

ties whether as participants or spectators, *together with chaperons who might accompany them as designated by the board of school directors not exceeding five in number, if the person performing the extra curricular transportation has a contract for the transportation of school children between their homes and school, with the private or parochial school, with the school district or jointure in which the school is located, or with a school district that is a member of a jointure in which the school is located if the jointure has no contracts with other persons for the transportation of students between their homes and school, and if the person maintains a copy of all contracts in the vehicle at all times, or children between their homes and Sunday school in any motor vehicle operated under contract with [any] the school district, private school or parochial school; or (e) any person or corporation who or which uses, or furnishes for use, dump trucks for the transportation of ashes, rubbish, excavated or road construction materials; or (f) transportation of voting machines to and from polling places by any person or corporation for or on behalf of any political subdivision of this Commonwealth for use in any primary, general or special election; (g) transportation of pulpwood or chemical wood from woodlots; (h) transportation by towing of wrecked or disabled motor vehicles; or (i) any person or corporation who or which furnishes transportation for any injured, ill or dead person.*

* * * * *

Section 2. This act shall take effect immediately.

Act effective
immediately.

APPROVED—The 10th day of November, A. D. 1959.

DAVID L. LAWRENCE

No. 515

AN ACT

Amending the act of May 27, 1949 (P. L. 1903), entitled "An act providing for powers, responsibilities, duties and limitations of the Governor, Adjutant General, Department of Military Affairs, Pennsylvania State Armory Board, Military Reservation Commission in connection with the armed Military and Naval forces and the internal security of the Commonwealth; for the definition, organization, powers and limitations of the unorganized militia, Pennsylvania National Guard, Pennsylvania Guard, Naval Militia, Pennsylvania Naval Militia and for coordination with the government of the United States in the organization and functioning of the Pennsylvania National Guard and the National Guard of the United States apportioned the Commonwealth," including the Pennsylvania Air National Guard with the provisions of this act.

The Military
Code of 1949.

Sections 103,
208, 210, 302,
305, 307, 314;
clauses (3), (4),
(10), (11) and
(14), section
402; section
403; clause (4),
section 501;
sections 502,
504, 505, 801,
802, 804, 805,
807, 808, 814,
815, 816, 818,
819, 821, 822,
825, 826;
subsection (a),
section 829;
sections 834,
836, 847, 848,
850, 851, 1001,
1007, 1008,
1009; clauses
(1), (2), (4),
(7), (9), (10),
and (12), section
1103; and
section 1104, act
of May 27, 1949,
P. L. 1903,
amended.

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

Section 1. Sections 103, 208, *210, 302, 305, 307, 314, **clauses (3), (4), (10), (11) and (14) of section 402, section 403, clause (4) of section 501, sections 502, 504, 505, 801, 803, 804, 805, 807, 808, 814, 815, 816, 818, 819, 821, 822, 825, 826, subsection (a) of section 829, sections 834, 836, 847, 848, 850, 851, 1001, 1007, 1008, 1009, clauses (1), (2), (4), (7), (9), (10) and (12) of section 1103 and section 1104, act of May 27, 1949 (P. L. 1903), known as "The Military Code of 1949," are amended to read:

Section 103. [Definition] *Definitions.*—As used in this act the words "National Defense Act" shall be taken to mean the act of Congress, entitled "An act for making further and more effectual provisions for the National Defense and for other purposes," approved the third day of June, one thousand nine hundred sixteen, its amendments and supplements.

"Pennsylvania National Guard," used hereinafter, shall be construed to mean the Pennsylvania Army National Guard and the Pennsylvania Air National Guard.

"National Guard of the United States," used hereinafter, shall be construed to mean the Army National Guard of the United States and the Air National Guard of the United States.

"Officer" shall mean commissioned or warrant officers.

"Pennsylvania Guard," used hereinafter, shall be construed to mean the Pennsylvania Internal Security Force or other military organization, in addition to the Pennsylvania National Guard and Pennsylvania Naval Militia.

"Armory" shall be construed to mean, in addition, an air base used for housing elements of the Air National Guard.

Section 208. United States Laws Apply to Militia.—All acts of the Congress of the United States, regulations issued thereunder, the articles [of war] of the code of *Military Justice*, forms, precedents, customs and usages relating to and governing the [Army of the United States] *United States Army, United States Air Force*, the United States Navy and the militia shall, in so far as the same are applicable and not inconsistent with the Constitution of this State, apply to and govern the militia of this State.

* "210" omitted in original.

** "clause" in original.

Section 210. Command and Coordination When Various Components of the Organized Militia are Ordered into Active State Service at the Same Time.—

(a) Whenever the various military and naval forces of the Commonwealth are ordered into active State service at the same time by the Governor, [the senior officer of the line of the Pennsylvania National Guard shall be in command of the forces so ordered] *the Adjutant General shall designate a commander of the forces so ordered.* When the Pennsylvania National Guard and the Naval Militia are absent due to a call or order into the service of the United States, [the senior officer of the line of the Pennsylvania Guard shall command all the State military and naval forces on active State duty] *the Adjutant General shall designate an officer of the Pennsylvania Guard to command.*

(b) When State armed military or naval forces are ordered on active State duty by the Governor, upon request of county, city, borough or township authorities, the military commander, as provided in subsection (a) hereof, shall [have command of all] *coordinate his duties in connection with all* civilian, State and other political division law enforcement bodies in the affected area. The various civilian law enforcement groups thus included in the overall command shall issue the orders of the commander to the personnel and organizations under their respective jurisdiction.

