

# Legislative Journal.

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No. 54.

## HOUSE OF REPRESENTATIVES

THURSDAY, May 15, 1941.

The House met at 10 a. m.

The SPEAKER (Elmer Kilroy) in the Chair.

### PRAYER

The Chaplain, Rev. Donald McFall, offered the following prayer:

Whatsoever things are true, whatsoever things are honest, whatsoever things are of good report, if there be any virtue, and if there be any praise, help each one of us, O God, to think on these things. Help us to think well of others because they are Thy children, and because by so doing we show ourselves as the disciples of Thy Son who believed in us and, while we were yet sinners, died for us. Help us to restrain the unkind thought and the destroying word. May we ever be slow to condemn but quick to praise, seeing and seeking the good in others as we meet them daily on the highway of life. This we pray, in Thy name. Amen.

### JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. BALTHASER, unanimously agreed to, the further reading was dispensed with and the Journal approved.

### BILLS INTRODUCED AND REFERRED

By Mr. LLOYD H. WOOD. HOUSE BILL No. 1594.

An Act to amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing for the compensation of persons employed in the public school system of this Commonwealth during absence in military service.

Referred to the Committee on Education.

By Mr. LLOYD H. WOOD. HOUSE BILL No. 1595

An Act providing for the presentation of county flags to veterans' organizations in the counties of the Commonwealth by the county commissioners thereof.

Referred to the Committee on Counties.

By Mr. KNOBLE.

HOUSE BILL No. 1596.

An Act to further amend section one thousand one hundred and five of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," providing for the election of county superintendents of schools by secret ballot.

Referred to the Committee on Education.

By Mr. SARGE.

HOUSE BILL No. 1597.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State Highways, authorizing their construction, maintenance and improvement under certain conditions and restrictions, limiting the obligation of the Commonwealth in the construction of certain structures located on such highways, conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Lebanon.

Referred to the Committee on Highways.

By Mr. SCHWAB.

HOUSE BILL No. 1598.

An Act to amend section two of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 806), entitled "An act limiting the number of licenses for the retail sale of liquor, malt or brewed beverages, or malt and brewed beverages, to be issued by the Pennsylvania Liquor Control Board; defining hotels, and prescribing the accommodations required of hotels in certain municipalities," by allowing granting of new licenses in certain cases.

Referred to the Committee on Liquor Control.

By Mr. DiGENOVA.

HOUSE BILL No. 1599.

An Act to further amend section two hundred fourteen of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 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 establishing a minimum salary for state employes.

Referred to the Committee on State Government.

By Mr. FALKENSTEIN. HOUSE BILL No. 1600.

An Act to further amend sections three, four and five of the act approved the twentieth day of May, one thousand nine hundred and fifteen (P. L. 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 age at which pensions shall be paid; and changing the amounts of employes' monthly payments to the pension fund.

Referred to the Committee on Cities-First Class.

By Mr. KNOBLE. HOUSE BILL No. 1601.

An Act providing for levy and execution upon certain wages, debts, salary, earnings, income and profits; prescribing the lien of such execution; imposing certain duties upon those from whom such wages, debts, salary, earnings, income and profits may be due to judgment debtors; and conferring powers and imposing duties upon various courts and officers thereof.

Referred to the Committee on Judiciary General.

By Messrs. McFALL and VINCENT.  
HOUSE BILL No. 1602.

An Act to amend sections one hundred three, three hundred seven, and article eight of the act, approved the twenty-eighth day of April, one thousand nine hundred thirty-seven (P. L. 417), entitled "An act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of subpoenas by the commission; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weigh, measure, sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and statements, and to use certain methods of weighing, measuring, sampling and testing; authorizing the commission to examine the business, papers and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers, and permitting, with imitations, the use of information obtained thereby; authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto; providing for appeals to the courts from decisions of the commission, and for the burden of proof upon such appeals; prescribing penalties, fines and imprisonment for violations of this act and rules, regulations and orders of the commission; defining perjury; defining remedies; repealing legislation supplied and superseded by this act, and saving rights, duties and proceedings thereunder; and making appropriations," by providing that milk de-

livered or made available or handled or received on consignment or otherwise shall be subject to the provisions of the act; changing and limiting the authority of the commission to fix prices for milk and milk products; eliminating the requirement for approval by the Governor of certain orders; authorizing the formation and operation of producers' marketing committees and milk dealers' marketing committees, and continuing for a limited time price-fixing orders heretofore made by the commission.

Referred to the Committee on Dairy-Industries.

## SENATE MESSAGE

### SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 169 (House Bill No. 1603)

An Act to amend the act approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 814), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," abolishing the existing registration commission for cities of the second class and providing for the appointment by the Governor of a registration commission for counties within which there is located a city of the second class, providing for the consolidation of the second class city general register with the general register of cities of the third class and boroughs, towns and townships of the county, providing for the transfer of the registration of electors upon change of residence from a second or third class city, borough, town or township in the same county, changing the period during which changes of enrollment of political party may be made, changing requirements for the preparation and distribution of street lists, and permitting the destruction of certain records.

Referred to the Committee on Elections.

SENATE BILL No. 352. (House Bill No. 1604)

An Act providing for the creation maintenance and operation of a county employes retirement system in counties of the fourth and fifth classes imposing certain charges on counties and prescribing penalties.

Referred to the Committee on Counties.

SENATE BILL No. 32. (HOUSE BILL No. 1605).

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction, operation and maintenance of a turnpike from a point at or near Irwin in Westmoreland County, the western terminus of the turnpike heretofore constructed by said commission, to a point on the western boundary line of the Commonwealth of Pennsylvania touching on the State of Ohio, or the State of West Virginia, and 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;

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 and for the cost of maintenance, operation and repair of the turnpike; making such turnpike bonds exempt from taxation; constituting such bonds legal investments in certain instances; requiring suits against the commission to be brought in Dauphin County; prescribing conditions upon which such turnpike shall become free; providing for grade separations, grade changes and relocation and restoration of public roads and State highways affected by the turnpike; providing for 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.

Referred to the Committee on Highways.

SENATE BILL No. 177. (HOUSE BILL No. 1606).

An Act regulating and limiting the rights of slayers in real and personal property and in the benefits from insurance policies, arising out of or as a result of the death of the person slain; protecting and saving the rights of purchasers and insurers dealing with slayers without notice of the slaying, and repealing certain legislation.

Referred to the Committee on Judiciary General.

SENATE BILL No. 446. (HOUSE BILL No. 1607).

