

section shall be construed as denying the right to the board to renew or to transfer existing retail licenses of any class notwithstanding that the number of such licensed places in a municipality shall exceed the limitation hereinbefore prescribed; but where such number exceeds the limitation prescribed by this section, no new license, except for hotels and airport restaurants as defined in this section, shall be granted so long as said limitation is exceeded.

* * * * *

Section 2. Section 461 of the act is amended by adding, at the end thereof, a new subsection to read:

Section 461 of the act, amended by adding a new subsection (d).

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

* * * * *

(d) "*Airport restaurant*," as used in this section, shall mean restaurant facilities at any airport for public accommodation, which are owned or operated directly or through lessees by any municipal authority, county or city, either severally or jointly, with any other municipal authority, county or city, but shall not include any such *restaurant facilities at any airport situated in a municipality where by vote of the electors the retail sale of liquor and malt or brewed beverages is not permitted.

APPROVED—The 11th day of August, A. D. 1959.

DAVID L. LAWRENCE

—
No. 221

AN ACT

Amending the act of March 10, 1949 (P. L. 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," authorizing certain county boards to establish and operate audio-visual libraries and providing for the costs thereof.

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

Public School Code of 1949.

Section 1. Subsection (b) of section 925, act of March 10, 1949 (P. L. 30), known as the "Public School Code of 1949," added March 29, 1956 (P. L. 1356), is amended to read:

Subsection (b), section 925, act of March 10, 1949, P. L. 30, added March 29, 1956, P. L. 1356, amended.

Section 925. Powers and Duties.— * * *

(b) The county board of school directors in respect

* "restuarant" in original.

to second, third and fourth class school districts within the county *or adjoining counties* shall have power and its duty shall be—

(1) To prepare plans for the proper education and training of handicapped children as hereinafter provided;

(2) To provide, maintain, administer, supervise and operate schools and classes for handicapped children in accordance with a plan approved by the State Council of Education as hereinafter provided;

(3) To estimate and file with the Department of Public Instruction the cost of classes and schools for handicapped on or before the first day of July of each year;

(4) To employ temporary professional and professional employes, supervisors and teachers, and to employ all other persons necessary to carry on education and training for handicapped children and to determine the salaries to be paid. All employes so employed shall have the same rights of membership in the Public School Employes' Retirement Association as employes of school districts.

(5) To enter into agreement with other county boards of school directors to establish, operate and maintain audio-visual libraries and instructional materials centers jointly. No such audio-visual library and instructional materials center shall be established jointly unless the several county boards participating in the project shall first enter into and record in their respective minutes a written agreement, by and among themselves, that the proposed audio-visual library and instructional materials center shall be established, operated and maintained in such manner and upon such terms as the participating county boards may agree upon, and no change shall be made therein without the written consent of each county board first obtained by the affirmative vote of a majority of the members of each of the respective county boards: Provided, That no such agreement shall become effective and binding upon the parties thereto unless said agreement is approved in writing by the Department of Public Instruction.

(6) To establish, construct, rent, equip, furnish and maintain, individually or jointly, with other county boards, rooms, buildings and facilities necessary to house and operate an audio-visual library and instructional materials center and to employ temporary professional and professional employes and such other employes as may be necessary to administer the services, subject to approval by the Department of Public Instruction. All persons so employed shall have the same rights of mem-

bership in the Public School Employes' Retirement Association as employes of school districts.

(7) In cases where two or more county boards of school directors establish, operate and maintain audio-visual libraries and instructional materials centers jointly, as provided in this act, all members of the participating county boards shall constitute a committee to be known as the Joint Committee of County Boards. This joint committee of county boards shall have all the powers and duties and be subject to all the liabilities with reference to the supervision, maintenance and regulation of audio-visual libraries and instructional materials centers as are now or may be conferred or imposed by law generally. This joint committee of county boards may name a subcommittee of the joint committee of county boards that shall be composed of not less than three members of the joint committee. This subcommittee may be delegated all the powers and duties and be subject to all the liabilities with reference to the supervision, maintenance and regulation of audio-visual libraries and instructional materials centers, except that of adopting the budget for the operation of such libraries and centers and of designating a county superintendent of one of the participating counties to administer and supervise such a center. The affirmative vote of a majority of all members of the joint committee of county boards, or of the subcommittee of the joint committee of county boards if authorized, duly recorded, showing how each member voted, shall be required in order to transact business relating to the affairs of the committee. The joint committee of county boards, and the subcommittee if authorized, shall organize annually during the month of December by electing a president, vice-president and treasurer, respectively, who shall perform the duties imposed on similar officers of regular school boards. The joint committee of county boards, and the subcommittee if authorized, shall each elect a secretary at its first December meeting and each four years thereafter. The joint committee shall designate a county superintendent of one of the participating counties to administer and supervise the audio-visual library and instructional materials center. County superintendents in other participating counties shall assist the county superintendent so designated.