Section 302. Acceptance of Quota; Pennsylvania National Guard.—The Governor is hereby authorized and directed to accept for the Commonwealth allotments of troops and their apportionment to the various arms, services, departments, corps or staff proposed by the Department of the Army *or the Department of the Air Force* for the Pennsylvania National Guard and the National Guard of the United States as he may, in his discretion, deem proper for the Commonwealth to accept, consistent with available manpower and the requirements for the internal security of the Commonwealth and National Defense.

Section 305. Location of Military and Naval Units.—The Governor is hereby authorized and directed to establish the permanent location, within the boundaries of the Commonwealth, of any assigned, authorized organizations or units of the Pennsylvania National Guard and the National Guard of the United States and the Naval Militia allotted to the Commonwealth by the De-

partment of the Army, *the Department of the Air Force* and the Department of the Navy, respectively.

Section 307. Organization of Pennsylvania Guard.—Whenever the Pennsylvania National Guard, or any part thereof, shall be called or ordered into the service of the United States during any war or other emergency, thereupon, the Governor shall have the authority and power to organize an armed land force for the defense of the Commonwealth during said war or emergency for the defense of civil population against [air, gas] attack and invasion, which shall be known and designated as the Pennsylvania Guard. The Governor is further empowered to comply with the laws of the United States and the rules and regulations promulgated thereunder for the organization, maintenance and functioning of this force. The Governor is further authorized and directed to organize at any time, *consistent with Federal authority*, in his discretion, a [cadre system] *nucleus* of Pennsylvania Guard personnel for the purpose of planning and to assure the maximum use of available trained manpower upon the order or call of the whole, or any part of, the Pennsylvania National Guard into the service of the United States.

Section 314. Flags; Standards; Guidons.—The Governor as Commander-in-Chief is hereby authorized to procure and issue from time to time to the Pennsylvania National Guard, Naval Militia, Pennsylvania Guard, and Pennsylvania Naval Militia, such flags, standards and guidons as may be necessary, which shall conform with National Guard regulations, *Air Force regulations* and Army regulations promulgated pursuant to the terms and provisions of the National Defense Act.

Section 402. Duties of Department.—The Department of Military Affairs shall have the power and its duty shall be—

* * * * *

(3) To be an office of permanent record for all personnel papers, documents and forms pertaining to the Pennsylvania National Guard and the National Guard of the United States and the Naval Militia, except where the laws of the United States require certain papers, documents or forms to be kept permanently in the National Guard Bureau or other department or section of the Department of the Army, *Department of the Air Force* or Department of the Navy, as the case may be. To be an office of permanent record for personnel papers,

documents and forms pertaining to the Pennsylvania Guard and Pennsylvania Naval Militia.

(4) To procure from the proper agency, department, arm or service of the Department of the Army, *Department of the Air Force* or the Department of the Navy, individual and organizational equipment, property and allowances and publications authorized by Tables of Organization and Equipment and Allowance, store and issue to the organizations, units of the Pennsylvania National Guard and the National Guard of the United States and the Naval Militia, in accordance with the aforementioned tables of authorization, and, when so issued, to keep in its custody all books, receipts and accounts pertaining thereto, as required by law. To cause the Pennsylvania National Guard and the National Guard of the United States and the Naval Militia to make returns periodically, as required by law or regulation, of their property, vehicles, arms, uniforms, accoutrements and ammunition, and in turn make any required consolidated report on these matters to the Secretary of the Army or the *Secretary of the Air Force* through the National Guard Bureau.

* * * * *

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

(11) To appoint a board of not less than three commissioned officers of the Pennsylvania National Guard for the purpose of investigating claims for damages based on injuries to persons, or damages to property, arising out of accident or negligence, and incident to the organization, training, discipline, maintenance and service of the Pennsylvania National Guard and, upon the recommendation of the board so appointed, to adjust and pay such claims for damages: Provided, however, That each such claims shall be in an amount not exceeding [two hundred and fifty] *five hundred* dollars: And provided further, however, That all claims paid hereunder shall be subject to audit by the Department of the Auditor General: And provided further, however, That no claim shall be paid under the provisions of this paragraph when such claim has arisen from the operation of State owned or Federally owned automobiles, when

operated by State officers or employes or officers and enlisted men of the Pennsylvania National Guard.

* * * * *

(14) To select and make arrangements for ground to be set apart in some historic spot in the Commonwealth as an appropriate space for use as a cemetery for the burial of the bodies of soldiers, sailors, marines, *airmen* and war nurses who served in the Army, *Air Force* or Navy of the United States during times of war, who died while in active service or after an honorable discharge, and who entered such service while residents of Pennsylvania, who died while members of the National Guard or after an honorable discharge therefrom; on behalf of the Commonwealth to accept the dedication of any lands in a historic spot for use as such a cemetery, and when any such cemetery shall be located and established, to maintain and regulate the same and for that purpose to adopt rules and regulations, to regulate burials therein of the bodies of persons entitled to be buried therein, as provided in this section.

Section 403. Administration and Supply and Supervisory Duties Over Armed Military and Naval Forces.—The Department of Military Affairs shall be specifically responsible for the administration and supply, both Federal and State, of the armed military and naval forces of the Commonwealth, and further shall have general supervisory function of all matters pertaining to the military and naval forces of the Commonwealth, and shall make periodic reports, as required by law or requested by the Governor, the Department of the Army, *Department of the Air Force* and the Department of the Navy, concerning these matters and the condition and state of the readiness of the military and naval forces of the Commonwealth.

