitution and the public school system is to obtain education for the children of the Commonwealth as a whole and all personal and partisan considerations of a local nature must be subordinated to such end.

If this bill were enacted into law, it would permit local school boards, if they were so inclined, to practically nullify the provisions of the Public School Code in regard to the compulsory school attendance of children of school age.

It might also prove to be an opening wedge to demands to have children exempted from school attendance for other purposes, and in effect, lower the compulsory school attendance age, a result that would be a reversal of the trend to guarantee to all children of the Commonwealth the fullest possible education.

I fully recognize that the compulsory school attendance law presents difficulties to certain groups that we would be glad to see solved, but I do not believe that the amendments proposed by this bill afford to such groups a satisfactory solution. Furthermore, the possible abuses that may result from taking the matter of exceptions to compulsory school attendance from under the supervision and control of the Superintendent of Public Instruction far outweigh any advantages that may be gained by the amendments proposed in this bill.

For these reasons, the bill is not approved.

JOHN S. FINE

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No. 35

AN ACT

To further amend section 1201 of the act, approved the first day of May, one thousand nine hundred twenty-nine (Pamphlet Laws 905), entitled "An act for the protection of the public safety; regulating the use of highways and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by providing that in cities of the first and second classes informations charging violations of any summary provisions of The Vehicle Code shall be brought before the traffic court in such cities.

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

Section 1. Section 1201 of the act, approved the first day of May, one thousand nine hundred twenty-nine (Pamphlet Laws 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor

vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as last amended by the act, approved the eighteenth day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1412), is hereby further amended to read as follows:

Section 1201. Limitations of Actions.—

(a) Information, charging violations of any of the summary provisions of this act, *where the violations occurred in cities of the first and second classes, shall be brought in the traffic court of such cities.* Other such informations shall be brought before the nearest available magistrate within the city, borough, incorporated town, or township where the alleged violation occurred: Provided, however, That where there is no substantial difference between the respective distances from the place where the alleged violation occurred to the offices of more than one magistrate, any such prosecution may be brought before any one of such magistrates, or if there is no person holding the office of magistrate in such city, borough, incorporated town, or township, then such information shall be brought before such nearest available magistrate in any adjoining city, borough, incorporated town, or township, within fifteen (15) days after the commission of the alleged offense and not thereafter, except that where an information is filed against a person prima facie guilty of a summary offense, and it subsequently appears that a person other than the person named in the information was the offender, an information may be filed against such other person within fifteen (15) days after his or her identity shall have been discovered, and excepting further, that informations charging violations of the provisions of sections 205, 207, 210, 212, 406.1, 511, 610.1, 620 (j) and 813 of this act may be brought within fifteen (15) days after it is discovered that a violation of any of these sections has been committed.

(b) Where the offense committed is designated a felony or misdemeanor, information may be filed as now provided by law.

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, January 19, 1952.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 1264, Printer's No. 1067, entitled "An act to further amend section 1201 of the act, approved the first day of May, one thousand nine hundred twenty-nine (Pamphlet Laws 905), entitled 'An act for the protection of the public safety; regulating the use of highways and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks there-

of, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds,' by providing that in cities of the first and second classes informations charging violations of any summary provisions of The Vehicle Code shall be brought before the traffic court in such cities."

This bill would amend section 1201 of The Vehicle Code, Act of May 1, 1929, P. L. 905, by requiring that all informations charging summary violations of the Code, committed in cities of the first and second classes, be brought before the traffic courts of those cities.

While a municipal traffic court has been established by the Legislature—the only agency which has the power to establish a court (see *Commonwealth v. Germsback*, 167 Pa. Super. Ct. 106, 110 (1950)—in cities of the second class (Act No. 419, approved September 29, 1951), I am informed by the Department of Justice no such legislative action has been taken with respect to cities of the first class. Since this bill would place exclusive jurisdiction over summary violations of "The Vehicle Code committed in cities of the first class in a court which has not yet been established by the Legislature, desirable though the ultimate objective may be, I have no choice, in the circumstances, except to disapprove this bill.

For these reasons, the bill is disapproved.

JOHN S. FINE

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No. 36

AN ACT

Making an appropriation to the Department of Labor and Industry for the payment of certain moral claims; providing for the hearing, adjustment and payment of moral claims to members of the Workmen's Compensation Board and referees suffered as a result of delay in confirmation of appointments made by Governor to such offices.

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

Section 1. The sum of eight thousand seven hundred twenty dollars (\$8,720), or so much thereof as may be necessary, is hereby specifically appropriated to the Department of Labor and Industry of the Commonwealth of Pennsylvania for the payment of moral claims against the Commonwealth and that Department arising out of the loss of salaries suffered by certain members of the Workmen's Compensation Board and referees as a result of delay in the confirmation of appointments made by the Governor to such offices during the present session.

Section 2. All persons heretofore or hereafter suffering such losses as provided in section one of this act may present a claim for compensation to the Board of Finance and Revenue for the purpose of

hearing and adjusting such claims. The Secretary of Labor and Industry shall become a member of said board with full power of a member in any such claim.

Section 3. The Board of Finance and Revenue shall hear and determine such claims, and if the board determines that a moral claim exists against the Commonwealth and the Department of Labor and Industry in such cases and that such claim or claims are not adjustable or recoverable against the Commonwealth under existing law, it shall make a finding to that effect and shall fix the sum which, in its opinion, will compensate the claimant for the loss suffered.

Any amount so fixed by the Board of Finance and Revenue shall be payable from the appropriation hereinbefore made by requisition of the Secretary of Labor and Industry in the manner provided by law, and to each such requisition shall be attached the findings of the board.

Section 4. The action of the Board of Finance and Revenue in allowing or disapproving a claim in full or in part shall be final and there shall be no appeal therefrom, but the board, in its discretion, may grant rehearing on any claim and make new findings as hereinbefore provided.

Section 5. The provisions of this act shall become effective on the first day of June, one thousand nine hundred fifty-one.

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, January 19, 1952.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objection, Senate Bill No. 731, Printer's No. 413, entitled "An act making an appropriation to the Department of Labor and Industry for the payment of certain moral claims; providing for the hearing, adjustment and payment of moral claims to members of the Workmen's Compensation Board and referees suffered as a result of delay in confirmation of appointments made by Governor to such offices."

The bill makes an appropriation to the Department of Labor and Industry for the payment of certain moral claims to members of the Workmen's Compensation Board and referees. Certain referees were appointed whose commissions read that they should serve "until the end of the next session of the Senate or until the third Tuesday of January, 1951, whichever shall be the shorter term." Thus, they were out of office from January the 16th until such date as they received new appointments. This bill, therefore, would pay them for the periods during which they were not on the payroll.

In view of the provisions of Section 11 of Article III of the Constitution and the decision of the Supreme Court in Harbold v. Reading, Appellant, 355 Pa. 253 (1946), the bill is not in conformity with the Constitution nor the decision of the Supreme Court.

For this reason, the bill is not approved.

JOHN S. FINE

## AN ACT

To further amend sections two and seven of the act, approved the fourth day of June, one thousand nine hundred forty-three (Pamphlet Laws 886), entitled "An act creating a Municipal Employes' Retirement System for the payment of retirement allowances to officers and employes of political subdivisions and institutions supported and maintained by them, and providing for the administration of the same by a board composed of certain state officers and others appointed by the Governor; imposing certain duties on the State Employes' Retirement Board and the actuary thereof; providing the procedure whereby political subdivisions may join such system, and imposing certain liabilities and obligations on such political subdivisions in connection therewith, and as to certain existing retirement and pension systems, and upon officers and employes of such political subdivisions and institutions supported and maintained by them; providing certain exemptions from taxation, execution, attachment, levy and sale; and making an appropriation," by further defining the term "municipality" to include joint-county departments of health; by defining the term "joint-county health commission"; and by providing that joint-county departments of health may join the retirement system.

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

Section 1. Section two of the act, approved the fourth day of June, one thousand nine hundred forty-three (Pamphlet Laws 886), entitled "An act creating a Municipal Employes' Retirement System for the payment of retirement allowances to officers and employes of political subdivisions and institutions supported and maintained by them, and providing for the administration of the same by a board composed of certain state officers and others appointed by the Governor; imposing certain duties on the State Employes' Retirement Board and the actuary thereof; providing the procedure whereby political subdivisions may join such system, and imposing certain liabilities and obligations on such political subdivisions in connection therewith, and as to certain existing retirement and pension systems, and upon officers and employes of such political subdivisions and institutions supported and maintained by them; providing certain exemptions from taxation, execution, attachment, levy and sale; and making an appropriation," as last amended by the acts, approved the nineteenth day of April, one thousand nine hundred forty-five (Pamphlet Laws 265), the fifth day of June, one thousand nine hundred forty-seven (Pamphlet Laws 434), the twelfth day of June, one thousand nine hundred forty-seven (Pamphlet Laws 601), is hereby further amended to read as follows:

Section 2. Definitions.—The following words and phrases, unless a different meaning is plainly required by the context, shall have the following meanings:

"Board," the Municipal Employes' Retirement Board.

"Municipality," a city, borough, town, township, county, institution district, [or] municipal authority, or *joint-county department of health*.

"*Joint-county health commission*," *the combined boards of county commissioners of the several counties participating in a joint-county department of health*.

"Municipal Employe," a person holding an office or position under a municipality, an institution supported and maintained by a municipi-

pality, or under a municipal authority, in any capacity whatever employed, and paid on a yearly or monthly or per diem basis, or employed and paid by the municipality or municipal authority with its funds, or through any separate institution supported and maintained through trustees or otherwise by the municipality. The term shall not include officers and employes paid wholly on a fee basis.

“Member,” a municipal employe who has become a member of the Municipal Employes’ Retirement System established by this act.

“Original Member,” a municipal employe who was a municipal employe at the date the municipality by which he is employed joined the retirement system established by this act.

“New Member,” a municipal employe who first becomes a municipal employe after the date the municipality by which he is employed joined the retirement system established by this act.

“Contributor,” a municipal employe who has accumulated deductions standing to his credit in the member’s account of the fund created by this act.

“Beneficiary,” a person who was a municipal employe but has retired, and is receiving a retirement allowance as provided in this act.

“Prior Service,” all service as a municipal employe completed at the time the municipality by which he is or was employed elected to join the retirement system established by this act or the same municipality under a prior name or classification unless the municipality has elected to limit to ten years the period of such service.

“Prior Salary,” the annual salary or compensation earned by a municipal employe and paid by the municipality during the year immediately preceding the date the municipality by which he is employed joined the retirement system established by this act. In computing prior salary, if the amount thereof shall exceed four thousand dollars (\$4,000) it shall for the purpose of this act, be limited to four thousand dollars (\$4,000).

“Superannuation Retirement Age,” sixty-five years of age or upwards.

“Final Salary,” the average annual salary or compensation earned by a municipal employe and paid by the municipality during the last five years immediately preceding retirement, or if not so long employed, then the average annual salary or compensation paid during the whole period of such employment. In computing final salary, if the amount thereof shall exceed four thousand dollars (\$4,000), it shall, for the purpose of this act, be limited to four thousand dollars (\$4,000).

“Accumulated Deductions,” the total amount deducted from the salary or compensation of the contributor and paid over by the municipality or paid by the municipal employe or from any existing pension or retirement system directly into the retirement fund and credited to the member’s account, together with regular interest thereon.

“Regular Interest,” interest at two and one-half per cent per annum compounded annually, and in case of interest earnings in excess of two and one-half per cent, shall mean the interest actually earned on investments in any year.



“Municipality Annuity,” that portion of the retirement allowance derived from contributions made by the municipality.

“Member’s Annuity,” that portion of the retirement allowance derived from the accumulated deductions of the municipal employe.

“Retirement Allowance,” the municipal annuity plus the member’s annuity.

“Fund,” the Municipal Employes’ Retirement Fund created by this act.

Section 2. Section seven of the said act, as last amended by the act, approved the twelfth day of June, one thousand nine hundred forty-seven (Pamphlet Laws 601), is hereby further amended to read as follows:

Section 7. Election by Municipalities to Join Retirement System.—Any municipality may elect, by ordinance or resolution adopted by the tax levying body, or in the case of municipal authorities by the board of such municipal authority, *or in the case of joint-county departments of health by the joint-county health commission*, to join the retirement system established by this act. In the case of townships of the second class, no such resolution shall be adopted, except by unanimous vote of all three supervisors.