An Act to amend section six of the act approved the sixteenth day of May one thousand nine hundred and thirty-five (P. L. 208), entitled as amended "An act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment collection settlement and resettlement of taxes and reviews and appeal therefrom conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and department making an appropriation and providing penalties" authorizing the Department of Revenue to grant an additional extension of time for the filing of reports under the provisions of said act.

Referred to the Committee on State Government.

SENATE BILL No. 545. (HOUSE BILL No. 1608).

An Act relating to the summoning and service of jurors (except grand jurors) in the civil and criminal courts of the several counties of the Commonwealth except counties of the first class.

Referred to the Committee on Elections.

SENATE BILL No. 563. (HOUSE BILL No. 1609).

An Act to add section four hundred four and one-tenth to article four of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licenses and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" directing the board to issue liquor

licenses to holders of retail dispenser's licenses upon payment of fee and furnishing of bond and providing that the issuance of liquor licenses in such cases shall not be prevented by any laws limiting the number of such licenses to be granted by the board.

Referred to the Committee on Liquor Control.

## SENATE MESSAGE

### HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1205.

An Act to amend subsections (b) and (c) of section two of the act, approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 626), entitled "An act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class; creating and prescribing the powers and duties of a Board of Property Assessment, Appeals and Review; imposing duties on certain county and city officers; abolishing the board for the assessment and revision of taxes in such counties; and prescribing penalties," to provide for the appointment of the members of the Board of Property Assessment, Appeals and Review in second class counties by the county commissioners.

With the information that the Senate has passed the same without amendment.

### BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 1205

An Act to amend subsections (b) and (c) of section two of the act approved the twenty-first day of June one thousand nine hundred and thirty-one (P. L. 626) entitled "An act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class creating and prescribing the powers and duties of a Board of Property Assessment Appeals and Review imposing duties on certain county and city officers abolishing the board for the assessment and revision of taxes in such counties and prescribing penalties" to provide for the appointment of the members of the Board of Property Assessment Appeals and Review in second class counties by the county commissioners

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

### LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Paul A. Brunner for Mr. READINGER for today's session.

### REPORTS FROM COMMITTEES

Mr. Williams, from the Committee on Mines and Mining, reported as committed, House Bill No. 492, entitled:

An Act licensing and regulating the business of mining anthracite coal; providing for the issuance and revocation of licenses by the Secretary of Mines; authorizing said Secretary to enter mines, to issue regulations governing the administration of this act, and to appoint mining engineers who are empowered to enter mines and inspect the same; requiring a corporate surety bond to accompany

every application for a license; authorizing appeals to the Court of Common Pleas of Dauphin County; and prescribing penalties.

Mr. MIHM, from the Committee on Ways and Means, re-reported as committed, House Bill No. 232, entitled:

An Act to further amend the act, approved the first day of June, one thousand eight hundred eighty-nine (P. L. 420), entitled "A further supplement to an act, entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by increasing for a further limited period of time the rate of tax imposed by the act upon the gross receipts of certain companies, limited partnerships, associations, joint-stock associations, co-partnerships and persons.

Mr. SCHWAB, from the Committee on Ways and Means, re-reported as committed, House Bill No. 235, entitled:

An Act to reenact and amend the title and the act, approved the ninth day of June, one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six P. L. 13), entitled "An act imposing an emergency State tax for a limited period of time on liquor, as herein defined, sold by the Pennsylvania Liquor Control Board; providing for the collection and payment of such tax; and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board," as previously reenacted and amended, by extending the provisions thereof for a further limited period of time.

MR. TURNER IN THE CHAIR.

#### APPROPRIATION BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 49, entitled:

An Act making an appropriation for the maintenance, repair, and improvement of the Port of Philadelphia.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 61, entitled:

An Act making an appropriation to the Cresson Volunteer Fire Company for the protection of State property

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 266, entitled:

An Act making an appropriation to the Glen Mills School, situated in Delaware County, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 276, entitled:

An Act making an appropriation to the Department of Property and Supplies, for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by The Pennsylvania State College with The General State Authority for the use and occupancy by such college of the various projects, structures,

buildings, facilities of the Authority or for the services rendered by the Authority or its projects.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 280, entitled:

An Act making an appropriation to the Trustees of the College of Lincoln University, Chester County.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 281, entitled:

An Act making an appropriation to the Department of Labor and Industry, for the rehabilitation of the deaf and hard of hearing and for the purpose of matching additional federal funds.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 284, entitled:

An Act making an appropriation, from the Motor License Fund, to the Department of Property and Supplies for the payment of the costs incurred by that Department in acting as purchasing agent for the Department of Highways.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 301, entitled:

An Act making an appropriation to Sleighton Farm School for Girls, situated in Delaware County, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 305, entitled:

An Act making an appropriation to the Elwyn Training School, at Elwyn, in the County of Delaware, Commonwealth of Pennsylvania; and prescribing certain conditions upon which the appropriation will be available to the school.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 310, entitled:

An Act making an appropriation to the State Veterans' Commission, for certain expenses of the commission and for the assistance of needy Pennsylvania veterans of any war, or their dependents.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,  
The House proceeded to the first reading and consideration of House Bill No. 317, entitled:

An Act making an appropriation to the several fire companies of the city of Harrisburg, Pennsylvania.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,  
The House proceeded to the first reading and consideration of House Bill No. 322, entitled:

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Game Fund.

And said bill having been read at length the first time  
Ordered, To be laid aside for second reading.

Agreeably to order,  
The House proceeded to the first reading and consideration of House Bill No. 347, entitled:

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to the State employes receiving compensation from the Banking Department Fund.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,  
The House proceeded to the first reading and consideration of House Bill No. 351, entitled:

An Act making an appropriation to the Johnson Industrial School of Scranton, Pennsylvania.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,  
The House proceeded to the first reading and consideration of House Bill No. 371, entitled:

An Act making an appropriation to the Department of Forests and Waters, for the use of the Valley Forge Park Commission in payment of lands acquired by condemnation.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,  
The House proceeded to the first reading and consideration of House Bill No. 546, entitled:

An Act making an appropriation to the Department of Agriculture to advance the potato interests in this Commonwealth.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,  
The House proceeded to the first reading and consideration of House Bill No. 1003, entitled:

An Act making an appropriation to the Moore Institute of Art, Science and Industry formerly Philadelphia School of Design for Women at Philadelphia, Pennsylvania

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,  
The House proceeded to the first reading and consideration of House Bill No. 1065, entitled:

An Act making an appropriation to the National Farm School, at Doylestown, Pennsylvania.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,  
The House proceeded to the first reading and consideration of House Bill No. 1068, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,  
The House proceeded to the first reading and consideration of House Bill No. 1106, entitled:

An Act making an appropriation to the Woman's Medical College of Pennsylvania, located at East Falls, Philadelphia, Pennsylvania.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,  
The House proceeded to the first reading and consideration of House Bill No. 1321, entitled:

An Act making an appropriation to the Department of Property and Supplies for payment of balances due certain contractors for additions and alterations at the Harrisburg State Hospital.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,  
The House proceeded to the first reading and consideration of House Bill No. 1330, entitled:

An Act making an appropriation from the State Stores Fund to the State Employes' Retirement Board, to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Stores Fund.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,  
The House proceeded to the first reading and consideration of House Bill No. 1332, entitled:

An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,  
The House proceeded to the first reading and consideration of House Bill No. 1334, entitled:

An Act making an appropriation to the Department of

Property and Supplies for the payment of claims arising in connection with the erection and construction of the Eastern State Penitentiary at Graterford.

And said bill having been read at length the first time.  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1343, entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1344, entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1345, entitled:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1417, entitled:

An Act making an appropriation to The General State Authority to defray the costs and expenses of the said Authority in connection with the organization, administration, and operation thereof.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1418, entitled:

An Act making an appropriation to the Department of Welfare for the maintenance of certain homes.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1419, entitled:

An Act making an appropriation to the Department of Welfare for the maintenance of certain hospitals.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1463, entitled:

An Act making an appropriation to the Department of Property and Supplies for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by such department with the General State Authority for the use and occupancy by the Commonwealth of various projects, structures, buildings, and facilities of the Authority or for the services rendered by the Authority or its projects.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1534, entitled:

An Act making an appropriation to the Joint State Government Commission.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1590, entitled:

An Act making an appropriation to the Board of Trustees of the Philadelphia Museum, Philadelphia.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 291, entitled:

An Act making appropriations for aid to free public nonsectarian county libraries, and for the purchase and transportation of books.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 333, entitled:

An Act making an appropriation from the Fish Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employes receiving compensation from the Fish Fund.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 348, entitled:

An Act making an appropriation to the Department of Welfare to pay for the care, treatment, removal, and maintenance of the indigent insane in The Dixmont Hospital, at Dixmont, Allegheny County.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 378, entitled:

An Act making an appropriation to the Chief Clerk of

the House of Representatives for the payment of expenses and compensation of the Electoral College of 1940.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 489, entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance of, and the purchase of apparatus and equipment for, the University of Pittsburgh, and for the maintenance of teaching facilities in hospitals for students in the School of Medicine.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 572, entitled:

A Supplement to the act approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Appropriation Acts, page sixty), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-nine; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine," providing for deficiencies in certain appropriations made by the act for the fiscal biennium ending May thirty-first, one thousand nine hundred forty-one.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 614, entitled:

An Act making an appropriation to the Downingtown Industrial and Agricultural School, Downingtown, Pennsylvania.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 954, entitled:

An Act authorizing the Department of Property and Supplies to acquire by purchase, gift, lease or condemnation on behalf of the Commonwealth of Pennsylvania, a tract of land near the present site of the Joseph T. Rothrock memorial for the purpose of erecting a new and suitable memorial to the memory of Joseph T. Rothrock thereon; providing for the selection of such a site and memorial by and with the consent of the Pennsylvania Historical Commission; providing for the control, management, supervision, improvement and preservation and maintenance thereof; authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1063, entitled:

An Act making an appropriation to the Trustees of the

Hahnemann Medical College and Hospital, of Philadelphia, Pennsylvania.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1083, entitled:

An Act making an appropriation to the Trustees of Temple University at Philadelphia, Pennsylvania.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1130, entitled:

An Act making an appropriation to the Department of Commerce, towards expenses of the National Encampment in Philadelphia.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1203, entitled:

An Act making an appropriation to the Jefferson Medical College, of Philadelphia, Pennsylvania, for medical education.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1591, entitled:

An Act making an appropriation to the Pennsylvania Museum and School of Industrial Art, Philadelphia.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 955, entitled:

An Act to amend section ninety-five of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 488), 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," further regulating use of nets in boundary lakes:

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 757, entitled:

An Act providing for and regulating the validation of certain borough ordinances.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1230, entitled:

An Act to further amend section one and to amend sec-

tion three of the act, approved the fourteenth day of May, one thousand nine hundred and twenty-five (P. L. 730), entitled "An act for the protection of the public health in the manufacture and sale of carbonated beverages and still drinks; providing for the registration thereof; prohibiting the sale, offering or exposing for sale, exchange or giving away thereof in certain cases unless registered; regulating the manufacture, bottling, preparation, mixing, and compounding of carbonated beverages or still drinks, and the sale and dispensing thereof; creating a special fund in the State Treasury; and providing penalties." by excluding certain juices and combinations of juices from the operation of the act; and requiring separate registration for each bottling or manufacturing plant.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 940, entitled:

An Act to amend section 1202 by adding thereto clause IX, of the act approved the fourth day of May, one thousand nine hundred twenty-seven (P. L. 519) entitled, "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs;" authorizing boroughs to appropriate moneys for the support of hospitals.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1399, entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employees of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commission, and officers; imposing penalties; and repealing certain acts and parts or acts," as amended, by requiring certificates of the payment of taxes and other charges to be filed with the Department of State in certain cases.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order.