Section 501. The Adjutant General; Head of Department; Duties; Responsibilities.—The Adjutant General as head of the Department of Military Affairs is responsible to the Commonwealth and to the Governor for the organization and functioning of said department, and the performance and carrying out of all the duties, powers and responsibilities given or delegated to the department by law. In addition he is hereby authorized and directed to—

* * * * *

(4) Maintain armories, arsenals, military reservations, *air bases* and all property and equipment intended [to be taken into the field by troops] *for the use and training of the Pennsylvania National Guard, Naval Militia, Pennsylvania Guard and Pennsylvania Naval Militia.*

* * * * *

Section 502. Subsistence and Quartermaster Stores.—The necessary subsistence and quartermaster stores and expenses incident to any active service, including the transportation of troops, may be contracted for under direction of the Governor as Commander-in-Chief, by the Adjutant General or any other officer designated for that purpose, and paid for in the usual manner, except when such active service is under the orders of the Department of the Army, *Department of the Air Force* or Department of the Navy, when subsistence, quartermasters' stores and other expenses incident to any active service, including transportation, will be furnished by the Federal Government.

Section 504. Caretakers and [Administrative Assistants] *Clerks (Technicians)*.—The Adjutant General shall approve all appointments of [Federal caretakers and administrative assistants] *caretakers and clerks* authorized by the laws of the United States to care for Federal property and assist in the administration of the Pennsylvania National Guard, respectively. The appointment of personnel falling in these two categories will not be made without meeting all the requirements and qualifications imposed by the Government of the United States.

Section 505. The responsibility of requisitioning, procurement, storage and issue of Federal property, arms and equipment for use of the Pennsylvania National Guard may be delegated to the regularly appointed United States Property and [Disbursing] *Fiscal Officer* assigned to the Commonwealth of Pennsylvania and also *the duly appointed Assistant United States Property and Fiscal Officer for Air Property*.

Section 801. Peacetime; Armed [Land] Force.—The organized armed [land] forces of the Commonwealth of Pennsylvania during time of peace shall be and constitute the National Guard thereof, styled the Pennsylvania National Guard, and shall be subject at all times to the orders of the officers thereof. Nothing in this article shall be construed to prevent the Governor as Commander-in-Chief, at his discretion, to form cadres of authorized war time organizations for the purpose of preplanning.

Section 803. Composition of the National Guard.—The National Guard of this Commonwealth shall consist of such troops as may, under the act of Congress, be prescribed by the President of the United States as the portion of the National Guard of the United States apportioned and assigned to the Commonwealth of Pennsylvania. The troops of the Pennsylvania National Guard shall be organized according to the tables of or-

ganization of the [Army of the United States] *Department of the Army and unit manning documents of the Department of the Air Force.*

Section 804. Increase in Organizations.—Should at any time the total number of enlisted men allotted as the strength of the Pennsylvania National Guard under and pursuant to the provisions of the National Defense Act and all acts of Congress amendatory thereof and supplementary thereto exceed the number required to complete the organizations hereinbefore provided for at their proper numerical strength, then, and in such case, the Governor as Commander-in-Chief shall have the power and is hereby authorized and directed to prescribe, in orders, for the organization of any and all such additional units as may be required to conform as far as practicable to the requirements for the Pennsylvania National Guard under the laws of the United States and to form the same into [battalions, regiments, brigades and divisions,] *military organizations* as the total numerical strength may require.

Section 805. Composition of Units.—The composition of all units of the Pennsylvania National Guard, including the commissioned and enlisted personnel thereof other than those specifically provided for in this act, shall be fixed from time to time by the Governor as Commander-in-Chief and announced in general orders, and shall, as far as practicable, be in accordance and in compliance with such regulations as may be promulgated by the Secretary of the Army and Secretary of the Air Force for the composition of the National Guard. Every such order shall have the same force and effect as if specifically enacted and provided for by statute.

Section 807. Necessary Expenses of Headquarters.—
(a) The necessary military expenses of division, brigade, regimental, *Infantry Battle Group, group* and separate battalion, or similar headquarters, including clerk hire and other actual outlays, but not including compensation for officers on permanent active duty, shall be paid in the usual manner on the usual lawful vouchers to that effect, certified or approved by the commanding officer or the officer charged with the payment of the same, such annual expenses, except as hereinafter provided, in no event to exceed—

Ten thousand dollars (\$10,000) for a State Staff,

Ten thousand dollars (\$10,000) for a Division Headquarters,

Five thousand dollars (\$5,000) for an Anti-Aircraft Artillery Brigade,

[Five thousand dollars (\$5,000) for an Air Wing National Guard,]

Three thousand dollars (\$3,000) for a Regimental Headquarters, to include travel and other expenses of battalions and separate units attached to Regiments,

One thousand five hundred dollars (\$1500) for Headquarters Infantry Battle Group, Headquarters Infantry Division Trains.