*In the case of joint-county departments of health, the decision to join such retirement system may also be made (1) by a vote of the electors in each participating county on the question of whether the joint-county department of health shall join the retirement system, or (2) by a resolution of the county commissioners of one or more of the participating counties and by a vote of the electors in the remaining counties. The county commissioners in any participating county may, and upon petition of electors in such county equal to at least ten per centum of the registered electors of the county shall, submit the question of whether the joint-county department of health shall join the retirement system to the voters of the county at any municipal or general election in the same manner as other questions are submitted to the electors under the Election Code of the Commonwealth. If in two or more of the participating counties the question of whether the joint-county department of health shall join such retirement system is submitted at an election, such question shall be submitted in all such counties in the same year. If all the participating counties vote on the question at an election and the majority of the electors voting on the question in each county vote in favor thereof, the joint-county health commission shall adopt a resolution electing to join such system. If one or more of the participating counties elect to join a retirement system by resolution of the county commissioners and the remaining counties elect to join by vote of a majority of the electors voting on the question in each county, the joint-county health commission shall adopt a resolution electing to join such system. If the electors of any participating county vote against joining the retirement system, then no further action shall be taken by the joint-county health commission or by the participating county for a period of two years.*

Any other municipality, by action of its tax levying body may, and upon petition of electors equal to at least ten per centum of the registered electors of the municipality, shall, submit the question of join-

ing such retirement system to the voters of the municipality at any municipal or general election, in the same manner as other questions are submitted to the electors under the Election Code of the Commonwealth. If the majority of the electors voting on the question vote in favor thereof, the tax levying body shall adopt an ordinance or resolution electing to join such system. If the electors vote against joining the system, then no further action shall be taken in the municipality for a period of two years.

A duly certified copy of any such ordinance or resolution electing to join the retirement system shall be filed with the State Employees' Retirement Board until the board created by this act has been established, and thereafter with the board created by this act.

Section 3. The provisions of this act shall become effective immediately upon final enactment.

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, January 19, 1952.

I file herewith in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 1308, Printer's No. 1147, entitled "An act to further amend sections two and seven of the act, approved the fourth day of June, one thousand nine hundred forty-three (Pamphlet Laws 886), entitled 'An act creating a Municipal Employees' Retirement System for the payment of retirement allowances to officers and employes of political subdivisions and institutions supported and maintained by them, and providing for the administration of the same by a board composed of certain state officers and others appointed by the Governor; imposing certain duties on the State Employees' Retirement Board and the actuary thereof; providing the procedure whereby political subdivisions may join such system, and imposing certain liabilities and obligations on such political subdivisions in connection therewith, and as to certain existing retirement and pension systems, and upon officers and employes of such political subdivisions and institutions supported and maintained by them; providing certain exemptions from taxation, execution, attachment, levy and sale; and making an appropriation,' by further defining the term 'municipality' to include joint-county departments of health; by defining the term 'joint-county health commission'; and by providing that joint-county departments of health may join the retirement system."

This bill proposes to further amend sections two and seven of the act approved the fourth day of June, 1943, P. L. 886, commonly known as the Municipal Employees' Retirement Act.

The amendatory language of the act redefines the term "municipality" by including joint-county departments of health and proceeds to make provision for employes of such departments to become members of the Municipal Employees' Retirement System. The Municipal Employees' Retirement System as created by the Act of 1943 has never functioned, chiefly because of the fact that there were not sufficient municipalities which manifested an interest to so organize. Senate Bill No. 798, Printer's No. 722, which I am approving, seems to accomplish the results intended in this measure by providing that

employees of single or joint-county departments of health are classified as State employes and included in the State Employes' Retirement System.

For the foregoing reason, the bill is not approved.

JOHN S. FINE

No. 38

AN ACT

To amend sections 401 and 406 of the act, approved the twelfth day of April, one thousand nine hundred fifty-one (Act No. 21), entitled "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws," by permitting certain sales of liquor for consumption off the premises.

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

Section 1. Sections 401 and 406 of the act, approved the twelfth day of April, one thousand nine hundred fifty-one (Act No. 21), entitled "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws," are hereby amended to read as follows:

Section 401. Authority to Issue Liquor Licenses to Hotels, Restaurants and Clubs.—(a) Subject to the provisions of this act and regulations promulgated under this act, the board shall have authority to issue a retail liquor license for any premises kept or operated by a hotel, restaurant or club and specified in the license entitling the hotel, restaurant or club to purchase liquor from a Pennsylvania Liquor Store and to keep on the premises such liquor and, subject to the provisions of this act and the regulations made thereunder, to sell the same and also malt or brewed beverages to guests, patrons or members for consumption on the hotel, restaurant or club premises. Such licensees, other than clubs, shall be permitted to sell *bottled*

*liquor for consumption off the premises, subject to the restrictions hereinafter provided, malt or brewed beverages for consumption off the premises where sold in quantities of not more than one hundred forty-four fluid ounces in a single sale to one person. Such licenses shall be known as hotel liquor licenses, restaurant liquor licenses and club liquor licenses, respectively. No person who holds, either by appointment or election, any public office which involves the duty to enforce any of the penal laws of the United States of America or the penal laws of the Commonwealth of Pennsylvania or any penal ordinance or resolution of any political subdivision of this Commonwealth shall be issued any hotel or restaurant liquor license, nor shall such a person have any interest, directly or indirectly, in any such license.*

(b) The board may issue to any club which caters to groups of non-members, either privately or for functions, a catering license, and the board shall, by its rules and regulations, define what constitutes catering under this subsection.

Section 406. Sales by Liquor Licensees; Restrictions.—(a) Every hotel, restaurant or club liquor licensee may sell liquor and malt or brewed beverages by the glass, open bottle or other container, and in any mixture, for consumption only in that part of the hotel or restaurant habitually used for the serving of food to guests or patrons, and in the case of hotels, to guests, and in the case of clubs, to members, in their private rooms in the hotel or club. No club licensee nor its officers, servants, agents or employes, other than one holding a catering license, shall sell any liquor or malt or brewed beverages to any person except a member of the club. No club holding a catering license nor its officers, servants, agents or employes shall sell on Sunday to nonmembers any liquor or malt or brewed beverages. In the case of a restaurant located in a hotel which is not operated by the owner of the hotel and which is licensed to sell liquor under this act, liquor and malt or brewed beverages may be sold for consumption in that part of the restaurant habitually used for the serving of meals to patrons and also to guests in private guest rooms in the hotel.

(b) *Hotel and restaurant licensees shall be permitted to sell liquor in bottles bearing the unbroken seal of the Pennsylvania Liquor Control Board not exceeding one quart to any one person in any one sale for consumption off the premises where sold, but each such sale shall be lawful only during the period prescribed for sales by this act occurring after nine o'clock postmeridian on any day during which liquor may lawfully be sold. Liquor sold for consumption off the premises, as herein provided, shall be sold at a price exactly fifteen per centum (15%) above the retail price of the same brand of liquor at the Pennsylvania State Liquor Stores.*

(c) Hotel, restaurant and public service liquor licensees, their servants, agents or employes may sell liquor and malt or brewed beverages only after seven o'clock antemeridian of any week day and until two o'clock antemeridian of the following week day, and shall not sell on Sunday or after two o'clock antemeridian on any day on which a general, municipal, special or primary election is being held until one hour after the time fixed by law for closing the polls. No club licensee or its servants, agents or employes may sell liquor or malt or brewed beverages between the hours of three o'clock antemeridian and seven o'clock antemeridian on any day.

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, January 21, 1952.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 1039, Printer's No. 357, entitled "An act to amend sections 401 and 406 of the act, approved the twelfth day of April, one thousand nine hundred fifty-one (Act No. 21), entitled 'An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws,' by permitting certain sales of liquor for consumption off the premises."

This bill amends sections 401 and 406 of the Act of April 12, 1951, Act No. 21, known as the "Liquor Code." The amendatory provisions provide that hotels and restaurants may be permitted to sell bottled liquor for consumption off the premises not exceeding one quart to any one person in any one sale after nine o'clock post meridian on any day during which liquor may lawfully be sold at a price 15% above the retail price of the same brand of liquor at the Pennsylvania State Liquor Stores. This means that about 16,000 such licensees may operate what may be called private liquor stores not only in municipalities that presently have one or more State Liquor Stores, but also in municipalities that do not have such stores and do not desire them.

Under the present provisions of the Liquor Code, the taxpayers of a municipality may by protest prevent the establishment therein of a State Liquor Store, but there is no provision in the bill to prevent the establishment of the so-called private stores.

The sale of bottled liquor by these licensees will make it most difficult, if not impossible, to detect sales to minors who can buy liquor by the bottle and at once leave the licensed premises instead of remaining therein as at present. Under the present law, it is a violation of the Liquor Code to sell liquor to anyone in an intoxicated condition, but this bill does not prohibit the sale of bottled liquor to such a person.

It is the considered opinion of the Liquor Control Board that if this bill becomes a part of the Liquor Code, the entire control system established to regulate and restrict the traffic in and use of alcoholic liquors will be materially weakened, with resulting serious enforcement problems. It is also the opinion of the Liquor Control Board that juvenile delinquency will undoubtedly increase, as will also highway hazards and accidents, as it is reasonable to assume that much of the bottled liquor sold by licensees will be consumed in automobiles. The State Store System is an integral part of liquor control and

carries regulation to a higher degree than the licensing system by placing the sale of liquor directly in the hands of the State, which can thus exercise a greater measure of control.

A neighboring state had similar provisions in their law, but the improvement was so great when the provisions were discontinued as a war measure, they have successfully resisted all efforts to restore the former practices.

We see nothing to be gained and much to be lost by the weakening of this control and for the reasons stated the bill is not approved.

JOHN S. FINE

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No. 39

AN ACT

To further amend section 2004 of the act, approved the twenty-third day of June, one thousand nine hundred thirty-one (Pamphlet Laws 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by limiting to forty-four hours the work week of police officers, except in emergencies, and fixing minimum annual vacation for police officers 14 working days.

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

Section 1. Section 2004 of the act, approved the twenty-third day of June, one thousand nine hundred thirty-one (Pamphlet Laws 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," as reenacted and amended by the act, approved the twenty-eighth day of June, one thousand nine hundred fifty-one (Act No. 164), is hereby further amended to read as follows:

Section 2004. Hours of Service; Exceptions; Vacations.—No city shall employ or require any police officer to remain on duty for more than eight hours in any twenty-four consecutive hours, [or] *nor* more than [fifty-six] *forty-four* hours in any one week, unless in emergency cases for the suppression of riots or tumults or the preservation of the public peace [: Provided, That for the duration of any war in which the United States is engaged, and six months thereafter, the hours of service may exceed the number hereinbefore provided as the maximum number of hours of service, and in such cases, council shall provide for the payment of extra compensation for any hours of service in excess of such maximum hours of service, at the same rate as paid for regular service]. Nothing contained herein shall prevent any such city from requiring any such police officer to remain on duty or to work sixteen hours in any twenty-four consecutive hours, not more than one day each week, if required by a change in working hours or a change in shifts. Cities shall permit every member of the police department to have at least twenty-four consecutive hours of rest in every calendar week, except in emergency cases for the suppression of riots or tumults or the preservation of the public peace, in times of

war, riot, conflagration, or public celebrations, and to have an annual vacation of not less than fourteen *working* days without diminution of the salary or compensation fixed by ordinance.

Section 2. The provisions of this act shall become effective the first day of January, one thousand nine hundred fifty-two.

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, January 21, 1952.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 1370, Printer's No. 1056, entitled "An act to further amend section 2004 of the act, approved the twenty-third day of June, one thousand nine hundred thirty-one (Pamphlet Laws 932), entitled 'An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto,' by limiting to forty-four hours the work week of police officers, except in emergencies, and fixing minimum annual vacation for police officers 14 working days."

This bill would amend section 2004 of The Third Class City Code as already reenacted, revised and amended during the present session by Act No. 164, approved June 28, 1951.

Existing law limits the required duty of policemen to eight out of every twenty-four consecutive hours and to fifty-six hours in any one calendar week, except in cases of riot, tumult, conflagration, public celebration, etc. The section as now existing provides a further exception to the effect that the foregoing limitations need not apply during time of war nor for six months thereafter, so long as council provides extra compensation for excess time spent on duty. This bill would reduce the weekly maximum from fifty-six to forty-four hours and would delete the exception relating to time of war.

I am in full accord with the trend to reduce the working hours of policemen, but I feel this bill should not be signed. The budgets of all Third Class Cities for this year have already been made. This bill would force all these cities to immediately put their policemen on a forty-four hour week, requiring many to employ additional officers. There would be nothing in their budgets to meet this additional expenditure.

There are 47 third class cities varying in size from approximately 8,000 in population to over 130,000. Their problems vary materially, and it is difficult for the State to regulate the number of hours which policemen should be employed in each of these municipalities. In the interest of Home Rule some discretion must be left with the local officials.

