

*is to establish a branch, the Department of Banking shall, within sixty days after the receipt of the articles from the Department of State, upon the basis of the facts disclosed by the investigation or hearing provided for by this act, either approve or disapprove such articles. The Department of Banking may, in its sole discretion, disapprove articles, the effect of which is to establish a branch in a county contiguous to the county in which the principal place of business of the association is located, if it shall appear as a result of the investigation or hearing provided for by this act that an association having its principal place of business in the county in which the proposed branch is to be located has in good faith notified the Department of Banking of its intention to establish a branch in accordance with the provisions of this act in the same city, borough or township in which such proposed branch is to be located.*

*If the Department of Banking shall approve such articles, it shall forward them to the Building and Loan Board for review. The Building and Loan Board shall, after such investigation or hearing as it may deem advisable, either approve or disapprove the action of the Department of Banking and shall return the articles to the Department of Banking with notice of its decision and, in the case of disapproval, with a statement in detail of its reasons for doing so. The decision of the Building and Loan Board shall be binding upon the Department of Banking.*

*Immediately upon receipt of the articles from the Building and Loan Board, the Department of Banking shall, on the basis of the decision of the Building and Loan Board, either approve or disapprove them in the same manner as is provided for by this act in the case of articles of the same kind generally.*

APPROVED—The 27th day of July, A. D. 1953.

JOHN S. FINE

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No. 176

AN ACT

To further 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 changing the provisions relating to filling of vacancies.

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

"Public School Code of 1949."

Section 1. Section 315 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," as amended by the act, approved the thirteenth day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1332), is hereby further amended to read as follows:

Section 315, act of March 10, 1949, P. L. 30, as amended by act of May 13, 1949, P. L. 1332, further amended.

Section 315. Filling of Vacancies.—In case any vacancy shall occur in any board of school directors by reason of death, resignation, removal from the district, or otherwise, such vacancy shall, in a school district of the first class or of the first class A, be filled for the unexpired term by the court of common pleas of the county in which such school district is situated; and in a school district of the second, third, or fourth classes, the remaining members of the board of school directors shall, by a majority vote thereof, fill such vacancy within thirty (30) days thereafter. In a district of the second, third, or fourth class, the person selected to fill such vacancy shall hold his office [, if the term thereof so long continues, until the first Monday of December after the first municipal election occurring more than thirty (30) days after his appointment. At such election an eligible person shall be elected] for the remainder of the unexpired term. If, by reason of a tie vote or otherwise, such vacancy shall not have been filled by the board of school directors within thirty (30) days after such vacancy shall have occurred, the court of common pleas of the proper county, upon the petition of ten or more resident taxpayers, shall fill such vacancy by the appointment of a suitable person for the unexpired term. When any member of a board of school directors heretofore or hereafter enlists or is inducted into the military or naval forces of the United States in time of war, a temporary vacancy shall be declared, which shall be filled by the remaining members of the board or the court, as the case may be, until the return of such member of the board from the military or naval service, or until the expiration of the term for which he shall have been elected, whichever shall be the shorter period.

Section 2. Sections 316 and 317 of the act, as amended by the acts, approved the eleventh day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1139), and the thirteenth day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1332), are hereby further amended to read as follows:

Sections 316 and 317, said act, as amended by acts of May 11, 1949, P. L. 1139, and May 13, 1949, P. L. 1332, further amended.

Section 316. Vacancies in Majority of Members.—In case vacancies occur whereby the offices of a majority of the members of any board of school directors, other than the board of school directors of a school district of the first class or of the first class A becomes vacant, such vacancies shall be filled by the court of common pleas of the county in which such school district is situated. The persons selected to fill such vacancies shall hold their offices [, if the terms thereof continue so long, until the first Monday in December after the first municipal election occurring more than thirty (30) days after their appointment, at which election eligible persons shall be elected to fill] *for the unexpired terms.*

Section 317. Vacancies in All Members.—If at any time vacancies exist or occur in the membership of all the members of any board of school directors in any school district, other than a school district of the first class or of the first class A, the court of common pleas of the county in which such district, or the largest part in area thereof, is located, shall, after ten (10) days from the time such vacancies exist or occur, appoint [a board of properly qualified persons who shall serve, if the terms thereof continue so long, until the first Monday in December after the first municipal election occurring more than thirty (30) days after their appointment; at which election a board of school directors for such district shall be elected, as herein provided, in such manner that the number and terms of those whose places are to be filled at each succeeding municipal election shall be the same as the number and terms of those whose places are filled at the corresponding election in other school districts of the same class] *a qualified person to fill each vacancy for the remainder of the unexpired term.* Whenever a vacancy of the entire membership of a board of school directors in any school district of the fourth class occurs, the county superintendent of schools may enter and take full charge of and, at the expense of the district, maintain the schools thereof in accordance with the provisions of the school laws of the Commonwealth, under the direction of the Superintendent of Public Instruction, and may continue in charge thereof until a board of school directors has been appointed and has qualified.

APPROVED—The 27th day of July, A. D. 1953.

JOHN S. FINE