[One thousand dollars (\$1000) for a Headquarters, Field Artillery Brigade,]

One thousand dollars (\$1000) for a Headquarters of each separate battalion,

[Two thousand dollars (\$2000) for Headquarters, corps Field Artillery,]

One thousand dollars (\$1000) for Headquarters, Cavalry Reconnaissance Squadron,

[Five hundred dollars (\$500) for each Headquarters, AA Searchlight Battalion,]

Seven hundred fifty dollars (\$750) for each Headquarters, Anti-Aircraft Artillery Group, Artillery Group or any other Group Headquarters,

[Two hundred fifty dollars (\$250) for Headquarters, Aircraft Control and Warning Group,

Two hundred fifty dollars (\$250) for Headquarters, Aircraft Control squadron,

Two hundred fifty dollars (\$250) for Headquarters, Aircraft Communication Squadron,

Two hundred fifty dollars (\$250) for Headquarters, Light Bombardment Group,

Two hundred fifty dollars (\$250) for Headquarters, Light Bombardment Squadron,

Two hundred fifty dollars (\$250) for Headquarters, Engineer Aviation Battalion,

Two hundred fifty dollars (\$250) for Headquarters, Fighter Group,]

Two thousand dollars (\$2000) for Headquarters, Division Artillery,

One thousand dollars (\$1000) for Headquarters, Pennsylvania Air National Guard.

Five thousand dollars (\$5000) minimum for Air Force Wing Headquarters plus all units assigned thereto. Seven thousand five hundred dollars (\$7500), if assigned strength is between five hundred and one thousand men. Ten thousand dollars (\$10,000) if assigned strength is between one thousand and fifteen hundred men. Twelve thousand five hundred dollars (\$12,500), if assigned strength is between fifteen hundred and two thousand men. Fifteen thousand dollars (\$15,000), if assigned strength is over two thousand men.

Five thousand dollars (\$5000) minimum for Air Force Group Headquarters plus all units assigned thereto and not assigned to a wing. Seven thousand five hundred dollars (\$7500), if assigned strength is between five hundred and one thousand men. Ten thousand dollars (\$10,000), if assigned strength is between one thousand and fifteen hundred men.

Two thousand five hundred dollars (\$2500) for Air Force Squadron Augmented Tactical or Air Transport and not assigned to a wing.

Ten dollars (\$10) per assigned individual but not to exceed one thousand dollars (\$1000) for Air Force Separate Squadron or Flight or other type unit and not assigned to a wing.

(b) The Adjutant General shall publish to all organizations a list of authorized expenditures and his decision as to whether any item shall be properly chargeable against these funds shall be final. This section also applies to Pennsylvania Guard and Naval Militia and Pennsylvania Naval Militia, when organized.

Section 808. Annual Appropriations. — Companies, troops, batteries, detachments or similar organizations of the Pennsylvania National Guard, except those of the air [Corps] Force, found upon examination of the reports made by an inspecting officer duly detailed for that purpose to be up to the standard requirements in strength, discipline and efficiency shall receive in annual allowance the following money per annum which shall be used and expended solely for military purposes and for the use and benefit of the organization: For all troops at the rate of ten dollars (\$10) per man per year: Provided, That no company, troop, battery, detachment or similar organization shall receive more than a maximum sum of one thousand dollars (\$1000) per year regardless of the actual strength of the organization: And provided, That no company, troop, battery, detachment or similar organization shall receive less than a minimum of two hundred dollars (\$200) per year. Such allowances shall be computed by the Adjutant General from the actual strength of the unit as of June first of each year. Newly organized units shall receive a pro rata share of the above named allowance for the portion of the fiscal year based on the actual strength of the organization at the time of its entrance into the service. The said allowances shall be paid in the usual manner on the usual lawful vouchers to that effect, certified or approved by the unit and regimental or similar commanders, but it shall be the duty of the Adjutant General before paying any of the said allowance to procure, by purchase or otherwise, and issue for each enlisted man, not already provided therewith, such articles of uniform,

supplies and equipment as are required for field service not furnished and paid for out of Federal funds and charge the cost of the same to the said annual allowance, and the balance, if any, to be paid and disbursed as hereinafter provided: Provided, however, That any regiment, battalion, squadron or company may, at its own expense, provide itself with other uniforms of such style and pattern as a majority of its officers may select and the Governor as Commander-in-Chief approve, which uniform shall be the property of the organization or the individual members thereof. No portion of any allowance made by the Commonwealth to any organization shall be expended in procuring such special uniforms or in repairing or caring for the same. No part of the annual allowances paid under the provisions of this act to the several organizations of the Pennsylvania National Guard shall be used in the purchase, erection or construction of any armory unless the title thereto be vested in the Commonwealth. The Adjutant General shall publish and distribute to all organizations a list of authorized expenditures and his decision as to whether any item shall be properly chargeable against these funds shall be final. This section also applies to Pennsylvania Guard, Naval Militia and Pennsylvania Naval Militia, when organized.

Section 814. Oath; Commissioned and Warrant Officers.—All commissioned officers and warrant officers shall take the following oath:

“I, do solemnly swear *or affirm* that I will support and defend the Constitution of the United States and the Constitution of the State of Pennsylvania against all enemies, foreign and domestic; [That] *that* I will bear true faith and allegiance to the same; that I will obey the orders of the President of the United States and of the Governor of the State of Pennsylvania; that I make this obligation freely without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office of in the National Guard of the [United States and of the] State of Pennsylvania upon which I am about to enter, so help me God.”