The law does not prevent cities from employing officers for less than the maximum number of hours per week provided under existing law. I think that cities should be encouraged to reduce the number of hours which policemen are required to work, but it will inflict a hardship upon a number of them for the State to require at this time that policemen be employed a maximum of forty-four hours per week.

For these reasons, the bill is not approved.

JOHN S. FINE

## AN ACT

To further amend section 28 of the act, approved the twenty-first day of May, one thousand nine hundred forty-three (Pamphlet Laws 414), entitled "An act relating to vital statistics and to make uniform the law with reference thereto," by further providing for payment of the compensation of local registrars.

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

Section 1. Section 28 of the act, approved the twenty-first day of May, one thousand nine hundred forty-three (Pamphlet Laws 414), entitled "An act relating to vital statistics and to make uniform the law with reference thereto," as amended by the act, approved the twenty-ninth day of May, one thousand nine hundred forty-five (Pamphlet Laws 1193), is hereby further amended to read as follows:

Section 28. Compensation of Local Registrars.—Each local registrar shall be paid the sum of [fifty] *seventy-five* cents for each complete birth, death or stillbirth certificate returned by him to the department in accordance with the regulations of the department. In case no birth, death or stillbirth was registered during any calendar month, the local registrar shall so report, and be paid the sum of fifty cents for the report. The department is authorized to change, by regulation, the amounts specified herein to be paid to local registrars, and the department shall limit the aggregate amount of fees to be paid per annum to any local registrar, either by setting an annual aggregate maximum of such fees, or by graduating the fees according to the number of registrations. The fees of the local registrars shall be paid by the Commonwealth from funds appropriated to the Department of Health.

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, January 21, 1952.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 1533, Printer's No. 807, entitled "An act to further amend section 28 of the act, approved the twenty-first day of May, one thousand nine hundred forty-three (Pamphlet Laws 414), entitled 'An act relating to vital statistics and to make uniform the law with reference thereto,' by further providing for payment of the compensation of local registrars."

This bill would increase from fifty cents to seventy-five cents the fee each local registrar of vital statistics shall be paid for each certificate of birth, stillbirth or death returned by him to the Department of Health. That Department estimates that this increase would result in an additional expenditure, for the biennium, of from \$140,000.00 to \$150,000.00. The Legislature has made no appropriation to cover this increased cost to the Commonwealth.

Furthermore, under existing law, the Department of Health is authorized to change by regulation the amount to be paid to local



registrars for these certificates. Therefore, when funds are made available by the Legislature, an increase may be granted by administrative action and legislation on the subject is unnecessary.

For these reasons, the bill is not approved.

JOHN S. FINE

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No. 41

AN ACT

Requiring all new buildings or additions to existing buildings which are to be seven stories or more in height to be equipped during the course of construction with a hoist or hoisting device or equipment with the required safety devices for the use of building construction workmen; imposing certain duties upon the Department of Labor and Industry; and providing penalties.

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

Section 1. Hoisting Requirements; Hoist or Hoisting Device or Equipment Required for New Buildings or Additions to Existing Buildings Started After the Effective Date of this Act.—It shall be unlawful for any person to construct or make an addition to a building which shall, upon completion, be seven stories or more in height, unless, during the course of construction of the building, such person shall erect, for the use of the building construction workers employed in connection with the construction of such building or an addition, a temporary or permanent hoist or hoisting device or equipment, with the required safety devices, for the transportation of workmen employed on or above the seventh floor and materials, in accordance with the regulations of the Department of Labor and Industry for temporary or permanent hoisting devices or equipment.

Section 2. Definition.—Person shall mean any natural person, corporation, partnership, or association.

Section 3. Enforcement.—It shall be the duty of the Department of Labor and Industry to enforce the provisions of this act.

Section 4. Procedure in Prosecutions.—Prosecutions for violations of the provisions of this act or the rules and regulations of the department shall be instituted by the department and shall be in the form of summary proceedings before an alderman, magistrate or justice of the peace. Upon conviction, after a hearing, the penalties hereinafter provided for shall be imposed and shall be final unless an appeal be taken to a court of proper jurisdiction in the manner prescribed by law.

Section 5. Penalties.—Any person who shall violate any of the provisions of this act or the rules and regulations of the department, as herein provided for, shall, for the first offense, be penalized by a fine of not more than one hundred dollars and costs, and upon nonpayment thereof imprisonment in the county jail for not more than ten days, and for each subsequent offense, shall be penalized by a fine of not more than two hundred dollars and costs, and upon nonpayment thereof imprisonment in the county jail for not more than thirty days.

All fines collected under this act shall be forwarded to the Department of Labor and Industry, who shall transmit the same to the State Treasury through the Department of Revenue.

Section 6. Effective Date.—The provisions of this act shall become effective ninety (90) days after the date of its final enactment, and shall apply only to new construction or any additions begun thereafter.

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, January 21, 1952.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 769, Printer's No. 706, entitled "An act requiring all new buildings or additions to existing buildings which are to be seven stories or more in height to be equipped during the course of construction with a hoist or hoisting device or equipment with the required safety devices for the use of building construction workmen; imposing certain duties upon the Department of Labor and Industry; and providing penalties."

This bill would require all new buildings or additions to existing buildings which will be seven stories or more in height to be equipped, during the course of construction, with a hoist or hoisting device with the required safety devices for the use of the building construction workmen.

The purpose of this bill is to improve the working conditions of building construction workmen and with that purpose I have the utmost sympathy. However, I find that the bill in its present form is so ambiguous and indefinite in several respects that it is doubtful if it is capable of effective enforcement by the Department of Labor and Industry and such ambiguity and indefiniteness may cause considerable delay in much needed construction work. Rather than place an unworkable statute on the books, it would be better to have introduced at the next session of the Legislature a bill that would be capable of enforcement.

For these reasons, the bill is not approved.

JOHN S. FINE

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No. 42

AN ACT

Providing a method for the reestablishment of townships of the first class from any city to which they have been annexed, regulating the proceedings pertaining thereto, and reestablishing the same as separate school districts.

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

Section 1. Reestablishment Authorized.—Within ten years after the annexation of a township of the first class to a city, a petition may be presented to the court of quarter sessions of the county wherein the whole or the greater portion of the territory of the former township is located for the reestablishment of the annexed territory as a township of the first class.

Section 2. Petitions.—Petitions for the reestablishment of townships as provided in the preceding section shall be signed by registered electors equal in number to at least five per centum of the highest total vote cast within the former township of the first class boundaries for candidates for any office in the city affected at the last preceding municipal election. Where candidates for any city office have as yet not been elected by the residents of such former township, then a petition for the reestablishment of any such township may be signed by fifty of the registered electors of such former township. Such petition shall be sworn to and subscribed by at least three of the signers.

Such petitions shall set forth the name of the proposed township to be reestablished, and shall specify the reasons for such reestablishment. One such petition in each such proceeding shall be accompanied by an accurate map or plot prepared by an engineer showing the lines of the township to be reestablished. Where natural marks are on such lines they shall be shown.

Section 3. Confirmation Nisi of Petition; Notice of Filing.—Upon the presentation of any such petition, the same shall be confirmed nisi, and the court shall, by its order, require that notice thereof be given by the petitioners to the residents of such former township and the city, by advertisement once a week for three weeks in two newspapers in or circulated throughout the territory where such residents reside.

Section 4. Exceptions; Confirmation Absolute of Petition.—Within thirty days after the filing of such petition, any taxpayer of the city affected may file exceptions to such petition questioning the sufficiency of the number of signers or the legality of any signatures or the accuracy or sufficiency of the map or plot attached thereto. The court, upon the filing of any exceptions, shall fix a day for hearing, of which such notice shall be given as the court may direct. At such hearing, the court shall hear all parties interested and their witnesses. If the exceptions, in the opinion of the court, are sustained, and the court deems the petition not amendable, it shall dismiss the petition; otherwise, it shall confirm the same absolutely after any amendments permitted by the court have been made.

Section 5. Elections.—When any petition is confirmed absolutely, the court shall order an election to be held on the question of the reestablishment of such township, which shall be held on the day of the next general or municipal election occurring at least ninety days after such order of court. Such election shall be held at the regular polling places only within that part of the city which was formerly the township of the first class which was annexed to the city affected. At any such election, all of the registered electors of that part of the city which was the township of the first class prior to its annexation to said city affected shall have the right to vote. The ballots or ballot labels at such election shall be furnished by the county commissioners and the question to be placed thereon shall be framed and printed on the ballots or on the ballot labels of voting machines as provided by the Pennsylvania Election Code.

Section 6. Return of Election; Decree.—The election officers of the consolidated territory, or if they have not as yet been elected then

the election officers of the former township, after the polls have been closed, shall count and certify the number of votes cast for and against such township reestablishment to the clerk of the court of quarter sessions, who shall tabulate and compute the same and lay the result before the court. If it shall appear that a majority of the votes cast in that part of the city which was the township of the first class prior to its annexation to said city affected are in favor of the reestablishment of the township, the court shall order and decree the reestablishment of the township agreeably to the name and lines set forth in the petition, and the government of the reestablished township shall be organized and become effective on the first Monday of January next succeeding such election. If a majority of the votes cast in any such election are against the reestablishment of such township, no further action shall be had upon said proceedings. No new proceedings shall be entertained by the court for a period of two years.

Section 7. Boundary Monuments.—The court may, when deemed necessary, cause the lines of any such reestablished township to be appropriately marked with stone monuments placed at intervals not exceeding fifteen hundred feet, the cost thereof to be paid by the reestablished township.

Section 8. Classification of Reestablished Townships.—Townships reestablished as herein provided shall be and remain townships of the first class, unless and until by subsequent proceedings in accordance with law its classification shall be changed.

Section 9. Costs.—When a township of the first class is reestablished as hereinbefore provided, the costs of the proceedings shall be paid by such reestablished township, and where any petition is dismissed or a majority of the electors shall vote against the reestablishment of any such township, the costs of the proceedings shall be paid as the court may direct.

Section 10. Property Debt and Tax Adjustment.—All property vested in such township as of the date of its annexation to the city affected shall again be vested in such township as of the date of its reestablishment as a township. All bonded indebtedness of such township as of the date of its annexation shall be the debt of such township as of the date of its reestablishment as a township, and the township shall not be liable for any part of the bonded indebtedness of such city existing prior to its annexation to such city. All unpaid taxes assessed and levied within such township during such annexation shall continue to be due until paid to the taxing authority of such city.

Section 11. Officers for Reestablished Townships.—Whenever a township of the first class shall be reestablished in accordance with the procedure in this act, the court of quarter sessions shall divide such township into districts, not in excess of fifteen nor less than two, each of which shall contain not less than three hundred and fifty registered voters. The said court shall appoint five commissioners and the other elective officers to which a township of the first class is entitled and fix the polling place or places in such township. The officers so appointed shall hold their offices from the first Monday of January following the election reestablishing such township until the first Monday of January following the municipal election at which officers of the township are elected as hereinafter provided.

Section 12. Election of Commissioners in Reestablished Townships.—At the first municipal election following the reestablishment of a township as hereinbefore provided there shall be elected, by the registered electors of each district of the township, one township commissioner, who shall reside in the district for which he is elected. At such election, the township commissioners elected in even-numbered districts shall be elected for terms of two years each and those in odd-numbered districts for terms of four years each from the first Monday of January next following such election. The ballots or ballot labels at such election shall designate the term for which each commissioner is elected. Their successors shall be elected for terms of four years.

Section 13. Election of Treasurer in Reestablished Townships.—At such municipal election, the qualified electors of such reestablished township shall elect a township treasurer for a two or four year term so that his term shall expire at the same time as the terms of treasurers of other townships of the first class as provided by law. Thereafter, the term of treasurer of said township shall be four years from the first Monday of January next following his election.

Section 14. Election of Township Assessor and Assistant Township Assessor in Reestablished Townships.—At such municipal election, one township assessor shall be elected for a term of four years and one assistant township assessor for a term of two years. Thereafter, the terms of such township assessor and assistant township assessor shall be four years from the first Monday of January succeeding their respective elections.

This section shall not apply to townships in counties having county boards for the assessment and revision of taxes where assessors under existing laws are appointed.

Section 15. Certificate of Creation of Townships to State Departments.—Whenever a township of the first class is reestablished, the clerk of the court shall certify such reestablishment to the Department of Internal Affairs and the Department of Highways of the Commonwealth. The clerk of the court shall be allowed a fee of three dollars and fifty cents for his services, to be paid as part of the costs of the proceedings.

Section 16. School Districts.—Upon the reestablishment of a township of the first class, the territory comprising the same shall be reestablished as a separate school district of the class to which it is entitled.

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, January 21, 1952.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 587, Printer's No. 117, entitled "An act providing a method for the reestablishment of townships of the first class from any city to which they have been annexed, regulating the proceedings pertaining thereto, and reestablishing the same as separate school districts."