(8) To contract with other county boards and with individual school districts to provide audio-visual library services and instructional materials centers for a period of not less than five years. Such districts are hereby authorized to enter into such contracts with county boards of school directors. In the event audio-visual library services and instructional materials centers are

not provided by the county board as authorized herein, school districts, individually or jointly, may provide such services: Provided, That prior approval in writing is granted by the Department of Public Instruction.

(9) To assess each school district contracting with county boards for services provided in connection with audio-visual libraries and instructional materials centers for such district's proportionate share of the cost of such services, or if a convention of school directors from districts desiring such services, by an affirmative vote of a majority of the directors present and voting, authorize the county board of school directors to provide such services, the county board of school directors may assess the districts represented in the convention for each district's proportionate share of the cost of such services: Provided, That such authorization shall be for a period of not less than five years: And provided further, That the convention may place a limit on such assessment which may not be exceeded. In either event, the proportionate share of a district shall be determined by multiplying the cost of the services by a fraction, the numerator of which shall be the number of pupils in average daily membership in the district and the denominator of which shall be the total number of pupils in average daily membership in all districts to which such services will be furnished. In the event any district fails to pay its assessment when due, the same shall be withheld from State appropriations due such district by the Superintendent of Public Instruction and paid over to the county board of school directors.

(10) Such audio-visual libraries and instructional materials centers shall meet such regulations as are promulgated by the State Council of Education and administered by the Department of Public Instruction before they shall be declared eligible for any Federal or State moneys as may be available.

**Section 926 of
the act amended.**

Section 2. Section 926 of the act is amended to read:

Section 926. Chief Executive Officer; Powers and Duties.—The county superintendent shall be the chief executive officer of the county board of school directors and ex-officio a member of all committees thereof. As chief executive officer he shall be privileged to attend all meetings of the board and to enter into all discussions and debates, but shall not be privileged to vote. He shall sign the annual budgets and financial reports of the school districts under his supervision as they are certified to the Department of Public Instruction, and shall forward them to the department. The county superintendent shall furnish such reports as may be required by the county board of school directors and by the De-

partment of Public Instruction. *In cases where two or more counties establish and operate an audio-visual library and instructional materials center jointly, the joint committee of county boards shall designate a county superintendent of one of the participating counties to administer and supervise such joint enterprise. County superintendents in the other participating counties shall assist the county superintendent so designated.*

APPROVED—The 11th day of August, A. D. 1959.

DAVID L. LAWRENCE

—
No. 222

AN ACT

Amending the act of May 4, 1927 (P. L. 519), entitled "An act concerning boroughs; and revising, amending and consolidating the law relating to boroughs," further regulating the election of councilmen.

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

The Borough Code.

Section 1. Section 810, act of May 4, 1927 (P. L. 519), known as "The Borough Code," reenacted and amended July 10, 1947 (P. L. 1621), is amended to read:

Section 810, act of May 4, 1927, P. L. 519, reenacted and amended July 10, 1947, P. L. 1621, further amended.

Section 810. Election of Councilmen.—At the municipal election to be held in the year one thousand nine hundred and forty-seven, there shall be elected in each borough a sufficient number of councilmen to equal one-half of the entire number of which such council is legally composed, to serve for a term of four years from the first Monday of January next succeeding, and, where such entire number is seven, nine, or eleven, then sufficient to constitute three, four, or five, as the case may be; the aforesaid councilmen, to be elected in the year one thousand nine hundred and forty-seven, being successors to those elected in the year one thousand nine hundred and forty-three, whose terms, as heretofore provided by law, expire on the first Monday of January, one thousand nine hundred and forty-eight. All councilmen whose terms expire on the first Monday of January, one thousand nine hundred and fifty, shall continue to hold their office until the first Monday of January, one thousand nine hundred and fifty, as now provided, and their successors shall be elected at the municipal election in the year one thousand nine hundred and forty-nine, to serve for a term of four years, from the first Monday of January next succeeding. *If for any reason councilmen are not elected as hereinbefore provided, councilmen*