Section 815. General Officers of the Line.—Officers commissioned to and holding in the Pennsylvania National Guard or the Pennsylvania Guard the grade of general officers shall hereafter be known as general officers of the line: Provided, That the Governor may appoint, in addition thereto, an Adjutant General. The number of general officers of the line shall conform with the number of such officers allocated to the Commonwealth of Pennsylvania as authorized by the Tables of

Organization and unit manning documents covering the National Guard promulgated from time to time in conformity with the provisions of the National Defense Act; Provided further, That the Governor may appoint a commanding general of the Pennsylvania National Guard with a rank [to be determined by him regardless of] consistent to the allocation of Federal allotment [or recognition] of troops of the Pennsylvania National Guard and within the scope of Federal statutes. General officers shall be appointed by the Governor with the consent of the Senate, but no person shall be appointed a general officer who shall not have served at least ten years as a commissioned officer either in the Pennsylvania National Guard, the Pennsylvania Guard, the Regular Army of the United States, the Officers' Reserve Corps of the United States Army or the Army of the United States, and in the case of the Pennsylvania Air National Guard no person shall be appointed a General Officer who shall not have served at least ten years as a commissioned officer either in the Pennsylvania Air National Guard, The United States Air Force, the Reserve of the United States Air Force or Service in the United States Army in the branch formerly known as the Air Corp: Provided, That the ten years' service, as herein required, may be accumulated by commissioned service in any of the aforementioned organizations.

Section 816. (a) When a general officer commanding a division or the commanding officer of non-divisional troops equivalent in size to an Infantry Division is permanently employed by the Commonwealth in his command capacity, he shall receive the pay and allowances of his grade and length of service provided for in current Pay Act and Tables of the Regular Army.

[(b) When a general officer commanding a division or the commanding officer of non-divisional troops equivalent in size to an Infantry Division is not permanently employed by the Commonwealth, he shall be entitled to an allowance of thirty-five dollars (\$35) per day for each day devoted to administrative command inspections and such other official military duties that they may be required to perform. In no instance shall claim for such allowances exceed one hundred fifty days in one fiscal year: Provided, That this daily allowance for services rendered shall be in addition to expenses incident to travel authorized by this act or other Pennsylvania laws.]

(c) The Adjutant General is hereby authorized to approve and submit for payment in the normal manner vouchers as submitted. Vouchers submitted claiming this allowance shall bear a certificate in substance as follows: "I hereby certify I have performed military duties on during the month of for

which I am entitled to allowances provided for by section 816 of Article VIII of the Military Code of 1949.”

Section 818. Powers of Commissioned, Warrant and Non-Commissioned Officers.—Commissioned officers, warrant officers and non-commissioned officers of the Pennsylvania National Guard under their State commissions and warrants shall have all the powers inherent with command and training responsibility as are granted officers, warrant officers and non-commissioned officers of like rank and grade in the [Army of the United States] *United States Army and United States Air Force* by law, policy and customs of the service.

Section 819. Powers of Officers in Active Service.—The commanding officers of any [troop] *unit* in active service may place in arrest any officer or enlisted man who shall disobey the orders of his superior officer, or any person or persons who shall trespass on parade or camp grounds, or in any way or manner interrupt or molest the orderly discharge of duty of those in active service, and also may prohibit and prevent the sale of spirituous or malt liquors within two miles of such parade grounds or encampment, and also, in his discretion, abate as a nuisance all hucksters, canteens, auction sales, or gambling.

*Section 821. Term of Office of Commissioned and Warrant Officers.—The term of every commissioned officer and warrant officer shall be permanent or until terminated by reason of—

a. Death.

b. Reaching the maximum age-in-grade limitations provided [for in table below. An officer will be considered over the maximum age for his grade upon reaching the birthday anniversary of the year prescribed.] *in National Guard Regulations and Air National Guard Regulations.*

[Assignment	2nd 1st		Lt.			
	Lt.	Lt.	Capt.	Maj.	Col.	Col.
State Headquarters ..	40	43	46	51	55	60
Rated officers in tactical Air units	31	36	41	44	47	49
Non-rated officers (including flight surgeons) in tactical Air units and all officers in non-tactical Air units	35	35	42	47	52	55
All other than PNG officer	35	35	42	47	52	55]

* "Section" omitted in original.

When a Brigadier General has reached the age of sixty; and a Major General, the age of sixty-two.

Any officer whose commission is terminated for age in grade and has served for at least fifteen years in the Pennsylvania National Guard, Pennsylvania Guard, Army of the United States, United States Army, Navy, Air Force or Marine Corp may, upon application to the Adjutant General, be placed on the retired list. If not qualified under this section then he shall be honorably discharged.

- c. Physical disqualification.
- d. Acceptance by proper authority of resignation.
- e. Absence without leave for three months.
- f. Dismissal pursuant to sentence by a general court-martial.
- g. Other reason enumerated in this act or for reasons specified in *National Guard Regulations* or *Air National Guard Regulations* not enumerated herein.

Section 822. Elimination and Disposition of Officers and Warrant Officers.—At any time, the moral character, capacity and general fitness for the service of any Pennsylvania National Guard officer or warrant officer may be determined by an efficiency board or court of inquiry of three commissioned officers, senior in rank, if possible, to the officer whose fitness for service shall be under investigation, appointed by the Governor, in case of general officers and headquarters Pennsylvania National Guard officers, and the commanding general of a division in all other cases, and if the findings of such board be unfavorable to such officer or warrant officer and be approved by the Governor he shall be discharged.

Commissions of officers or warrant officers of the Pennsylvania National Guard may be vacated [by addition to conditions enumerated in section twenty of this article], (a) upon the recommendation of an efficiency board, (b) if recourse has been had to the sureties on his bond in the settlement of his financial or property accounts, (c) if he has been convicted of an infamous crime, (d) upon withdrawal of Federal recognition, (e) in the case of inactive officers, upon failure to complete the necessary training in any one year as required by Federal law or regulations, or failure to respond to communications, or (f) for being over age in grade in accordance with regulations issued and promulgated by the Secretary of the Army and Secretary of the Air Force under the direction of the President of the United States.