The House proceeded to the first reading and consideration of House Bill No. 1485, entitled:

A Joint Resolution proposing an amendment to section four of article two of the Constitution of the Commonwealth of Pennsylvania, prescribing procedure to be followed at regular session of the General Assembly and the publication of legislative histories thereat.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1243, entitled:

An Act to amend section two hundred eighty-two of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 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," providing for payment of one-fourth of fines collected for violation of said act to the counties for maintenance of prisoners committed for such violations; and imposing duties on magistrates, aldermen, and justices of the peace.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1537 (Senate Bill No. 381), entitled:

An Act to amend the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising, amending and consolidating the laws relating thereto" by authorizing the acquisition and operation of aviation landing fields and airdromes, by counties of the first, second, third, fourth, fifth and sixth classes

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1359, (Senate Bill No. 447), entitled:

An Act making an appropriation to the Department of Labor and Industry to meet the obligation of the Commonwealth to pay a part of the compensation payable for certain occupational diseases; and repealing and lapsing certain appropriations.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 872, (Senate Bill No. 66), entitled:

An Act to further amend the last paragraph of section four hundred thirty-nine of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," imposing additional duties on and providing for additional compensation of veterans' grave registrars.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1025, entitled:

An Act relating to attorneys-at-law; regulating the admission of persons to said office, by prescribing the conditions upon which, and the method by which law colleges and schools shall be entitled to receive certificates of approval as institutions of learning, properly qualified to prepare registered law students for admission to any final examination for the practice of law in this Commonwealth, and the effect thereof upon such law students and upon examining boards or commissions; authorizing



the collection of fees for services to be rendered hereunder; prohibiting certain acts or omissions; and imposing penalties; prescribing the procedure by which such approval may be enforced, suspended, revoked and reinstated; limiting the construction of this act; and repealing all acts and parts of acts inconsistent herewith.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1315, entitled:

An Act to amend the title and the act approved the seventh day of May, one thousand nine hundred thirty-seven (P. L. 589), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the first class as State highways, and for the improvement, construction, reconstruction, resurfacing, and maintenance by the Commonwealth of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination or reconstruction of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction; regulating the replacement of certain facilities of public utility companies; prohibiting the making of any opening in said street after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act." by adding new sections: making certain streets taken over as State highways, and adding thereto certain additional streets; providing for the taking, opening, relocation, widening, or change of grade of such state highways by the Commonwealth at the expense of the Commonwealth and the city, or either of them; designating the city as agent for the Commonwealth in such taking, opening, relocation, widening or change of grade and the determination of damages arising therefrom; authorizing agreements for the taking, opening, relocation, widening, change of grade, construction, reconstruction, repair, and maintenance of such State highways; appropriating money in the Motor License Fund for the purposes of the act as amended.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 861, entitled:

An Act to further amend the act approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," by further regulating the affairs of boroughs; and revising, amending and changing the law relating thereto.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1526, entitled:

An Act to amend section two hundred seven of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," further prescribing method by which second class townships may be classified as first class townships; and providing for the costs and holding of special elections for that purpose.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1193, entitled:

An Act to further amend section fifty of the act approved the second day of May, one thousand nine hundred twenty-five (P. L. 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," further regulating the taking of eels.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1208, (Senate Bill No. 80), entitled:

An Act to further amend the act, approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897-1937) entitled, "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," by further defining "contributions" to be paid by certain employers; changing the procedure and administrative details for the determination and payment of compensation; further regulating the appointment, promotion, dismissal, suspension and furlough of civil service employees; further defining the power of, and procedure before, the board; making payments out of the Unemployment Compensation Fund subject to agreement between the State Treasurer and the Social Security Board; and making the Administration Fund subject to certain charges.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1210, (Senate Bill No. 24), entitled:

An Act defining and prohibiting unfair sales providing remedies for violations thereof, and establishing penalties therefor.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 938, (Senate Bill No. 270), entitled:

An Act to amend section seven hundred and two of the act, approved the first day of May, one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by authorizing such townships to regulate the use of certain parks and recreational grounds; providing penalties for violation of rules pre-

scribed therefor; and authorizing police officers to arrest violators thereof on view.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

#### PARLIAMENTARY INQUIRY

Mr. BROWN. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Allegheny will state his question of parliamentary inquiry.

Mr. BROWN. Mr. Speaker, is it permissible under the Rules of the House to ask the House to act on the question of the constitutionality of a bill that has just passed first reading on today's calendar?

The SPEAKER pro tempore. Under Rule 4 of the House it is permissible.

#### CONSTITUTIONAL POINT OF ORDER

Mr. BROWN. Mr. Speaker, I rise to a constitutional point of order.

The SPEAKER pro tempore. The gentleman will state his constitutional point of order.

Mr. BROWN. Mr. Speaker, on page 9 of today's calendar House Bill 1025, Printer's No. 608, which has just passed first reading, I raise the point of order that the bill is unconstitutional.

I raise this point of order, Mr. Speaker, because I do not believe we should clutter up the calendar at this time, since we will have a very heavy calendar next week. I believe if the bill is returned to the Committee it will clutter up the calendar of the Committee and we can in a very short space of time dispose of this bill at this time by voting on this Constitutional point of order.

The SPEAKER pro tempore. The Clerk will read the title of the bill for the information of the House.

The Clerk read the title of House Bill No. 1025, Printer's No. 608, as follows:

An Act relating to attorneys-at-law; regulating the admission of persons to said office, by prescribing the conditions upon which, and the method by which law colleges and schools shall be entitled to receive certificates of approval as institutions of learning, properly qualified to prepare registered law students for admission to any final examination for the practice of law in this Commonwealth, and the effect thereof upon such law students and upon examining boards or commissions; authorizing the collection of fees for services to be rendered hereunder; prohibiting certain acts or omissions; and imposing penalties; prescribing the procedure by which such approval may be enforced, suspended, revoked and reinstated; limiting the construction of this act; and repealing all acts and parts of acts inconsistent herewith.

The SPEAKER pro tempore. The gentleman from Allegheny, Mr. Brown, has raised the constitutional point of order with reference to this bill.

The Chair under Rule 4 is required to submit questions affecting the constitutionality of a bill to the House for decision which the Chair now does.

On the question,

Will the House sustain the constitutional point of order?

Mr. BROWN. Mr. Speaker, I am not going to debate this bill in full but just briefly. The title of the bill repeals all acts and parts of acts inconsistent herewith. The body of the bill sets up certain standards for law colleges and certain standards for law students, and requires that

those law students who meet certain standards be permitted to take final examination and upon passing the same they would have to be admitted to practice as attorneys.

This bill and the procedure under it would be inconsistent with our present rules as laid down by the Supreme Court of this State and administered by the State Board of Law Examiners and the Law Examiners of the various counties. Therefore, because this act provides for the striking down of all acts, laws and rules that are inconsistent with the bill, it is my opinion that this bill is unconstitutional.

Without going into detail as to the full import of the bill I should like to read a leading case in Pennsylvania which is directly in point, and which I believe will convince this House that this bill should be declared unconstitutional.

I quote from the leading case of Joseph P. Splane, reported in Pennsylvania State Reports 123, page 527. I quote from the decision by Chief Justice Paxson, who handed down the decision of the court:

"If there is anything in the constitution that is clear beyond controversy, it is that the legislature does not possess judicial powers. They are lodged exclusively in the judiciary as a co-ordinate department of the government. The executive and legislative departments can no more encroach upon the judicial department, than the latter can encroach upon them. Each department in our beautiful system of government has its own appropriate sphere, and so long as it confines itself to its own orbit the machinery of government moves without friction.