This bill provides a method for the registered electors of a former township of the first class, within a period of 10 years after the township has been annexed to a city, to petition the court of quarter sessions

of the proper county for the reestablishment of such annexed territory as a township of the first class. No provision is made in the bill for the electors of the city to participate in the filing of the petition or to vote in the election which follows by order of the court, if the petition is found to be proper. It might also be noted that the statute providing for the annexation of townships of the first class to cities of the second class A, permits the electors of the city also to vote on the question (Act of June 15, 1939, P. L. 372). Since detachment of the township might involve the welfare of the city, it would appear that the registered voters of the city should also have a voice in the matter.

It might also be pointed out that under the annexation Act of 1939, aforesaid, if the referendum does not favor annexation, no further vote shall be taken on the question until 4 years thereafter. By the terms of this bill, a vote on the question of reestablishment could be taken at the next municipal election following annexation, as the bill provides that a petition for reestablishment may be presented at any time within 10 years after the annexation of a township of the first class to a city. It would hardly seem that such a short period would give the results of the election for annexation a fair trial; neither would it seem that to permit townships of the first class to change their status at their own whim or caprice, is fair to other political subdivisions which have opened their doors to permit the citizens of such townships to enjoy the broader advantages of the higher form of municipal government. Furthermore, it does not seem to be sound from a standpoint of fiscal management to permit unsettled municipal finances to be created with the frequency permitted by the provisions of this bill. Anything which affords the opportunity for disturbing the governmental equilibrium of our political subdivisions should be avoided, if possible, during these turbulent times.

For these reasons, the bill is not approved.

JOHN S. FINE

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No. 43

AN ACT

To amend the act, approved the twelfth day of April, one thousand nine hundred fifty-one (Act No. 21), entitled "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, imposition, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrants; prescribing penalties and forfeitures; providing for local option, and repealing existing laws," by making the serving of food optional with certain licensees and changing certain requirements relating to the serving of food.

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

Section 1. The definitions of "eating place," "hotel" and restaurant" in section 102, section 406 and subsection (c) of section 461

of the act, approved the twelfth day of April, one thousand nine hundred fifty-one (Act No. 21), entitled "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalties and forfeitures providing for local option and repealing existing laws," are hereby amended to read as follows:

Section 102. Definitions.—The following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

\* \* \* \* \*

"Eating place" shall mean a premise where food [is regularly and customarily], *at the option of the proprietor, is prepared and sold, having a total area of not less than three hundred square feet available to the public in one or more rooms, other than living quarters, and equipped with tables and chairs accommodating thirty persons at one time.*

"Hotel" shall mean any reputable place, operated by responsible persons of good reputation where the public may, for a consideration, obtain sleeping accommodations [and meals] and which, in a city, has at least ten, and in any other place at least six, permanent bedrooms for the use of guests, a public [dining] room or rooms operated by the same management accommodating at least thirty persons at one time, [and a kitchen, apart from the public dining room or rooms, in which food is regularly prepared for the public] *in which food, at the option of the proprietor, may be served to the public.*

\* \* \* \* \*

"Restaurant" shall mean a reputable place operated by responsible persons of good reputation [and habitually and principally used for the purpose of providing food for the public, the place to have] *having an area within a building of not less than four hundred square feet, equipped with tables and chairs accommodating at least thirty persons at one time, where food, at the option of the proprietor, may be served to the public.*

Section 406. Sales by Liquor Licensees; Restrictions.—(a) Every hotel, restaurant or club liquor licensee may sell liquor and malt or brewed beverages by the glass, open bottle or other container, and in any mixture, for consumption only in that part of the hotel or restaurant [habitually used for the serving of food to guests or patrons,] *which may be used as a public dining room, and equipped with sufficient tables and chairs to accommodate at least thirty persons at one time, and where food may, at the option of the proprietor, be served to the public,* and in the case of hotels, to guests, and in the case of clubs, to members, in their private rooms in the hotel or club. No club licensee nor its officers, servants, agents or employes, other than one

holding a catering license, shall sell any liquor or malt or brewed beverages to any person except a member of the club. No club holding a catering license nor its officers, servants, agents or employes shall sell on Sunday to nonmembers any liquor or malt or brewed beverages. In the case of a restaurant located in a hotel which is not operated by the owner of the hotel and which is licensed to sell liquor under this act, liquor and malt or brewed beverages may be sold for consumption in that part of the restaurant [habitually used for the serving of meals to patrons] *which is equipped with sufficient tables and chairs to accommodate at least thirty persons at one time, and where food may, at the option of the proprietor, be served to the public*, and also to guests in private guest rooms in the hotel.

(b) Hotel, restaurant and public service liquor licensees, their servants, agents or employes may sell liquor and malt or brewed beverages only after seven o'clock antemeridian of any weekday and until two o'clock antemeridian of the following week day, and shall not sell on Sunday or after two o'clock antemeridian on any day on which a general, municipal, special or primary election is being held until one hour after the time fixed by law for closing the polls. No club licensee or its servants, agents or employes may sell liquor or malt or brewed beverages between the hours of three o'clock antemeridian and seven o'clock antemeridian on any day.

Section 461. Limiting Number of Retail Licenses To Be Issued In Each Municipality.—

\* \* \* \* \*

(c) The word "hotel" as used in this section shall mean any reputable place operated by a responsible person of good reputation where the public may, for a consideration, obtain sleeping accommodations, and which shall have the following number of bedrooms and requirements in each case—at least one-half of the required number of bedrooms shall be regularly available to transient guests seven days weekly, except in resort areas; at least one-third of such bedrooms shall be equipped with hot and cold water, a lavatory, commode, bathtub or shower and a clothes closet; and an additional one-third of the total of such required rooms shall be equipped with lavatory and commode:

- (1) In municipalities having a population of less than three thousand, at least twelve permanent bedrooms for the use of guests.
- (2) In municipalities having a population of three thousand and more but less than ten thousand inhabitants, at least sixteen permanent bedrooms for the use of guests.
- (3) In municipalities having a population of ten thousand and more but less than twenty-five thousand inhabitants, at least thirty permanent bedrooms for the use of guests.
- (4) In municipalities having a population of twenty-five thousand and more but less than one hundred thousand inhabitants, at least forty permanent bedrooms for the use of guests.
- (5) In municipalities having a population of one hundred thousand and more inhabitants, at least fifty permanent bedrooms for the use of guests.



(6) A public [dining] room or rooms operated by the same management accommodating at least thirty persons at one time [and a kitchen, apart from the dining room or rooms, in which food is regularly prepared for the public.] *in which food may, at the option of the proprietor, be served to the public.*

(7) Each room to be considered a bedroom under the requirements of this section shall have an area of not less than eighty square feet and an outside window.

(8) The provisions of this subsection (c) shall not apply to hotel licenses granted prior to the first day of September, one thousand nine hundred forty-nine, or that have been granted on any application made and pending prior to said date, nor to any renewal or transfer thereof, or hotels under construction or for which a bona fide contract has been entered into for construction prior to said date. In such cases, the provisions of section one of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (Pamphlet Laws 806), shall continue to apply.

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, January 21, 1952.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 1060, Printer's No. 359, entitled "An act to amend the act, approved the twelfth day of April, one thousand nine hundred fifty-one (Act No. 21), entitled 'An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws,' by making the serving of food optional with certain licensees and changing certain requirements relating to the serving of food."

This bill amends the Act of April 12, 1951, Act No. 21, known as the "Liquor Code," by making the serving of food optional with certain licensees and changing certain requirements relating to the serving of food. The Liquor Code sets forth the basic requirements for a hotel, restaurant and eating place license, whereas, this bill would eliminate these requirements and make the sale of food optional in hotels, restaurants and eating places, thus legalizing the open saloon which section 104 of the Liquor Code specifically prohibits.

This creates an anomalous situation as the two provisions are irreconcilable. An establishment that ceases to sell food and sells only liquor and malt or brewed beverages is no longer a restaurant or eating place; neither is it a hotel, but it does become an open saloon.

If that is the objective, then the specific prohibition of saloons should not only be deleted, but also a new and separate class of licenses should be established for saloons with a higher license fee than the present license fee for bona fide hotels, restaurants and eating places that provide food for the public.

For these reasons, the bill is not approved.

JOHN S. FINE

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No. 44

AN ACT

To amend sections 464 and 471 of the act, approved the twelfth day of April, one thousand nine hundred fifty-one (Act No. 21), entitled "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws," by further defining the powers of courts on appeal.

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

Section 1. Sections 464 and 471 of the act, approved the twelfth day of April, one thousand nine hundred fifty-one (Act No. 21), entitled "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws," are hereby amended to read as follows:

Section 464. Hearings Upon Refusal of Licenses, Renewals or Transfers; Appeals.—The board may of its own motion, and shall upon the written request of any applicant for club, hotel or restaurant liquor license, or any applicant for any malt or brewed beverage license other than a public service license, or for renewal or transfer thereof, whose application for such license, renewal or transfer has been refused, fix a time and place for hearing of such application for license or for renewal or transfer thereof, notice of which hearing shall be mailed to the applicant at the address given in his application.

Such hearing shall be before the board, a member thereof, or an examiner designated by the board. At such hearing, the board shall present its reasons for its refusal or withholding of license, renewal or transfer thereof. The applicant may appear in person or by counsel, may cross-examine the witnesses for the board and may present evidence which shall likewise be subject to cross-examination by the board. Such hearing shall be stenographically recorded. The examiner shall thereafter report to the board upon such hearing. The board shall thereupon grant or refuse the license renewal or transfer thereof. In considering the renewal of a license, the board shall not refuse any such renewal on the basis of the propriety of the original issuance or any prior renewal of such license. If the board shall refuse such license, renewal or transfer following such hearing, notice in writing of such refusal shall be mailed to the applicant at the address given in his application. In all such cases, the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order and furnish a copy thereof to the applicant. Any applicant who has appeared before the board or any agent thereof at any hearing, as above provided, who is aggrieved by the refusal of the board to issue any such license or to renew or transfer any such license may appeal, or any church, hospital, charitable institution, school or public playground located within three hundred feet of the premises applied for, aggrieved by the action of the board in granting the issuance of any such license or the transfer of any such license, may take an appeal limited to the question of such grievance, within twenty days from date of refusal or grant, to the court of quarter sessions or the county court of Allegheny County of the county in which the premises applied for is located. Such appeal shall be upon petition of the aggrieved party, who shall serve a copy thereof upon the board, whereupon a hearing shall be held upon the petition by the court upon ten days' notice to the board, which shall be represented in the proceeding by the Department of Justice. The said appeal shall act as a supersedeas unless upon sufficient cause shown the court shall determine otherwise. The court shall hear the application de novo on questions of fact, [administrative discretion] *law* and such other matters as are involved, at such time as it shall fix, of which notice shall be given to the board. The court shall, *in its own discretion*, either sustain or over-rule the action of the board and either order or deny the issuance of a new license or the renewal or transfer of the license to the applicant. The parties to the proceeding may, within thirty days from the filing of the order or decree of said court, appeal therefrom to the Superior Court.

The jurisdiction of the county court of Allegheny County conferred hereby shall be exclusive within the territorial limits of its jurisdiction.