Section 825. Enlistment Contract.—Every enlisted man shall meet all the qualifications prescribed by the laws of the United States and the rules and regulations promulgated thereunder. Every man enlisting in the

Pennsylvania National Guard shall sign an enlistment contract and take and subscribe to the following oath of enlistment: ["I,, do hereby acknowledge to have voluntarily enlisted this day of 19., as a soldier in the National Guard of the United States and of the State of Pennsylvania for a period of years under the conditions prescribed by law unless sooner discharged by proper authority, and I do solemnly swear that I will bear true faith and allegiance to the United States of America and to the State of Pennsylvania, and that I will serve them honestly and faithfully against all their enemies whomsoever, and that I will obey the orders of the President of the United States and the Governor of the State of Pennsylvania and the officers appointed over me according to law and the rules and Articles of War."] *"I do hereby acknowledge to have voluntarily enlisted this day of 19., in the National Guard of the State of Pennsylvania for the period of year (s) under the conditions prescribed by law unless sooner discharged by proper authority.*

"I,, do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America and to the State of Pennsylvania, that I will serve them honestly and faithfully against all their enemies whosoever, and that I will obey the orders of the President of the United States and the Governor of Pennsylvania and the orders of the officers appointed over me according to law and regulations."

Section 826. Discharge of Enlisted Men.—An enlisted man discharged from service in the Pennsylvania National Guard shall receive a discharge in writing in such form and with such classification as is or shall be prescribed for the Regular Army or Regular Air Force, and in time of peace discharges may be given prior to the expiration of terms of enlistment, under such regulations as the Governor may prescribe, subject to the restrictions of the National Defense Act, or amendments thereto. On termination of an emergency in which the officers and enlisted men of the Pennsylvania National Guard shall have been called into the Federal service by the President of the United States in accordance *with the provisions of the National Defense Act, such officers and enlisted men shall continue to serve in the National Guard until the dates upon which their commission or enlistment entered into prior to their call into the Federal service would have expired if uninterrupted.

* "withe" in original.

Section 829. In the Service of the United States Under Order.—(a) When any or all of the units and members of the Pennsylvania National Guard are ordered into the active military service of the United States, they stand relieved from duty in the Pennsylvania National Guard during the period of such active military service, [and may be retained in the active military service of the United States for the period of the war or emergency and until six months after the termination of the war or emergency, unless sooner relieved,] irrespective of the term of their existing commissions or enlistments. Their prior status as units and members of the Pennsylvania National Guard continues to exist as an underlying and temporarily suspended status of origin to which they may and do return upon relief from the active military service of the United States. When the duration of their active military service of the United States is of such a duration and units and members so intermingled with other organizations and units of the Army of the United States *and Air Force of the United States* that makes it impracticable for the units and members to return to that prior status as units and members of the Pennsylvania National Guard and it therefore becomes necessary to completely reorganize the Pennsylvania National Guard, former members, who accept a commission or enlist in the reorganized Pennsylvania National Guard under the time limitations and conditions covered in subsections (b) and (c) below applicable to World Wars I and II, respectively, and any acts covering future emergencies, shall have their service for the purpose of longevity, State retirement, medals and awards count as continuous and uninterrupted.

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Section 834. Pay of Officers and Men on Active Duty and State Service.—When the Pennsylvania National Guard or Pennsylvania Guard, or any part thereof, is ordered on active duty for State service by the Governor as Commander-in-Chief and pay is authorized for such duty under the order prescribing the performance thereof, the commissioned officers, warrant officers and enlisted personnel so ordered shall be entitled to the same per diem pay and allowances and transportation in kind provided for in current [Pay Act and Tables of the Regular Army] *Armed Forces Pay and Allowance Act*. The grades of enlisted men shall be such as the Governor as Commander-in-Chief may from time to time direct, and shall conform to the grades authorized in tables [or] of organization for the National Guard published by the Department of the Army [Hereafter, enlisted men shall receive an increase of five per centum of their base pay for every three years of service in the National Guard or in the United States Army, Army of

the United States, Navy, Marine Corps of Pennsylvania Guard, or for any two or more of these services combined: Provided, That such increase shall not exceed thirty per centum of their base pay.] or *Department of the Air Force*. All payments of per diem pay and service shall be made by the Adjutant General in the usual manner. No deductions shall be made from the pay of officers or enlisted men in active service for dues or other financial obligations imposed by any by-laws, rules or regulations of a civil character.

Section 836. Retirement of Commissioned Officers.— Commissioned officers of the Pennsylvania National Guard or Pennsylvania Guard who have served in the Pennsylvania National Guard, Pennsylvania National Guard Reserve or Pennsylvania Guard, or all three, whether as an enlisted man or officer, for a period of twenty-five or more years, shall, upon application made to the Adjutant General, be retired and promoted to the next higher grade provided he has served at least a period of one year in his highest grade while on the active list, otherwise he shall be placed on the retired list at the highest grade held during his service: Provided further, That the Adjutant General furnish such officer a commission of new grade upon promotion following retirement. A commissioned officer of the Pennsylvania National Guard who has served in the Pennsylvania National Guard, Pennsylvania National Guard Reserve or Pennsylvania Guard, or all three, whether as an enlisted man or officer, for a period of twenty years, shall, upon application made to the Adjutant General, be placed on the retired list in the highest grade held during said active service: Provided, however, That in considering the period of service aforesaid, the military service of such commissioned officer in the Pennsylvania National Guard engaged in the service of the United States or service in the United States Army, *United States Air Force*, Navy or Marine Corps, Army of the United States or Coast Guard shall be included and counted double in calculating the period of service for retirement or retirement with increased grade under the provisions of this section. The provisions of retirement with increased rank shall be applicable when qualified to officer retired prior to passage of this act: Provided further, That the provisions of this act shall apply to deceased officers on the retired list upon proper application to the Adjutant General by some duly recognized veteran organization.