"We have too much respect for the legislature to suppose it would ever intentionally step over the line which divides the different departments, but slight encroachments may sometimes occur through inadvertence. In such cases it is the province of the judiciary to correct them. It is our duty to see that the checks and balances provided by the constitution are preserved. We are clearly of opinion that the act of 1887, though probably not so intended, is an encroachment upon the judiciary department of the government."

The court declared the act of 1887, which was an amendment of the act of 1885 unconstitutional. The act of 1887 provided in substance the same things provided in House Bill 1025, setting up certain standards and requiring that a person who wants to become a member of the bar should by a writ of mandamus compel his admission. That is the same thing House Bill 1025 does and I, therefore, ask the House to declare the bill unconstitutional.

I do that, Mr. Speaker, because I do not feel that we ought to clutter up the calendar or return this bill to the committee. I think we should act on the bill at this time and declare it unconstitutional so that the bill will be off the calendar and we can expedite the business of the House.

Mr. BRETHERICK. Mr. Speaker, as a member of the sub-committee that agreed to have this bill reported out I want to join with Mr. Brown in asking this House to declare the bill unconstitutional.

Mr. REUBEN E. COHEN. Mr. Speaker, I will have to admit that I am not quite prepared this morning to discuss the constitutionality of this proposed bill. I might say also that I was wholly unaware of the existence of the act of 1887 or the opinion of the court which declared it unconstitutional, and therefore, I have had no opportunity to read the particular decision, because as some Mem-

bers of the House have often said we lawyers can also disagree.

However, I want to make it rather clear that the purpose of the bill was not to assault the citadels of justice of Pennsylvania. The Legislature many years ago set up the courts of Pennsylvania and gave the judiciary many of the powers which it now enjoys. Even as late as 1937 we gave the judiciary almost unlimited power in determining the rules of procedure which many of our lawyer friends in the House today can tell you more about. However, in this particular bill what we are trying to do is not to leave the recognition of law schools, the determination of attendance at schools, who shall or who shall not study law, or who shall or who shall not become a lawyer, but we are attempting to place that on a basis where there shall be some place for citizens to bring their complaints and as the question has been stated, protect them from the possible caprice of the courts themselves. This is not being said with any intention of being derogatory to the courts, but my thought in introducing the bill was to have some medium and some way for just one citizen who may feel that he has been aggrieved by the set up as it exists today, to be able to go into court and have his day. That is the entire purpose of the bill.

In do not know that the act of 1887 is on all fours with this bill. The Supreme Court in its infinite wisdom might be able to find sufficient distinction between the conditions as they exist today and as they existed at that time to be able to declare the bill unconstitutional. There it is possible that while that act was unconstitutional at that time this bill is constitutional.

I want that statement to be on the record so that my position is clear. As I said in the beginning I was unprepared to discuss the question of constitutionality, and I want the Members to give us the benefit of their common sense in trying to put common sense into the law.

On the question recurring,

Will the House sustain the Constitutional point of order?

The question was determined in the affirmative and the Constitutional point of order was sustained.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR.

The SPEAKER. The Chair thanks the gentleman from Delaware, Mr. Turner, for presiding.

#### PARLIAMENTARY INQUIRY

Mr. LOVETT. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman from Westmoreland will state his question of parliamentary inquiry.

Mr. LOVETT. Mr. Speaker, I would like to know if it is constitutional to act upon a bill that is not on file.

The SPEAKER. For the information of the gentleman the constitution requires the printing of bills. The bill has been printed for the information of the Members.

Mr. LOVETT. Mr. Speaker, is it not necessary that the bill be on file when we take action of any kind on it?

The SPEAKER. If it was the desire of the Members that the bill should be on file that question should have been raised before the question of constitutionality was raised. The question comes too late.

Mr. LOVETT. Mr. Speaker, I just want to make clear that I feel the action of this House a few minutes ago was unconstitutional.

The SPEAKER. The Chair does not agree with the gentleman. Neither the Constitution nor the Rules of the House require bills to be on file.

Mr. BROWN. Mr. Speaker, may I answer the gentleman very briefly and call his attention to the Constitution of Pennsylvania, Article 3, Section 2, which reads as follows:

"No bill shall be considered unless referred to Committee and returned therefrom and printed for the use of the Members."

This bill was printed for the use of the Members, it has been returned from Committee and was properly introduced. I think the gentleman's question of constitutionality is wholly out of order.

#### PARLIAMENTARY INQUIRY

Mr. REUBEN E. COHEN. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman from Philadelphia will state his question of parliamentary inquiry.

Mr. REUBEN E. COHEN. Mr. Speaker, do not the Rules of this House provide that this House shall not act on a bill unless it is on file on each member's desk.

The SPEAKER. The Rules of the House do not so provide. It is simply a matter of custom.

#### BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 814, entitled:

An Act regulating the payment of wages or compensation for labor or service in private employments; establishing regular pay days; imposing duties upon employes; conferring powers and duties upon the Department of Labor and Industry and district attorneys; imposing additional powers and duties on the Secretary of the Department of Labor and Industry and district attorneys for the civil collection of wages; imposing civil and criminal penalties for the violations of the act, and providing for their collection and disposition; and repealing inconsistent legislation.

The first section was read.

On the question,

Will the House agree to the section?

#### BILL POSTPONED

Mr. PETROSKY. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to

#### BILLS ON SECOND READING

Agreeably to order.

The House proceeded to the second reading and consideration of House Bill No. 849, entitled:

An Act to amend the act approved the nineteenth day of July, one thousand nine hundred thirty-five (P. L. 1356), entitled, "An act to regulate the sale and delivery of solid fuel, as herein defined; providing for appointments of licensed weighmasters; prescribing their powers and duties; authorizing substitute licensed weighmasters imposing certain duties on the Department of Internal Affairs; and providing penalties," further regulating the issuing to and revocation and suspension of licenses of weighmasters; requiring the use of suitable scales; regulating the issuing, use and keeping of weighmaster's certificates; conferring powers and imposing duties upon the State, city, and county inspectors of weights and measures and the Department of Internal Affairs; declaring certain proofs to constitute prima facie evidence of a violation of the act; extending

the provisions of said act to cases heretofore exempted; and prescribing additional and increased penalties.