Section 471. Revocation and Suspension of Licenses.—Upon learning of any violation of this act or any laws of this Commonwealth relating to liquor, alcohol or malt or brewed beverages, or of any regulations of the board adopted pursuant to such laws, of any violation of any laws of this Commonwealth or of the United States of America relating to the tax-payment of liquor or malt or brewed beverages by any licensee within the scope of this article, his officers, servants, agents or employes, or upon any other sufficient cause

shown, the board may, within one year from the date of such violation or cause appearing, cite such licensee to appear before it or its examiner, not less than ten nor more than fifteen days from the date of sending such licensee, by registered mail, a notice addressed to him at his licensed premises, to show cause why such license should not be suspended or revoked. Hearings on such citations shall be held in the same manner as provided herein for hearings on applications for license. Upon such hearing, if satisfied that any such violation has occurred or for other sufficient cause, the board shall immediately suspend or revoke the license, notifying the licensee thereof by registered letter addressed to his licensed premises. Such suspensions and revocations shall not go into effect until twenty days have elapsed from the date of notice of issuance of the board's order, during which time the licensee may take an appeal as provided for in this act. When a license is revoked, the licensee's bond may be forfeited by the board. Any licensee whose license is revoked shall be ineligible to have a license under this act until the expiration of three years from the date such license was revoked. In the event the board shall revoke a license, no license shall be granted for the premises or transferred to the premises in which the said license was conducted for a period of at least one year after the date of the revocation of the license conducted in the said premises, except in cases where the licensee or a member of his immediate family is not the owner of the premises, in which case the board may, in its discretion, issue or transfer a license within the said year. In all such cases, the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order. In the event the person whose license was suspended or revoked by the board shall feel aggrieved by the action *or penalty* of the board, he shall have the right to appeal to the court of quarter sessions or the county court of Allegheny County in the same manner as herein provided for appeals from refusals to grant licenses. Upon appeal, the court so appealed to shall, in the exercise of its discretion, sustain, reject, alter or modify the findings, conclusions and penalties of the board, based on the findings of fact and conclusions of law as found by the court. The aforesaid appeal shall act as a supersedeas unless upon sufficient cause shown the court shall determine otherwise. The licensee or the board may, within thirty days from the filing of the order or decree of said court, file an appeal therefrom to the Superior Court. In those cases where the board shall suspend a license, the board may accept from the licensee an offer in compromise as a penalty in lieu of such suspension and thereupon rescind such suspension. In the case of a manufacturer of malt or brewed beverages, the offer in compromise shall be at the rate of one hundred dollars (\$100) for each day of suspension; in the case of a liquor importer, sacramental wine licensee and a malt or brewed beverage importing distributor, thirty dollars (\$30); in the case of a distributor of malt or brewed beverages, twenty dollars (\$20) for each day of suspension; and in the case of a hotel, restaurant and club liquor licensee, and a retail malt or brewed beverage dispenser, or transporter for hire, ten dollars (\$10) for each day of suspension. No offer in compromise may be accepted by the board in those cases where the suspension is for a period in excess of 100 days. *Where the court shall order a suspension, it shall also*

*direct the board to accept or reject an offer in compromise for all or a portion of the period of suspension.*

The jurisdiction of the county court of Allegheny County conferred hereby shall be exclusive within the territorial limits of its jurisdiction.

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, January 21, 1952.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 1100, Printer's No. 363, entitled "An act to amend sections 464 and 471 of the act, approved the twelfth day of April, one thousand nine hundred fifty-one (Act No. 21), entitled 'An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws,' by further defining the powers of courts on appeal."

This bill amends sections 464 and 471 of the Act of April 12, 1951, Act No. 21, known as the "Liquor Code." The amendatory language of this bill gives the courts the power on appeal to substitute their discretion for that of the Liquor Control Board in the matter of issuing a new license or renewing, or transferring an existing license. The bill further permits the courts on appeal, where a suspension is ordered, to direct the Board to accept or reject an offer in compromise. The courts are also permitted under the bill, to substitute their discretion for that of the Board's as to the amount of penalty to be imposed.

Thus, although the duty to enforce liquor laws remains imposed upon the Pennsylvania Liquor Control Board, punishment for violations and control over the licensees rests largely in the courts. Furthermore, this bill comes close to substituting the courts for the Board as the licensing authority in Pennsylvania. This has been recognized as an undesirable practice since the days of the Brooks High License Law.

The Liquor Control Board cannot effectively secure efficient regulation and control if the courts on appeal from the Board's orders may ignore them entirely and make such orders as the courts, in their discretion, see fit.

For these reasons the bill is not approved.

JOHN S. FINE

## AN ACT

To further amend section 1 of the act, approved the twenty-fourth day of June, one thousand nine hundred nineteen (P. L. 579), entitled "An act to fix the salary and mileage of the members of the General Assembly, and to provide for the furnishing of such postage, stationery, and supplies, as may be necessary for the conduct of their offices, and repealing all acts or parts of acts inconsistent therewith," by increasing the salary of members of the General Assembly and providing a salary and payment of expenses in the event of annual sessions.

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

Section 1. Section 1 of the act, approved the twenty-fourth day of June, one thousand nine hundred nineteen (P. L. 579), entitled "An act to fix the salary and mileage of the members of the General Assembly, and to provide for the furnishing of such postage, stationery, and supplies, as may be necessary for the conduct of their offices, and repealing all acts or parts of acts inconsistent therewith," as last amended by the act, approved the seventh day of July, one thousand nine hundred fifty-one (Act No. 212), is hereby further amended to read as follows:

Section 1. Be it enacted, &c., That the salary of the members of the General Assembly shall be [three thousand dollars (\$3000) for each biennial session, and mileage to and from their homes at the rate of five cents per mile circular for each week a member was in actual attendance at the session, to be computed by the ordinary mail route between their homes and the capitol of the State. The salary of the members of the General Assembly shall be five hundred dollars (\$500), and mileage as aforesaid for each special or extraordinary session lasting less than one calendar month, and seven hundred and fifty dollars (\$750), and mileage as aforesaid, for each special or extraordinary session lasting one calendar month or more, and no]:

(1) *For each regular biennial session, five thousand dollars (\$5000).*

(2) *In the event that regular annual sessions of the General Assembly are provided for by amendment or revision of the Constitution, for each regular annual session, five thousand dollars (\$5000).*

(3) *For each extraordinary session lasting less than thirty days, eight hundred dollars (\$800).*

(4) *For each extraordinary session lasting thirty days and more but less than sixty days, one thousand two hundred fifty dollars (\$1250).*

(5) *For each extraordinary session lasting sixty days and more, one thousand five hundred dollars (\$1500).*

*At each regular or extraordinary session members shall be paid mileage to and from their homes at the rate of five cents per mile circular for each week a member was in actual attendance at the session, to be computed by the ordinary mail route between their homes and the capitol of the State.*

*No other compensation shall be allowed whatever, except each member of the General Assembly shall receive an allowance for clerical*

assistance and other expenses incurred during his term in connection with the duties of his office, *in the event of regular biennial sessions*, the sum of thirty-six hundred dollars (\$3600) for each two year period of service, payable nine hundred dollars (\$900) on July 1 of each year, and nine hundred dollars (\$900) on November 30 of each year commencing July 1, one thousand nine hundred fifty-one. *In the event that regular annual sessions of the General Assembly are provided for by the amendment or revision of the Constitution, such allowance shall be at the rate of two thousand four hundred (\$2400) for each two year period of service, payable six hundred dollars (\$600) on July 1 of each year and six hundred dollars (\$600) on November 30 of each year, commencing on the first day of July immediately following the ratification and adoption of the constitutional amendment or revision by the electors.*

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, January 21, 1952.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 1710, Printer's No. 1005, entitled "An act to further amend section 1 of the act, approved the twenty-fourth day of June, one thousand nine hundred nineteen (P. L. 579), entitled 'An act to fix the salary and mileage of the members of the General Assembly, and to provide for the furnishing of such postage, stationery, and supplies, as may be necessary for the conduct of their offices, and repealing all acts or parts of acts inconsistent therewith,' by increasing the salary of members of the General Assembly and providing a salary and payment of expenses in the event of annual sessions."

The amendatory language of the bill fixes the salary of the members of the Legislature at \$5,000 for each regular biennial session. In the event that the biennial sessions are discontinued and annual sessions established, the bill calls for a salary of \$5,000 for each such session. Additional compensation would be provided for extraordinary sessions.

In the event of regular biennial sessions the Legislators are also to receive an allowance for clerical and other expenses of \$3,600 for each two-year period. This is reduced to \$2,400 should regular annual sessions of the General Assembly be provided.

When the 1947 Session of the General Assembly met the salary and expenses allowed each Member for a biennium in which there was no Special Session was \$3,150. This bill now provides salary and expenses of \$3,600, or an increase of 173% in five years.

When the General Assembly which passed this bill met last January the amount allowed for salary and expenses was \$5,400.

This bill, along with the increase in expenses the Legislators had previously voted to themselves, provides for an increase of 59% over the salary and expenses allowed at the beginning of this Session.

The salary of \$5,000 might be commensurate with the responsibility and work of a Member of the General Assembly were it not for the addition of \$3,600 expenses.

Had the expenses allowed the Legislators been reduced in this bill even to what it was at the beginning of the Session, the additional

salary increase would be more in line with our former expression on the subject. Under all the circumstances I feel there is no justification for the present increase.

If the proposed amendment providing for annual sessions of the General Assembly is adopted each Member of the General Assembly would receive salary and expenses under this bill of \$12,400 a biennium, which I am advised would make them the best paid Legislators in the country.

It is interesting to note that this bill obtained only a bare majority of 26 votes in the Senate.

For these reasons, the bill is not approved.

JOHN S. FINE

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No. 46

AN ACT

To amend subsection (a) of section 9 of the act, approved the twenty-sixth day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1828), entitled "An act concerning the investment powers and duties of guardians, committees, trustees, and other fiduciaries, except personal representatives, and prescribing the nature and kind of investments which may be made and retained by such fiduciaries," by authorizing investments in common stocks and similar securities of unincorporated associations meeting certain qualifications, and eliminating the requirement that stock and similar securities must be listed on an exchange as to the stock and securities of banks and insurance and investment companies.

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

Section 1. Subsection (a) of section 9 of the act, approved the twenty-sixth day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1828), entitled "An act concerning the investment powers and duties of guardians, committees, trustees, and other fiduciaries, except personal representatives, and prescribing the nature and kind of investments which may be made and retained by such fiduciaries," is hereby amended to read as follows:

Section 9. Stocks.—

(a) Preferred *and* Common Stock. Preferred *and* common stock of any corporation organized under the laws of the United States or of any commonwealth or state thereof, or of the District of Columbia, shall be an authorized investment if—

(1) purchased in the exercise of that degree of judgment and care, under the circumstances then prevailing, which men of prudence, discretion and intelligence exercise in the management of their own affairs, not in regard to speculation, but in regard to the permanent disposition of their funds, considering the probable income to be derived therefrom as well as the probable safety of their capital;

(2) *in the case of preferred stock*, the corporation issuing the stock has earned a net profit in eight of the preceding ten fiscal years, as reflected in its statements, and during each of the preceding ten fiscal years has paid dividends in the specified amounts upon all its preferred stock, if any, outstanding during such year; [and]

(3) *in the case of common stock*, the corporation issuing the stock has earned a net profit in twelve of the preceding sixteen fiscal years,



as reflected in its statements, and during each of the preceding sixteen fiscal years has paid dividends in the specified amounts upon all its preferred stock, if any, outstanding during said year, and in each of at least twelve of the preceding sixteen fiscal years has paid dividends in some amount upon all its common stock, if any, outstanding during such year; and

(4) in the case of any stock other than stock of a bank or insurance company or of an investment company (as hereinafter defined), the stock is listed or traded (or if unlisted or not entitled to trading privileges, shall be eligible for listing, and application for such listing shall have been made) on the New York Stock Exchange or any other exchange approved by the Secretary of Banking.

No investment in common stock shall be made which at that time would cause the market value of the investments in common stocks to exceed one third of the market value of the estate, not including in such market value the value of any participation in a common trust fund. No sale or other liquidation of any investment shall be required solely because of any change in market values whereby the percentages of stocks hereinabove set forth are exceeded. In determining the market value of an estate, a fiduciary may rely upon published market quotations as to those investments for which such quotations are available and upon such valuations of other property as in his best judgment seem fair and reasonable according to available information.

When a corporation has acquired a substantial part of its property, within [ten] sixteen years immediately preceding the investment, by consolidation or merger or by the purchase of a substantial part of the property of any other corporation or corporations, the earnings of the predecessor or constituent corporations shall be consolidated so as to ascertain whether the requirements of this section have been satisfied.

“Corporation” as used in this section shall include a voluntary association, a joint-stock association or company, a business trust, a Massachusetts trust, a common-law trust, and any other organization organized and existing for any lawful purpose and which, like a corporation, continues to exist notwithstanding changes in the personnel of its members or participants, and conducts its affairs through a committee, a board, or some other group acting in a representative capacity.

“Investment company” as used in this section shall mean a corporation which is registered as an investment company under the Federal Investment Company Act of 1940, as from time to time amended, and which has no preferred stock, bonds, loans or any other outstanding securities having preference or priority as to assets or earnings over its common stock.

“Common stock” as used in this section shall include the stock certificates of beneficial interests or trust participation certificates issued by any corporation or unincorporated association included under the definition of “corporation” in the preceding paragraph.

Section 2. The provisions of this act shall become effective immediately upon final enactment.

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, January 21, 1952.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 636, Printer's No. 498, entitled "An act to amend subsection (a) of section 9 of the act, approved the twenty-sixth day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1828), entitled 'An act concerning the investment powers and duties of guardians, committees, trustees, and other fiduciaries, except personal representatives, and prescribing the nature and kind of investments which may be made and retained by such fiduciaries,' by authorizing investments in common stocks and similar securities of unincorporated associations meeting certain qualifications, and eliminating the requirement that stock and similar securities must be listed on an exchange as to the stock and securities of banks and insurance and investment companies.'"