All retired officers shall be entitled to wear the uniform of their grade as retired officers of the Pennsylvania National Guard on all proper military and semi-military occasions.

Section 847. Courts of Inquiry.—Courts of inquiry, to consist of not to exceed three officers, may be instituted by the Governor as Commander-in-Chief or the commanding general of [the] *a division or a wing* for the purposes of investigating the conduct of any officer, either upon his own request, or upon complaint or charge of improper conduct as an officer, or for the purpose of settling rank. The appointing authority may appoint a recorder in addition to the three members. The proceedings of a court of inquiry shall follow as far as practicable the forms and mode of procedure prescribed for courts of inquiry for the Regular Army and Regular Air Force. Any court of inquiry, with approval of the convening authority, may employ a stenographer to take testimony. Courts of inquiry shall without delay report a statement of facts to the officer instituting such court who may, in his discretion, cause charges to be preferred against the accused.

Section 848. System of Courts-Martial. — Courts-martial shall be of three kinds, namely, —general, special and summary. They shall be constituted like and have cognizance of the same subjects and possess like powers, except as to punishments, as similar courts provided for by the laws and regulations governing the [Army] *Armed Forces* of the United States, and the proceedings of courts-martial of the Pennsylvania National Guard shall follow, so far as practicable, the forms and modes of procedure prescribed for said similar courts. Except for certain offenses hereintofore specified, all charges and specifications shall be laid under some one or more of the Articles of [War] *Uniform Code of Military Justice*, which Articles of [War] *Uniform Code of Military Justice* shall be of the same force and effect in any proceeding before any court-martial as if the same had been herein enacted at length.

Section 850. Special Courts-Martial; Appointment; Powers.—When not in the active service of the United States, the commanding officer of each garrison, fort, post, camp, *airbase, auxiliary airbase*, or other place, brigade, detached regiment or separate battalion, or other detached or separate command, may appoint special courts-martial for his command, but such special courts-martial may in any case be appointed by superior authority when by the latter deemed desirable. Special courts-martial shall have power to try any person subject to military law, except a commissioned officer, for any crime or offense made punishable by the military laws of the United States or of the Commonwealth of Pennsylvania, and such special courts-martial shall have the same powers of punishment as do general courts-martial, except that fines imposed by such special courts-

martial shall not exceed one hundred dollars (\$100) and such reasonable costs as they may assess: Provided, That sentence shall not become operative until after the approval thereof by the appointing power.

Section 851. Summary Courts-Martial; Appointment; Power.—When not in the active service of the United States, the commanding officer of each garrison, fort, post, or other place, regiment, detached or separate battalion or company, or other detachment of the Pennsylvania National Guard, may appoint for such place or command, summary courts-martial to consist of one officer who shall have power to administer oaths and to try the enlisted men of such place or command for breaches of discipline and violations of the laws governing such organizations, except civic by-laws, and said court, when satisfied of the guilt of such soldier, may impose fines not exceeding [thirty-five dollars (\$35)] *twenty-five dollars (\$25)*, or sentence to imprisonment in the county jail in the county where the offense was committed for a term not to exceed [thirty-five] *twenty-five* days, or both, and such reasonable costs as they may assess for any single offense; may sentence noncommissioned officers to reduction to the ranks, may sentence to forfeiture of pay and allowances. The proceedings of such summary court shall be informal and the minutes thereof shall be, so far as practicable, the same as prescribed for summary courts of the [Army] *Armed Forces* of the United States: Provided, That the sentence shall not become operative until after the approval thereof by the appointing power. Such summary courts-martial may in any case be appointed by superior authority when by the latter deemed desirable.

Section 1001. Composition and Strength.—The Pennsylvania Guard shall consist of [such] divisions, brigades, regiments, battalions, companies, *wings, squadrons* and similar organizations as may be prescribed by the Governor.

Section 1007. Annual Allowance.—The Adjutant General is [directed] *authorized* to pay to each headquarters of organizations and to the organizations an annual allowance on the same basis as provided for similar units in the Pennsylvania *Air and Army* National Guard.

Section 1008. Uniforms, Arms and Equipment.—The Governor is authorized to requisition from the Department of the Army or *Department of the Air Force, as applicable*, such *uniforms, arms and equipment* as may be available for use of the Pennsylvania Guard [under the provisions of Public Resolution, Number 874, 76th Congress of the United States, approved October twenty-

first, one thousand nine hundred forty, and such other uniforms, arms and equipment] as may [hereafter] be authorized by the Congress of the United States to be made available to the Pennsylvania Guard. In the event uniforms and equipment are not available from the [Department of the Army] *United States Government* for the use of the Pennsylvania Guard, the Governor shall cause to be provided such uniforms, arms and equipment as may be necessary for the efficient functioning and operation of the guard.

Section 1009. National Guard Laws Generally to Apply.—All Pennsylvania laws or sections of laws pertaining to the Pennsylvania *Air or Army* National Guard shall be applicable and shall govern the Pennsylvania Guard except as modified or changed by the provisions of this article.