The first section was read.

On the question,

Will the House agree to the section?

Mr. TURNER. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 2, line 8, by striking out the words "is hereby" and inserting in lieu thereof: "sections one and six of which were amended by the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (P. L. 865), are hereby further."

Amend Sec. 1, (Sec. 1), page 2, by inserting after line 21, the following: "The term "licensed weighmaster" when used in this act shall include a person licensed to weigh solid fuel by this Commonwealth or by a bordering state issuing such licenses, and recognizing licenses and weight certificates issued by such licensees in this Commonwealth."

Amend Sec. 1 (Sec. 3), page 4, line 7, by striking out the word "quadruplicate" and inserting in lieu thereof: "triplicate".

Amend Sec. 1 (Sec. 4), page 7, line 5, by striking out the light-face bracket before the word "he".

Amend Sec. 1 (Sec. 4), page 7, line 6, by inserting a light-face bracket before the word "under" and after the word "weighmaster".

Amend Sec. 1 (Sec. 4), page 7, line 9, by striking out the light-face bracket after the word "hours".

Amend Sec. 1 (Sec. 4), page 7, lines 9 to 18, by striking out the words "the operator" in line 9, and all of lines 10 to 18, both inclusive.

Amend Sec. 1 (Sec. 6), page 8, line 16, by inserting after the light-face bracket the following: "except as otherwise provided in this act".

Amend Sec. 1 (Sec. 6), page 9, line 5, by striking out the following "[secretary of] the [said]" and inserting in lieu thereof: "[secretary of the said]".

Amend Sec. 1 (Sec. 6), page 9, line 15, by striking out the following: "of the]" and inserting in lieu thereof the following: "of the]".

Amend Sec. 1 (Sec. 6), page 9, lines 27 and 28, by striking out the following: "[the] [Secretary of]" and inserting in lieu thereof: "[the Secretary of]".

Amend Sec. 1 (Sec. 6), page 11, by inserting between lines 10 and 11, the following: "Whenever any bordering state requiring licenses and weight certificates for solid fuel recognizes licenses and accepts weight certificates issued by licensees of this Commonwealth, such licenses and weight certificates of such state shall be recognized and accepted in this Commonwealth".

Amend Sec. 1 (Sec. 8.2), page 13, lines 21 and 25 by striking out the brackets before the word "Section" in line 21, and after the word "act" in line 25.

Amend Sec. 1 (Sec. 10), page 14, lines 14 to 21, both inclusive, by striking out all of said lines.

The amendments were agreed to.

The section was agreed to as amended.

The second to the tenth sections inclusive were separately read and agreed to.

The title was read.

On the question,

Will the House agree to the section?

Mr. TURNER. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend title, page 1, line 1 of title, by inserting after the word "To" the following: "further".

The amendment was agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1415, entitled:

An Act validating certain acts of county commissioners county treasurers tax collectors and other officials in giving to delinquent taxpayers the advantages of various acts of Assembly abating penalties and interest on county city borough town township school district poor district and institution district taxes contrary to the requirements of said acts

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1510, entitled

An Act to further amend section two of the act approved the third day of June one thousand nine hundred and nineteen (P. L. 369) entitled "An act providing for the appointment by the district attorney in counties having a population of over one million five hundred thousand inhabitants of a chief county detective an assistant chief county detective and special county detectives defining their duties defining their authority fixing their salaries and authorizing the payment of the same together with the necessary traveling expenses by the county" by increasing the compensation of the chief county detective

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1035, entitled:

An Act to further amend clause ten of section one of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (P. L. 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" further defining "new members"

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1043, entitled:

An Act to add section six hundred ninety-three and one-tenth to article six of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" imposing penalties for the throwing of refuse garbage or trash alongside highways

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and con-

sideration of House Bill No. 1110, (Senate Bill No. 232), entitled:

An Act to validate and quiet the title to lands and buildings heretofore sold by boards of school directors at public auction without full compliance with provisions of law authorizing such sales

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1588, entitled:

An Act to amend and reenact section five hundred and twenty-four of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 359), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the methods of collecting such revenue and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, by limiting to eleven and three-quarter mills the total annual school tax for any one year in school districts of the first class; and prescribing the method of fixing the levy of school taxes in such districts.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1444, (Senate Bill No. 315), entitled:

An Act to further amend section one of the act approved the fourth day of April one thousand nine hundred and twenty-five (P. L. 127) entitled "An act relating to adoption" by imposing exclusive jurisdiction in adoption proceedings in the municipal court in first class counties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 900, entitled:

An Act to promote interstate cooperation for the conservation and protection of water resources in the Delaware River Basin

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 744, entitled:

An Act to further amend section seventeen of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (P. L. 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" authorizing payment by the board to a credit union where rights have been assigned and the note is unpaid and empowering the board to make additional deductions from member's salary for the repayment of such amounts into the member's accumulated deductions

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1406, (Senate Bill No. 588), entitled:

An Act to protect the debtors, obligors or guarantors of debts for which judgments are entered or may be entered and owners of real property affected thereby, and others indirectly liable for the payment thereof, either by requiring before execution shall issue against real property, either a release of such persons from personal liability or the fixing of the fair market value of the property to be sold, and the entering of certain credits against such judgments based upon such fair market value, and prescribing the method of fixing the fair market value of such property.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1139, entitled:

An Act to amend section one hundred twenty of the act approved the fourteenth day of April one thousand eight hundred thirty-four (P. L. 333) entitled "An act relative to the organization of the Courts of Justice" prescribing procedure permitting the service of jurors as petit jurors or general jurors or both except in the counties of the second class

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 892, entitled:

An Act authorizing a commission to study recreational facilities available in first class cities; imposing powers and duties on said commission; and making an appropriation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 726, entitled:

An Act authorizing and directing the Department of Highways to erect, construct and maintain a free bridge over the Susquehanna River in or near the Borough of Plymouth, Luzerne County, and to provide the necessary approaches and connections with state highways, providing for the acceptance of Federal aid, empowering counties to pay certain damages; and making an appropriation.

And said bill have been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS PASSED OVER

The SPEAKER. House Bill No. 124, Printer's No. 635, House Bill No. 1355, Printer's No. 609, and House Bill No. 943, Printer's No. 610, are not on file and will be passed over.

There being no objection House Bill No. 1166, Printer's No. 461 was passed over at the request of the SPEAKER.