The section in question, which relates to the authorized investments for fiduciaries, has already been amended during the present session by Act No. 340, approved by the Governor on August 24, 1951. The bill before us is identical to the previous amendment with two exceptions. The first involves an insubstantial change in the definition of common stock. This aspect of the bill is relatively unimportant. However, in the present proposal, the shares or investment companies registered pursuant to the Federal Investment Company Act are specifically included within the investments authorized. Consequently, it is only in these respects that the amendment changes existing law.

I am of the opinion that this matter should receive further study before being enacted into law.

For this reason, the bill is not approved.

JOHN S. FINE

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No. 47

AN ACT

To implement Article fourteen, section eight of the Constitution of Pennsylvania, providing for the election or appointment, compensation, terms and disposition of the duties of certain of the former County officers and employes in the City of Philadelphia, by amendments or supplement to the Philadelphia Home Rule Charter.

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

Section 1. (a) The primary purpose of this act is, as far as practicable, to provide for the integration with the provisions of the Philadelphia Home Rule Charter, adopted on the seventeenth day of April, one thousand nine hundred fifty-one, of the work of certain of the former County officers who were abolished as such by the adoption, on the sixth day of November, one thousand nine hundred fifty-one, of Article XIV, section eight of the Constitution of Pennsylvania.

(b) As used in this act, Mayor and City Solicitor mean the specified officers created by the aforesaid Philadelphia Home Rule Charter.

Section 2. (a) Within thirty days after the first Monday of January, one thousand nine hundred fifty-two, the Governor and the Mayor of Philadelphia shall appoint a bipartisan commission for the purpose of framing a supplement or certain amendments to the Philadelphia Home Rule Charter, as hereinafter provided, five members to be appointed by the Governor and five by the Mayor. Each member shall be a registered elector of the City. Any vacancy in the membership of the commission caused by death, resignation, removal from the City, or otherwise, shall be filled by the officer who appointed the member whose position is vacant by appointing, as a member of the commission, a registered elector of the City.

(b) The amendments or supplement to be framed by said commission shall be only such as may be necessary to transfer, merge or distribute functions and duties heretofore performed by all former County officers, in accordance with the purposes and intent of Article fourteen, section eight of the Constitution of Pennsylvania, and shall provide for the manner of selection, whether appointed or elected, and if appointed, by whom, and for the terms, if any, of officers designated for the performance of such functions and duties, and whether any of such former County officers of Philadelphia or their offices shall be continued or abolished: Provided, however, That this shall not apply to the Board of Revision of Taxes and the Registration Commission of Philadelphia.

(c) The commission created under the provisions of this section shall organize, hold meetings and carry out its functions in the same manner as the Philadelphia Charter Commission appointed under the provisions of The First Class City Home Rule Act.

(d) The amendments or the supplement, when prepared by the commission, shall be submitted to the City Council, which shall cause said proposals, together with the form of the proper question or questions, to be printed for distribution, and shall provide for the submission of such proposed amendments or supplement to the qualified electors of the City for their approval or disapproval, at a special election, on a day fixed and designated by ordinance, in the same manner as provided for in sections nine and ten of The First Class City Home Rule Act.

(e) Any of said amendments or any such supplement to the charter which are approved by a majority of the qualified electors voting thereon shall become the organic law of the City at such time as may be fixed therein.

(f) All officers, including those elected at the one thousand nine hundred fifty-one municipal election and replacing former County officers, shall continue to perform their duties and be elected, appointed, compensated and organized in such manner as may be provided by the provisions of the Constitution and the laws of the Commonwealth until the provisions of the supplement or amendments to the Philadelphia Home Rule Charter authorized hereby become effective.

(g) No amendments or changes shall be framed by the commission or submitted to the vote of the electors under the provisions of this section which shall be in conflict or inconsistent with other provisions of this act.

Section 3. Former County employes who are transferred to any City department or other agency shall retain all rights to retirement with pension which shall have accrued or would thereafter accrue to them, and their services shall be deemed to have been continuous as if the transfer had not been made.

Section 4. (a) All petitions, hearings and other proceedings pending before any former County officer, board or commission and all prosecutions, legal or other proceedings and investigations begun by any such officer, board or commission and not completed at the time of the taking effect of any amendments or supplements to the Philadelphia Home Rule Charter adopted pursuant to this act shall continue and remain in full force and effect notwithstanding the adoption of such amendments or supplements, and may be completed before or by the officer, department, board or commission which succeeds to the rights, powers, duties and obligations of such officer, board or commission. All questions arising under this section shall be determined by the City Solicitor.

(b) All orders, rules and regulations made by any former County officer, board or commission shall remain in full force and effect until revoked or modified by the officer, department, board or commission succeeding to the rights, powers, duties and obligations of such former officer, board or commission.

(c) All existing contracts and obligations of the former County officers, boards and commissions shall remain in full force and effect and shall be performed by the officers, departments, boards and commissions to which the rights, powers, duties and obligations of such former officers, boards or commissions are transferred.

(d) Whenever reports or notices were formerly required or given, or papers or documents furnished or served by any person to or upon any former County officer, board or commission or deputy assistant agent or other subordinate or employe thereof, the same shall be made, given, furnished or served in the same manner to or upon the office, department, board or commission upon which are now conferred or imposed by any amendments or supplements to the Philadelphia Home Rule Charter adopted pursuant to this act. The rights, powers and duties formerly exercised or discharged by such officer, board, commission or deputy assistant agent or other subordinate or employe thereof and every penalty for failure to do so shall continue in effect.

Section 5. All of the provisions of the Philadelphia Home Rule Charter not inconsistent with this act shall be applicable and in full force and effect.

Section 6. The members of the Registration Commission and the Board of Revision of Taxes shall continue to be appointed and compensated as provided by law, and they shall receive such compensation as they now receive. The Registration Commission and the Board of Revision of Taxes shall continue to appoint such assistants and employes as provided by law.

Section 7. It is the intention of the General Assembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding invalid any part or parts hereof, the remaining provisions of this act shall be given full force

and effect as if the part or parts held invalid had not been included herein.

Section 8. This act shall become effective immediately upon its final enactment, except that all former County officers now in office shall be permitted to complete their terms and that any provisions hereof which cannot become effective until the Philadelphia Home Rule Charter becomes effective shall take effect on the first Monday of January, one thousand nine hundred fifty-two. The County officers elected at the 1951 municipal election shall assume office as officers of the City pursuant to the provisions of this act.

Section 9. All acts and parts of acts, general, local and special, inconsistent with the provisions of this act, are hereby repealed.

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, January 21, 1952.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 897, Printer's No. 695, entitled "An act to implement article fourteen, section eight of the Constitution of Pennsylvania, providing for the election or appointment, compensation, terms and disposition of the duties of certain of the former County officers and employes in the City of Philadelphia, by amendments or supplement to the Philadelphia Home Rule Charter."

As originally introduced in the Senate, the title of this bill declared its purpose to be to provide for the election or appointment, compensation, terms and duties of certain officials who were formerly county officers in the City of Philadelphia, and to abolish other former county officers, boards and commissions and distribute their former duties; and sections 2 to 8 were devoted to this purpose.

By amendment the Legislature struck out sections 2 to 6 and substituted a new title which stated that the purpose of the bill was to provide for the election, appointment, etc., of such former county officers, by amendments or supplement to the Philadelphia Home Rule Charter. In lieu of original sections 2 to 6, the bill, as amended, provides for the appointment of a bipartisan commission consisting of ten members, five to be appointed by the Governor and five by the Mayor of Philadelphia, and further provides that this commission should frame supplements or amendments to the Philadelphia Home Rule Charter and submit the same to the Council of the City of Philadelphia which should cause the same to be submitted to the voters.

In my opinion this amendment to the bill changed its original purpose, in violation of Article III, Section 3 of the Pennsylvania Constitution. Furthermore, the title of the amended bill declares that its purpose is to be accomplished by amendments or supplement to the Philadelphia Home Rule Charter, whereas the bill does not provide such amendments or supplement but delegates the power to prepare the same to a special commission. The title, therefore, is misleading and violates Article III, Section 3, of the Constitution which provides that the subject of a bill shall be clearly expressed in its title. The bill also amounts to an unconstitutional delegation of the power of the Legislature to the commission. Article XIV, Section 8, Clause 7, of the Constitution imposes the duty upon the General

Assembly to deal with the specific problems which this bill attempts to delegate to the commission.

Furthermore, I believe that the distribution of personnel as provided in the amended bill will seriously interfere with the action of the proposed commission. The five members appointed by the Governor may vote differently from the five members appointed by the Mayor, causing a deadlock which would make it impossible to effect an organization or to agree upon proposed amendments or supplements to the Philadelphia Home Rule Charter.

In addition, this bill would radically change the law of this Commonwealth in that it would make it possible for the people of a pre-existing county to determine the manner of the election or appointment and the functioning of such important officials as the district attorney, sheriff, prothonotary, register of wills, and the clerk of the court of quarter sessions. They could adopt a method which would be separate and different from that prevailing in other counties and could do this without the supervision or approval of the Legislature and of the Governor, acting in the interest of the people of the Commonwealth at large. The district attorney is charged with the prosecution for offenses against laws which are State-wide and involve issues which are not of merely local concern. Other such officials exercise functions in which the people of the Commonwealth have an interest. Uniformity is highly desirable in the laws regulating the function and procedure of these officials.

It is my considered judgment better results may be secured by referring the City-County Consolidation problem to the Charter Commission, a non-partisan body, which has heretofore performed so splendidly. Their report should be available for the Legislature which will convene next January. Apparently time is not of the essence in this matter and there should be no prejudicial delay by my veto. The minority party in the past Legislature promptly dismissed my suggestion that an early date be fixed in this bill for a report of the Commission therein authorized, because in their opinion the problem would require many months' study and hasty action was wholly undesirable.

For these reasons, the bill is not approved.

JOHN S. FINE

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No. 48

AN ACT

To further amend the act, approved the first day of May, one thousand nine hundred twenty-nine (Pamphlet Laws 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles, and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability

for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by increasing annual registration fees for certain commercial motor vehicles, truck tractors, trailers and semi-trailers; prescribing additional equipment requirements for certain vehicles; increasing the maximum gross weights and axle loads allowed for certain vehicles; changing the requirements for weighing vehicles and removal of excess loads [and]; prescribing and changing penalties; providing that certain penalties shall be enforced by liens upon vehicles and the sale of such vehicles free of all liens and encumbrances; and imposing duties upon operators, owners, magistrates and sheriffs.

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

Section 1. Sections seven hundred three and seven hundred four of the act, approved the first day of May, one thousand nine hundred twenty-nine (Pamphlet Laws 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as last amended by the act, approved the twenty-sixth day of May, one thousand nine hundred forty-three (Pamphlet Laws 618), are further amended to read as follows:

Section 703. Commercial Motor Vehicles and Truck Tractors with Pneumatic Tires.—Commercial motor vehicles and truck tractors with pneumatic tires, other than those electrically operated, shall be divided into eight (8) classes and the fee for annual registration of such vehicles in each of the respective classes, based on the gross chassis weight, as given and certified to by the manufacturer, shall be as follows:

Four-Wheeled Class.	Chassis Weight in Pounds.	Fee.
R . . . .	Less than 2000,	\$16.50
S . . . .	2000 and over, but less than 3000,	26.00
T . . . .	3000 and over, but less than 4000,	35.00
U . . . .	4000 and over, but less than 5000,	[45.00] 50.00
V . . . .	5000 and over, but less than 6000,	[70.00] 80.00
W . . . .	6000 and over, but less than 7500,	[96.00] 110.00
Y . . . .	7500 and over, but less than 9000,	[120.00] 134.00
Z . . . .	9000 and over,	[175.00] 192.00

## Six-wheel (3 Axles)

Class.	Chassis Weight in Pounds.	Fee.
RZ ....	2000 and over, but less than 3000,	\$40.00
SZ ....	3000 and over, but less than 4000,	50.00
TZ ....	4000 and over, but less than 5000,	60.00
UZ ....	5000 and over, but less than 6000,	[98.00] 106.00
VZ ...	6000 and over, but less than 7500,	[168.00] 186.00
WZ ...	7500 and over, but less than 9000,	[186.00] 203.00
YZ ...	9000 and over, but less than 12000,	[215.00] 239.00
ZZ ....	12000 and over,	[250.00] 294.00

Section 704. Commercial Motor Vehicles and Truck Tractors with Solid Rubber or Cushion Rubber Tires.—Commercial motor vehicles and truck tractors with solid rubber or cushion rubber tires, approved by the Secretary of Highways of this Commonwealth, other than those electrically operated, shall be divided into eight (8) classes, and the fee for the annual registration of such vehicles in each of the respective classes, based on the gross chassis weight as given and certified to by the manufacturer, shall be as follows:

Four-Wheeled Class.	Chassis Weight in Pounds. (Solid Rubber Tires)	Fee.
R .....	Less than 2000,	\$28.00
S .....	2000 and over, but less than 3000,	45.00
T .....	3000 and over, but less than 4000,	60.00
U .....	4000 and over, but less than 5000,	[75.00] 82.00
V .....	5000 and over, but less than 6000,	[120.00] 132.00
W ....	6000 and over, but less than 7500,	[160.00] 181.00
Y .....	7500 and over, but less than 9000,	[204.00] 226.00
Z .....	9000 and over,	[315.00] 346.00

Six-Wheeled (3 Axles) Class.	Chassis Weight in Pounds. (Solid Rubber Tires)	Fee.
RZ ....	2000 and over, but less than 3000,	\$65.00
SZ ....	3000 and over, but less than 4000,	75.00
TZ ....	4000 and over, but less than 5000,	90.00
UZ ....	5000 and over, but less than 6000,	[158.00] 171.00
VZ ...	6000 and over, but less than 7500,	[288.00] 319.00
WZ ...	7500 and over, but less than 9000,	[311.00] 340.00
YZ ...	9000 and over, but less than 12000,	[340.00] 378.00
ZZ ....	12000 and over,	[375.00] 440.00

Four-Wheeled Class.	Chassis Weight in Pounds. (Cushion Rubber Tires)	Fee.
R .....	Less than 2000,	\$25.00
S .....	2000 and over, but less than 3000,	35.00
T .....	3000 and over, but less than 4000,	50.00
U .....	4000 and over, but less than 5000,	[60.00] 66.00
V .....	5000 and over, but less than 6000,	[92.00] 102.00
W ....	6000 and over, but less than 7500,	[124.00] 140.00
Y .....	7500 and over, but less than 9000,	[156.00] 173.00
Z .....	9000 and over,	[228.00] 251.00



Six-Wheeled (3 Axles) Class.	Chassis Weight in Pounds. (Cushion Rubber Tires)	Fee.
RZ ....	2000 and over, but less than 3000,	\$55.00
SZ ....	3000 and over, but less than 4000,	65.00
TZ ....	4000 and over, but less than 5000,	70.00
UZ ....	5000 and over, but less than 6000,	[133.00] 144.00
VZ ...	6000 and over, but less than 7500,	[213.00] 236.00
WZ ...	7500 and over, but less than 9000,	[236.00] 258.00
YZ ...	9000 and over, but less than 12000,	[265.00] 294.00
ZZ ....	12000 and over,	[300.00] 352.00

Section 2. Section seven hundred six of said act, as amended by the act, approved the twenty-second day of June, one thousand nine hundred thirty-one (Pamphlet Laws 751), is further amended to read as follows:

Section 706. Trailers and Semi-Trailers.—Trailers and semi-trailers equipped with pneumatic or solid rubber or cushion rubber tires approved by the Secretary of Highways shall be divided into seven (7) classes, and the fee for annual registration of such vehicles in each of the respective classes, based on the combined weight of chassis and body, if so constructed, or the gross weight of the trailer or semi-trailer exclusive of the load to be transported, shall be as follows:

Two-Wheeled Class.	Semi-Trailer Weights in Pounds.	Fee		
		Tire Equipment.		
		Pneumatic.	Cushion.	Solid.
A	Less than 1000,	\$ 5.00	\$ 6.00	\$ 8.00
B	1000 and over, but less than 2000,	8.00	10.00	15.00
C	2000 and over, but less than 3000,	15.00	20.00	25.00
D	3000 and over, but less than 4000,	25.00	30.00	35.00
E	4000 and over, but less than 5000,	30.00	40.00	50.00
F	5000 and over, but less than 6000,	45.00	60.00	75.00
G	6000 and over, [75.00] 84.00	[85.00] 95.00	[100.00]	111.00

(2 Axles) Class.	Trailer or Semi-Trailer Weight in Pounds.	Fee		
		Tire Equipment.		
		Pneumatic.	Cushion.	Solid.
A	Less than 1000,	\$ 5.00	\$ 6.00	\$ 8.00
B	1000 and over, but less than 2000,	8.00	10.00	15.00
C	2000 and over, but less than 3000,	15.00	20.00	25.00
D	3000 and over, but less than 4000,	25.00	30.00	35.00
E	4000 and over, but less than 5000,	30.00	40.00	50.00
F	5000 and over, but less than 6000,	45.00	60.00	75.00
G	6000 and over, [75.00] 95.00	[85.00] 108.00	[100.00]	127.00

(3 Axles) Class.	SixWheeled Trailer Weight in Pounds.	Fee		
		Tire Equipment.		
		Pneumatic.	Cushion.	Solid.
AZ	Less than 3000,	\$ 40.00	\$ 45.00	\$ 50.00
BZ	3000 and over, but less than 4000,	45.00	50.00	60.00
CZ	4000 and over, but less than 5000,	50.00	60.00	70.00
DZ	5000 and over, but less than 6000,	60.00	75.00	90.00
EZ	6000 and over, but less than 7000,	75.00	100.00	125.00
FZ	7000 and over, but less than 9000,	85.00	110.00	135.00
GZ	9000 and over, [100.00] 130.00	[125.00] 163.00	[150.00]	196.00

Section 3. Section eight hundred eleven of said act, as last amended by the act, approved the twenty-ninth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 2329), is further amended by adding thereto, after clause (i), a new clause to read as follows:

Section 811. Brakes.—

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(j) Every commercial motor vehicle and every combination of a commercial motor vehicle and trailer or of a truck tractor and semi-trailer, when used on a highway, shall be equipped with brakes having an aggregate braking surface of not less than one (1) square inch for each fifty-five (55) pounds of maximum gross weight allowed by section nine hundred three of this act.

Section 4. Said act is further amended by adding thereto, after section eight hundred twenty-one, a new section to read as follows:

Section 821.1. Minimum Engine Capacity.—Every commercial motor vehicle and every combination of a commercial motor vehicle and trailer or of a truck tractor and semi-trailer, when used on a highway, shall be equipped with an engine capable of propelling such vehicle or combination up a grade of two percentum (2%) at a speed of not less than twenty (20) miles per hour when such vehicle or combination is loaded to the maximum gross weight allowed by section nine hundred three of this act.

Penalty.—Any person violating any of the provisions of this section shall, upon summary conviction before a magistrate, be sentenced to pay a fine of ten (\$10) dollars and costs of prosecution, and in default of the payment thereof, shall undergo imprisonment for not more than five (5) days.

Section 5. Section nine hundred three of said act, as last amended by the act, approved the twenty-seventh day of April, one thousand nine hundred forty-five (Pamphlet Laws 328), and as amended in part by the act, approved the eighteenth day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1412), is further amended to read as follows:

Section 903. Weight of Vehicles and Loads.—

(a) Commercial motor vehicles and truck tractors, other than those electrically operated, shall not be used or operated on any highway with gross weight exceeding those specified for the several classes and weights of chassis as follows:

Four-Wheeled (2 Axles) Class.	Chassis Weight in Pounds.	Maximum Gross Weight in Pounds.
R	Less than 2000,	5000
S	2000 and over, but less than 3000,	7000
T	3000 and over, but less than 4000,	11000
U	4000 and over, but less than 5000,	[15000] 16500
V	5000 and over, but less than 6000,	[19000] 21000
W	6000 and over, but less than 7500,	[23000] 26000
Y	7500 and over, but less than 9000,	[27000] 30000
Z	9000 and over,	[30000] 33000

Six-Wheeled (3 Axles)	Chassis Weight in Pounds.	Maximum Gross Weight in Pounds.
Class.		
RZ 2000 and over, but less than 3000,		12000
SZ 3000 and over, but less than 4000,		14000
TZ 4000 and over, but less than 5000,		16000
UZ 5000 and over, but less than 6000,	[24000]	26000
VZ 6000 and over, but less than 7500,	[28000]	31000
WZ 7500 and over, but less than 9000,	[32000]	35000
YZ 9000 and over, but less than 12000,	[36000]	40000
ZZ 12000 and over,	[40000]	47000

(b) Electrically operated commercial motor vehicles and truck tractors shall not be used or operated on any highways with gross weight exceeding those specified for the several classes as follows:

Four-Wheeled (2 Axles)	Maximum Gross Weight In Pounds.
Class.	
R	5000
S	7000
T	11000
U	15000
V	18000
W	22000
Y	25000
Z	26000

Six-Wheeled (3 Axles)	Maximum Gross Weight In Pounds.
Class.	
RZ	12000
SZ	14000
TZ	16000
UZ	22000
VZ	26000
WZ	30000
YZ	34000
ZZ	36000

(c) Trailers and semi-trailers, except trailers designed and used exclusively for living quarters, shall not be used or operated on any highway with gross weight exceeding those specified for the several classes as follows:

Four-Wheeled (2 Axles) Trailer or Semi-Trailer	Weight in Pounds.	Maximum Gross Weight in Pounds.
Class.		
A Less than 1000,		3000
B 1000 and over, but less than 2000,		6000
C 2000 and over, but less than 3000,		10000
D 3000 and over, but less than 4000,		16000
E 4000 and over, but less than 5000,		20000
F 5000 and over, but less than 6000,		24000
G 6000 and over,		[26000] 33000

Six-Wheeled (3 Axles) Trailer		Maximum Gross Weight in Pounds.
Class.	Weight in Pounds.	
AZ	Less than 3000,	12000
BZ	3000 and over, but less than 4000,	15000
CZ	4000 and over, but less than 5000,	20000
DZ	5000 and over, but less than 6000,	26000
EZ	6000 and over, but less than 7000,	30000
FZ	7000 and over, but less than 9000,	34000
GZ	9000 and over,	[36000] 47000

Two-Wheeled (1 Axle) Semi-Trailer		Maximum Gross Weight in Pounds.
Class.	Weight in Pounds.	
A	Less than 1000,	3000
B	1000 and over, but less than 2000,	6000
C	2000 and over, but less than 3000,	10000
D	3000 and over, but less than 4000,	12000
E	4000 and over, but less than 5000,	14000
F	5000 and over, but less than 6000,	16000
G	6000 and over,	[18000] 20000

(d) [No two-wheeled vehicle, except fire department equipment, shall be operated upon any highway with gross weight in excess of twenty thousand (20,000) pounds, or in excess of eight hundred (800) pounds on any one wheel for each nominal inch of width of tire.] *Whenever two vehicles are used or operated as a combination on any highway, the gross weight of the combination shall not exceed the sum of the maximum gross weights allowed for the respective vehicles, and in addition the gross weight of the combination shall not exceed the gross weight specified as follows:*

<i>Combination.</i>	<i>Maximum Gross Weight in Pounds.</i>
<i>Truck tractor and single-axle semi-trailer</i>	48000
<i>Truck tractor and two-axle semi-trailer</i>	60000
<i>Commercial motor vehicles and trailer</i>	62000

(e) [No four-wheeled vehicle, except fire department equipment and any motor bus operated within a municipality or in a business or residence district, shall be operated upon any highway with a gross weight in excess of thirty thousand (30,000) pounds, or in excess of twenty thousand (20,000) pounds on any axle, or in excess of eight hundred (800) pounds on any one wheel for each nominal inch of width of tire on such wheel.] *Maximum gross weights provided in this section are allowed only under conditions where no other restrictions are provided in this act or in any other laws regulating maximum gross weights of vehicles.*

(f) [No six or more wheeled vehicle, except fire department equipment, shall be operated upon any highway with gross weight in excess of forty thousand (40,000) pounds, or in excess of eight thousand (8,000) pounds on the front axle, or in excess of eighteen thousand

(18,000) pounds, on any one of the rear axles, or in excess of eight hundred (800) pounds on any one wheel for each nominal inch of width of tire on such wheel; and the two rear axles shall be parallel and shall not be less than thirty-six (36) inches apart.] *No vehicle shall be operated upon any highway with weight in excess of twenty thousand (20,000) pounds upon any one axle or in excess of thirty-six thousand (36,000) pounds on a pair of axles less than seventy-two (72) inches apart. No vehicle shall be operated upon any highway with weight in excess of eight hundred (800) pounds on any one wheel for each nominal inch of width of tire on such wheel.*

(g) [No truck tractor and semi-trailer combined, except fire department equipment, shall be operated upon any highway with a gross weight in excess of forty-five thousand (45,000) pounds, or in excess of twenty thousand (20,000) pounds on any axle, or in excess of eight hundred (800) pounds on any one wheel for each nominal inch of width of tire on such wheel; axle or axles of semi-trailer shall not be less than ninety-six (96) inches from the axle of the truck tractor.] *No three-axle vehicle or two axle semi-trailer shall be operated upon any highway unless the rear axles be parallel and at least forty (40) inches apart, and no truck tractor and semi-trailer shall be operated as a combination on any highway unless the rearmost axle of the truck tractor and the foremost axle of the semi-trailer be at least ninety-six (96) inches apart.*

(h) [No commercial motor vehicle and trailer combined, except fire department equipment, shall be operated upon any highway with a gross weight in excess of sixty-two thousand (62,000) pounds, or in excess of eight hundred (800) pounds on any one wheel for each nominal inch of width of tire on such wheel.] *None of the restrictions provided in this section shall be applicable to fire department equipment or to any two axle motor bus operated within a municipality or in a business or residence district.*

[ (1) ] (i) *A variance of five per centum (5%) over the several maximum weights allowed by the foregoing clauses of this section shall be permitted, and no penalty for violation of this section shall be imposed for such variance: Provided, however, That no variance shall be permitted for the combination of a truck-tractor and two-axle semi-trailer or for a pair of axles less than seventy-two (72) inches apart.* [Maximum gross weights provided in this section are permissible only under conditions where no other restrictions are provided in this act, or in any other laws regulating the gross maximum weight of vehicles.