Section 1103. Method of Award.—The authorized decorations, medals, ribbons, badges and awards will be awarded to the following persons and under the conditions and methods specifically mentioned in this section:

(1) The Pennsylvania Cross for Valor shall be awarded by the Governor to members of the Pennsylvania National Guard, *Pennsylvania Air National Guard*, Naval Militia, Pennsylvania Guard, Pennsylvania Naval Militia or of the military and naval forces of the United States, for acts of bravery, courage or valor above the ordinary gallantry of other members of the services. The Cross for Valor will ordinarily be awarded on the recommendation of the commanding officer of a regiment or similar unit, but such recommendation may be initiated by an officer of lower rank. All recommendations for this award will be forwarded to the Governor through the Department of Military Affairs.

(2) The Pennsylvania Distinguished Service Medal shall be awarded by the Governor to commissioned officers of the Pennsylvania National Guard, *Pennsylvania Air National Guard*, Naval Militia, Pennsylvania Guard, Pennsylvania Naval Militia or of the military and naval forces of the United States, in recognition of meritorious service beyond the call of the normal dictates of duty to the Commonwealth of Pennsylvania. This award will ordinarily be awarded on the recommendation of the Governor or of a general officer. All recommendations for this award, except those of the Governor, must be forwarded to the Governor through the Department of Military Affairs. The recommendation shall specifically show that at the time of the rendition of such service the person recommended was on duty of great responsibility.

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(4) The Pennsylvania Commendation Ribbon shall be awarded by the Department of Military Affairs to members of the Pennsylvania National Guard, *Pennsylvania Air National Guard*, Naval Militia, Pennsylvania Guard, Pennsylvania Naval Militia and the military and naval forces of the United States, for meritorious and outstanding service to the Commonwealth of Pennsylvania and under conditions which does not warrant the award of the Pennsylvania Distinguished Service Medal. This award will ordinarily be awarded on the recommendation of the commanding officer of a regiment or similar unit but such recommendation may be initiated by an officer of lower rank.

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(7) A commissioned officer of the Pennsylvania National Guard, *Pennsylvania Air National Guard* or Pennsylvania Guard who has heretofore been awarded the Meritorious Service Medal shall be authorized to receive in lieu thereof the Pennsylvania Distinguished Service Medal.

* * * * *

(9) Pennsylvania Service Ribbons or medals for active State service within the boundaries of this Commonwealth during any emergency, war or peace, may be issued to members of the Pennsylvania National Guard, *Pennsylvania Air National Guard*, Naval Militia, Pennsylvania Naval Militia by the Department of Military Affairs, when their service records indicate that they were a member of and present in an organization or unit that was mobilized during said emergency and actually moved him from home station to actively participate in emergency, under orders of the Governor, or actively participated in emergency while at home station.

(10) A Service Medal for twenty years service, not necessarily consecutive, in the Pennsylvania National Guard or *Pennsylvania Air National Guard*, shall be awarded by the Department of Military Affairs to any individual of the Pennsylvania National Guard or *Pennsylvania Air National Guard* whose official record shows that he has served the required time under the conditions specified in this section. In computing such twenty years of service, any service in the volunteer forces of the United States or in the Army, Navy or Marine Corps thereof, during any war in which the United States was engaged, or during any Federal service, shall be included at twice its actual length. Service in the Pennsylvania Guard may be included in figuring the twenty years of service. The individual shall be awarded and entitled to wear on the ribbon bar of the Service Medal, one silver star [with an additional star] for each additional five years of service.

* * * * *

(12) A Marksmanship Badge to be awarded to civilians, or to members of the Pennsylvania National Guard, *Pennsylvania Air National Guard*, or of the Pennsylvania State Guard, or of the military or naval forces of the United States, not necessarily in the Pennsylvania National Guard, *Pennsylvania Air National Guard* or Pennsylvania Guard, who as individual competitors, or as members of a team in rifle or pistol matches, win first, second or third place in any State, Interstate, National, or International matches.

Section 1104. Decoration; When Worn.—The decorations, medals, ribbons and badges mentioned in this article are authorized as part of the prescribed uniform of the Pennsylvania National Guard, *Pennsylvania Air National Guard* and Naval Militia not in the service of the United States and the Pennsylvania Guard and Pennsylvania Militia. These decorations, medals and ribbons and badges will be worn to the left of all decorations awarded by the United States Government.

APPROVED—The 10th day of November, A. D. 1959.

DAVID L. LAWRENCE

No. 516

AN ACT

Authorizing the Department of Property and Supplies, with the approval of the Governor, to acquire real property in the Borough of Somerset for the use of the Somerset State Hospital in the Department of Public Welfare, and making an appropriation.

Real property.

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

Department of Property and Supplies, with approval of Governor, authorized to buy certain land in Somerset Borough, Somerset County.

Section 1. The Department of Property and Supplies, with the approval of the Governor, is hereby authorized to purchase in the name of the Commonwealth of Pennsylvania for use of the Somerset State Hospital in the Department of Public Welfare the following tract of land in the Borough of Somerset, County of Somerset and Commonwealth of Pennsylvania, bounded and described as follows:

Description.

All those two certain lots of ground known as Lots Nos. 1 and 2 in Block 12 on the amended, enlarged and corrected plan of C. L. Davis Addition, recorded in the office of the Recorder of Deeds of Somerset County in Plat Book Volume 2, page 56, each fronting forty feet on the west side of Davis * Avenue.

* "Street" in original.