There being no objection House Bill No. 1070, Printer's No. 284, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 870, Printer's No. 510, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 567, Printer's No. 508 was passed over at the request of the SPEAKER.

There being no objection House Bill No. 1454, Printer's No. 516, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 1455, Printer's No. 515, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 1188, Printer's No. 511, was passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 139, as follows:

An Act to amend section one of the act which became effective on the seventh day of July one thousand eight hundred and seventy-nine (P. L. 194) entitled "An act to enlarge the jurisdiction of justices of peace and regulating the fees of constables making sales under this act" further enlarging the jurisdiction of justices of the peace and extending the provisions of said act to aldermen

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

Section 1 Section one of the act which became effective on the seventh day of July one thousand eight hundred and seventy-nine (P. L. 194) entitled "An act to enlarge the jurisdiction of justices of peace and regulating the fees of constables making sales under this act" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the aldermen [magistrates] and justices of the peace in this Commonwealth shall have concurrent jurisdiction with the courts of common pleas of all actions arising from contract either express or implied and of all actions of trespass [and of trover and conversion] wherein the sum demanded does not exceed three hundred dollars except in cases of real contract where the title to lands or tenements may come in question for action upon promise of marriage.]

The jurisdiction herein conferred in actions of trespass shall include all actions arising from claims for damages recoverable at the common law in actions of trespass trover and conversion or trespass on the case except slander and libel and distinctions heretofore existing are hereby abolished and such claims shall hereafter be sued for and recovered in one form of action to be called an action in trespass

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken as follows, viz:

YEAS—121

Achterman,	Gallagher,	Malloy,	Rose, W. E.,
Allmond,	Gates,	Marks,	Rosenfeld,
Balthaser,	Gerard,	Maxwell,	Royer,
Baughner,	Goodwin,	McDermott,	Rush,
Boles,	Greenwood,	McFall,	Scanlon,
Boney,	Gryskewicz,	McKinney,	Schwab,
Boorse,	Habbyshaw,	McLanahan,	Serrill,
Bower,	Haines,	McSurdy,	Shaffer,
Bradley,	Hamilton,	Melchiorre,	Shaw,
Bretherick,	Harris,	Mihm,	Sorg,
Brown,	Heatherington,	Modell,	Stambaugh,
Brunner, P. A.,	Helm,	Muir,	Tarr,
Burns,	Hersch,	Nagel,	Tate,
Cohen, M. M.,	Hewitt,	Nunemacher,	Taylor,
Cohen, R. E.,	Holland,	O'Brien,	Thompson, E. F.,
Cook,	Huntley,	O'Dare,	Turner,
Drumison,	James,	O'Neill,	Van Allsburg,
Dix,	Jefferson,	Petrosky,	Vogt,
Dolon,	Jones, P. N.,	Pettit,	Weish, E. B.,
Duffy,	Keenan,	Polaski,	Welsh, M. J.,
Early,	Kenehan,	Polen,	Williams,
Elder,	Kline,	Powers,	Winner,
Elliott,	Kolankiewicz,	Rank,	Wolf,
Ely,	Komorofski,	Reagan,	Wood, N.,
Finnerty,	Lelsey,	Reese, D. P.,	Woodring,
Fisher,	Lesko,	Reese, R. E.,	Woodside,
Fiss,	Levy,	Reynolds,	Wright,
Fleming,	Leydic,	Rhea,	Yeakel,
Foor,	Longo,	Riley,	Yester,
French,	Lovett,	Rooney,	Young,
			Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 525, as follows:

An Act amending revising consolidating and changing the law relating to the borrowing of money by certain political subdivisions the authorization issuance and sale of general obligation bonds as herein defined of bonds imposing no general obligation of debt and of bonds not deemed to constitute a debt for certain purposes and to the funding of debt and the refunding of bonds regulating the keeping and use of sinking funds imposing powers and duties upon the Department of Internal Affairs and upon corporate bodies and officers of political subdivisions imposing penalties and repealing existing laws

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

Article I

Preliminary Provisions

Section 101 SHORT TITLE This act shall be known and may be cited as the "Municipal Borrowing Law"

Section 102 Definitions The following words and phrases whenever used in this act shall have the following meanings unless the context clearly indicates otherwise

(a) "Municipality" a county city borough incorporated town township school district and a county institution district The word does not include a city of the first class a county of the first class or a city institution district

(b) "Corporate authorities" the body in each municipality authorized by law to levy taxes or fix the tax rate of the municipality

(c) "Bond" any instrument imposing an obligation for the repayment of money borrowed except notes and all renewals and extensions thereof issued in anticipation of current revenues

(d) "General obligation" any obligation for the pay-

ment of which a municipality may be required to levy a tax

(e) "Current revenues" taxes for the current year delinquent taxes licenses fines and other revenues and receipts which in the judgment of the corporate authorities are collectible within the current fiscal year

(f) "Debt" all general obligations of the municipality to pay money either in the present or future except obligations payable from current revenues lease agreements not directly or indirectly involving the acquisition of capital assets and contracts for service A debt evidenced by general obligation bonds shall be deemed to have been incurred by a municipality at the time when the ordinance authorizing such bonds shall become effective

(g) "Ordinance" an "ordinance" in the case of municipalities having the power to adopt ordinances and a "resolution" in the case of all other municipalities Notwithstanding any law to the contrary where an "ordinance" is required or authorized to be adopted by the provisions of this act the same shall become effective in the case of cities and boroughs when the same has been passed finally by the council and has been approved by the mayor or burgess or has been passed over his veto and in the case of all other municipalities such an "ordinance" shall become effective when the same has been adopted or passed finally by the body having power to adopt ordinances or resolutions on behalf of the municipality Where an ordinance is authorized or required to be adopted by the provisions of this act the ordinance or proposed ordinance or summary thereof shall be published in a newspaper or newspapers of general circulation not exceeding two published in the municipality and if no such newspaper shall be published therein then such notice shall be given in a newspaper of general circulation circulating generally in said municipality Such ordinance or proposed ordinance or a summary shall be published once before or after the ordinance becomes effective as above provided No other publication or notice of any such ordinance shall be required under the provisions of any other law

(h) "Assessed valuation" the assessed valuation of all property taxable by the municipality as last determined by the Board of Revision

(i) "Department" the Department of Internal Affairs of the Commonwealth of Pennsylvania

Section 103 Exclusive Method of Borrowing Money on Bonds Hereafter a municipality may borrow money on bonds only as provided in this act and not otherwise