Penalty.—Any person operating any vehicle upon any highway with a gross weight exceeding by more than five (5) per centum the maximum gross weight allowed and not exceeding by more than ten (10) per centum the maximum gross weight allowed, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of twenty-five (\$25) dollars and costs of prosecution, and in default of the payment thereof, shall undergo imprisonment for not more than five (5) days, and any person operating any vehicle on any highway with a gross weight exceeding by more than ten (10) per centum the maximum gross weight allowed, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of fifty (\$50) dollars and costs of prosecution, and in default of the payment thereof, shall undergo imprisonment for not more than ten (10) days.]

*Penalties.—*

Subject to the provisions of clause (i) of this section, any person operating any vehicle or combination of vehicles upon a highway in violation of this section shall, upon summary conviction before a magistrate, be sentenced to pay the costs of prosecution and a fine according to the following schedule:

For violating clause (a), (b), (c) or (d) of this section, the fine shall be one hundred (\$100) dollars plus two (\$2) dollars for each one hundred (100) pounds or part thereof by which the gross weight of the vehicle or combination of vehicles exceeds the maximum gross weight allowed therefor, exclusive of the variance permitted by clause (i) but inclusive of a variance of three thousand one hundred (3,100) pounds:

Provided, That no variance of any amount shall be permitted for the combination of a truck-tractor and two-axle semi-trailer.

For violating clause (f) without violating clause (a), (b), (c) or (d) of this section, the fine shall be twenty-five (\$25) dollars.

For violating clause (g) of this section, the fine shall be twenty-five (\$25) dollars.

Any fines and costs of prosecution imposed for violation of clause (a), (b), (c), (d), (f) or (g) of this section shall constitute and be a first lien upon the vehicle or combination of vehicles, which lien shall continue until the fine and costs of prosecution and all reasonable costs attendant upon or arising out of the enforcement of the lien are paid. It shall be the duty of the operator or owner of any such vehicle or combination of vehicles to drive or cause the same to be driven to such off-the-highway parking area or storage facility as the magistrate may designate; and except for such movement or any movement that may be required in the performance of the duties hereinafter imposed upon the sheriff, no vehicle or combination of vehicles subject to a lien as herein provided for shall be operated on the highways of this Commonwealth or be registered or the title thereof transferred, either voluntarily or by operation of law, as long as said lien remains unsatisfied. Any operator or owner who fails, neglects or refuses to comply with an order of a magistrate to deliver a vehicle or combination of vehicles to a parking area or storage facility designated by said magistrate, or a person who operates or causes or permits to be operated a vehicle or combination of vehicles, or who procures the registration or transfer of title of a vehicle knowing the same to be subject to the lien herein provided for, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of two hundred (\$200.00) dollars and costs of prosecution, and in default of the payment thereof, shall be sentenced to undergo imprisonment for thirty (30) days. If the fine and costs of prosecution for violation of clause (a), (b), (c), (d), (f) or (g) of this section and all other costs incidental to the enforcement of the lien shall not be paid within ten (10) days, the magistrate shall forthwith issue an order directed to the sheriff of the county commanding him to sell at public sale any vehicle or combination of vehicles subject to such lien. Within five (5) days following receipt of such an order of sale, the sheriff shall send, by registered mail, to the owner, conditional vendor, bailor, lessor or mortgagee, as disclosed in official registration certificates accompanying the vehicle or conspicuously displayed on the dash of a

motor vehicle or the lower front left side of the exterior of a trailer or semi-trailer, at the address set forth therein, a notice of the sale, free and clear of all liens and encumbrances, stating, *inter alia*, (1) the date, time and place of the sale, (2) the amount of the fine and all costs, including those incidental to the enforcement of the lien, which have accrued to the date of the notice, and (3) a statement that the vehicle may be repossessed at any time prior to the sale upon payment of the fine and all costs which have accrued up to the date of the satisfaction of the lien. The posting of such notice by registered mail, addressed as aforesaid, shall constitute notice to the addressee. The sale shall be advertised once each week for three (3) successive weeks in a newspaper of general circulation in the county, and shall be held not less than thirty (30) days following the date of the first advertisement. The sale shall operate to divest any and all existing liens or encumbrances on such vehicle or combination of vehicles: Provided, That the owner or the conditional vendor, bailor, lessor or mortgagee shall have the right to repossess the same, upon payment of the fine and all costs accrued, at any time prior to the sale. The magistrate and sheriff shall be entitled to the same fees to which they are entitled by law for similar services: Provided, That the magistrate's fee for arranging for a parking or storage facility shall be five (\$5.00) dollars for each vehicle, and for each order of sale directed to the sheriff five (\$5.00) dollars: And provided further, That the sheriff's fee for the preparation and transmission of the notice of sale shall be five (\$5.00) dollars each. The proceeds of sale shall be distributed in the following order, *viz*: (1) costs of sale; (2) storage costs; (3) costs of prosecution; (4) fine; (5) equitable owners, as their interests may appear; (6) owner. Neither the peace officer, magistrate nor sheriff shall incur any liability whatsoever by virtue of any act done hereunder. Violation of this section by any person shall not affect his operating privilege or his privilege to apply for an operator's license or learner's permit under any other section of this act.

Section 6. Section nine hundred four of said act, as amended by the act, approved the twenty-ninth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 2329), is further amended to read as follows:

Section 904. Officers May Weigh Vehicles and Require Removal of Excess Load.—Any peace officer who shall be in uniform and shall exhibit his badge or other sign of authority having reason to believe that the gross weight of a vehicle or combination of vehicles or the weight upon an axle or pair of axles thereof [and load] is unlawful is authorized to weigh the same, either by means of portable or stationary scales, or may require that such vehicle or combination be driven to the nearest stationary scales in the event such scales are within a distance of two (2) miles. [The] *If the weight upon an axle or pair of axles exceeds the maximum weight allowed therefor, or if the gross weight of the vehicle or combination of vehicles exceeds the maximum gross weight allowed, the peace officer may [then], and if such gross weight exceeds maximum gross weight allowed and also exceeds fifty thousand four hundred (50,400) pounds the peace officer shall, require the operator to [unload immediately such portion of the load as may be necessary to decrease the gross weight of such*

vehicle] reduce or rearrange the load so as to bring the gross weight or weight upon an axle or pair of axles to not more than the respective maximum gross weight or maximum weight allowed [specified in this act], except as herein provided for special permits. This section shall be subject to the provisions of clause (i) of section nine hundred three of this act. [And further provided, That no arrests shall be made, or information brought in cases where the maximum gross weights provided in this act are not exceeded by more than five (5) per centum thereof.]

Penalty.—Any [person violating any of] operator who shall fail, neglect or refuse to comply with the requirements of a peace officer given pursuant to the provisions of this section, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of [ten (\$10)] one hundred (\$100) dollars and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than [five (5)] thirty (30) days. In addition to the foregoing penalty, the Secretary may suspend the operating privilege of the aforesaid person for a period of thirty (30) days.

Section 7. Sections one and two of this act shall become effective the first day of the registration year commencing in one thousand nine hundred fifty-two. Sections three and four of this act shall become effective the first day of the registration year commencing in one thousand nine hundred fifty-three. Sections five and six of this act shall become effective immediately upon final enactment.

Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, January 21, 1952.

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 615, Printer's No. 511, entitled "An act to further amend the act, approved the first day of May, one thousand nine hundred twenty-nine (Pamphlet Laws 905), entitled 'An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles, and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds,' by increasing annual registration fees for certain commercial



motor vehicles, truck tractors, trailers and semi-trailers; prescribing additional equipment requirements for certain vehicles; increasing the maximum gross weights and axle loads allowed for certain vehicles; changing the requirements for weighing vehicles and removal of excess loads; prescribing and changing penalties; providing that certain penalties shall be enforced by liens upon vehicles and the sale of such vehicles free of all liens and encumbrances; and imposing duties upon operators, owners, magistrates and sheriffs.”

This bill would amend the Vehicle Code, Act of May 1, 1929, P. L. 905, by, among other things, increasing the permissible gross loads of various classes of commercial vehicles and combinations of motor vehicles and trailers and truck tractors and semi-trailers as well as the permissible tandem axle loads.<sup>1</sup>

Being mindful of the observations of Mr. Chief Justice Gibson, over a century ago, that, in Pennsylvania a highway “is the property of the people, not a particular district, but of the whole State” (Philadelphia and Trenton Railroad Co., 6 Wharton 25, 43 (1840)), I was motivated by the strong and determined opposition to this bill to call a public hearing to enable the opponents and proponents thereof to present their respective views before making a final decision either to approve or disapprove it.

The hearing was held in the executive office at the State Capitol on Thursday, January 17, 1952. A myriad of views were presented by representatives of various civic, municipal, labor, industrial, and railway organizations and trucking industry of Pennsylvania itself.

I am fully mindful that the trucking industry plays a significant and important role in the economic and community affairs not only of this Commonwealth, but also the entire nation. I am not convinced that it pays its just share of the maintenance of our public highway system. I am also mindful of the possible destructive effects which, as demonstrated by the tentative findings of the Highway Research Board of the National Academy of Sciences, based on actual tests during the last year and a half on a section of highway built by the State of Maryland in 1941, may result from the increase of permissible gross and axle loads. I should point out, however, that all of the information available to me was not available to the Legislature when this bill was being considered by it. Ordinarily, in such a matter as this, I would feel constrained to accept the legislative views, but, after careful and thorough consideration, especially in view of the critical shortage of material which are used in highway construction projects, I am convinced that the wisdom of subjecting our highway system—a \$1,700,000,000 investment—to additional burdens should be carefully considered by the Legislature in the light of the final findings and recommendations of the Highway Research Board which, unfortunately, will be published too late for me to consider them. If the Legislature, in the light of the final report and recommendations of the Highway Research Board, as well as other matters which I mentioned herein, again adopts the basic policy of this bill, I would hardly have any choice in the matter for the Supreme Court has said that “It is for the Commonwealth, acting through the Legislature, to

<sup>1</sup> Theoretically tandem axle loads are not increased by this bill. Actually, however, under the presently existing permissible gross, it would be impossible, if the load were properly distributed, to obtain a load of 36,000 pounds on a tandem axle of a semitrailer.

direct the conditions under which \* \* \* (the) right (to use the highway) shall be exercised." Commonwealth v. Funk, 323 Pa. 390, 394, 395 (1896).

Deferring the policy of this bill will not, in the meantime, severely handicap the trucking industry of this Commonwealth during the period of time required for further Legislative consideration—a year. The tandem axle weights allowed by this bill, I am informed, will be lawful only in a very few states.

This bill contains some inconsistencies. For instance, I am informed that the permissible gross of classes Y, Z and ZZ can only be attained by exceeding the permissible axle load, which, of course, is not a desirable situation.

Furthermore, the \$25.00<sup>2</sup> fine provided by this bill for violation of the permissible axle load—in my opinion, a very serious matter—is woefully inadequate as an effective deterrent.

Last, but not least, legislation of this nature should contain specific limitations predicated on all of the factors generally regarded by public highway authorities as related to the preservation of our *entire* highway system, including not only primary but also secondary and rural facilities. In short, it should be made just as unprofitable for a vehicle or combination to violate load restrictions on posted highways and bridge facilities imposed by the Secretary of Highways and local authorities, pursuant to law, as to violate the permissible gross load which this bill would establish. This bill is entirely inadequate in that respect.

For these reasons, the bill is not approved.

JOHN S. FINE

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<sup>2</sup> This very bill would impose a fine of \$100 plus \$2 for each 100 pounds or fraction thereof for violation of the permissible gross by a combination of truck tractor and tandem axle semitrailer.