Section 104 Purpose of Act It is the intent of this act to regulate the manner of borrowing money by the issue of bonds by municipalities and to impose limits and conditions on such borrowing in certain cases Nothing in this act shall be construed to confer on any municipality any power or authority to borrow money for any purpose for which such municipality is not otherwise authorized by law to borrow money nor shall anything in this act be construed to deprive any municipality of any power or authority to borrow money for any purpose for which such municipality is or may hereafter be authorized to borrow money This act shall be deemed to provide an exclusive and uniform system on the subjects covered by this act

## Article II

### General Obligation Bonds

Section 201 Limitation on Municipal Debt Whenever the net debt of any municipality shall be equal to ten per centum in the case of municipalities authorized by the provisions of section fifteen article nine of the Constitution to incur debt to said amount and seven per centum in the case of all other municipalities (except school districts of the first class which shall be limited to two per centum) of the assessed valuation it shall be unlawful to increase the same by borrowing money (except in the case of issuing evidences of debt in anticipation of current revenues) and any such increase shall be void and any general obligation bonds issued to evidence such increase of debt shall be of no binding force upon such municipality Each of the officers thereof wilfully authorizing such increase or executing any general obligation bond therefor shall be guilty of a misdemeanor and upon

conviction thereof shall be sentenced to pay a fine not exceeding ten thousand dollars or undergo imprisonment not exceeding one year or both

Section 202 Determination of Existing Net Debt The net debt of a municipality shall be the net debt determined as follows

From the gross liabilities of the municipality which shall be the total amount of the following items (1) the principal of all bonds authorized or outstanding for whatever purpose issued (2) the amount of any overdue interest and state tax assumed on account of any general obligation bonds and (3) all other debts of the municipality there may be deducted the following items

(a) The amount of any cash and bonds of the municipality held in any sinking fund for the payment of the principal of any outstanding debt

(b) The par value or all legal investments other than bonds of the municipality held in any sinking fund unless such par value shall be in excess of the actual value in which case the actual value shall be used It is the legislative intent of this clause that since legal investments in any sinking fund may be converted into cash and such cash used as a deduction that such investments having been legally authorized should be deductible in like manner as cash and bonds of the municipality held in any sinking fund

(c) The amount of undisputed municipal liens other than tax liens actually filed against property (other than such as are pledged for the redemption of assessment bonds deductible under clause (f) ) in such proportion as such liens are certain to be collected

(d) The amount of the preliminary estimates of benefits costs and expenses which may be assessed against the owners of property and for which liens may be legally filed in any case where a public improvement has been or is about to be made by any municipality and general obligation bonds have been or are to be issued for the payment of the same in whole or in part Such estimates of assessable benefits costs and expenses shall be signed and verified by the engineer or other proper officer of the municipality in case the municipality has no engineer and shall state that they are in his opinion fair amounts of benefits costs and expenses which may be lawfully assessed in such proceedings

(e) The amount of surplus cash not specifically appropriated to any purpose other than the payment of any item of debt

(f) The amount of assessment bonds outstanding heretofore issued for the construction of any project where the cost of such project has been assessed on property specially benefited which bonds purport to impose no municipality liability to the extent that such bonds are supported by cash in the sinking fund held for such assessment bonds and by undisputed valid liens against the property benefited in such proportion as such liens are certain to be collected but this clause shall not apply to assessment bonds where the courts have held the same to be general obligations of the municipality

(g) The amount of all delinquent taxes on real estate in such proportion as such taxes are certain to be collected except such amount thereof as may have been appropriated as current revenues in the current year's budget

(h) The amount of current revenues which are applicable within the current fiscal year to the payment of the principal of any debt

(i) The amount of any utility bonds issued for the construction or acquisition of waterworks subways underground railways or the appurtenances thereof where it shall be determined in the manner provided in article six of this act that the net revenue derived from said property for a period of five years either before or after acquisition thereof or where constructed by the municipality after the completion thereof shall have been sufficient to pay interest and sinking fund charges upon said obligations or if the said obligations shall be secured solely by liens upon the respective properties and shall impose no municipal liability but the amount of such utility bonds so deductible shall be the total amount of such bonds outstanding less the amount of cash and investments held in any sinking fund

applicable to the payment of such utility bonds as are general obligations

(j) The amount of any bonds legally issued under this act or any other act of Assembly which impose no municipal liability other than such bonds as may have been defined as deductible under the provisions of other clauses of this section

(k) All other solvent debts due the municipality directly payment of which it can enforce as one of its quick assets for the liquidation of any of its debt

Section 203 Increase of Debt by Issuance of General Obligation Bonds by Corporate Authorities and With the Assent of Electors (a) Any municipality may incur debt or increase its debt by the issue of general obligation bonds by vote of the corporate authorities thereof without the assent of the electors to an amount in the aggregate not exceeding two per centum of the assessed valuation

(b) The debt of any municipality except a school district of the first class may be authorized to be increased by the corporate authorities thereof by the issue of general obligation bonds with the assent of a majority of the electors thereof voting on the question submitted at a public election to be held in the municipality to an amount not exceeding seven per centum of the assessed valuation

(c) The debt of any municipality authorized by the provisions of section fifteen article nine of the Constitution to incur debt not exceeding ten per centum may be authorized to be increased by the corporate authorities thereof by the issue of general obligation bonds with the assent of three-fifths of the electors thereof voting on the question submitted at a public election to be held in the municipality to an amount not exceeding ten per centum of the assessed valuation

Section 204 Determination of Amount of Debt Authorized and Issued by Corporate Authorities Without Assent of Electors The amount of the debt authorized or issued and outstanding by the corporate authorities of a municipality without the assent of the electors shall be determined by deducting from the net debt ascertained as provided in this article the amount of the debt authorized or issued and outstanding with the assent of the electors

In determining the amount of debt authorized or issued and outstanding with the assent of the electors for the purposes of this section there shall be deducted from the aggregate of such debt cash and investments in the sinking fund pledged for the payment of such debt and any other deductions under the provisions of section 202 of this article specifically applicable to the payment thereof

Section 205 Desire Ordinance Elections to Authorize an Increase or Indebtedness (a) Whenever the corporate authorities of any municipality by their ordinance shall have signified a desire to make an increase of debt where the assent of the electors is required and shall have called an election for the purpose of obtaining such assent they shall give notice of an election to be held at the places of holding elections in said municipality on a day to be by them fixed for the purpose of obtaining the assent of the electors thereof to such increase of debt Such notice shall be given in a newspaper or newspapers of general circulation not exceeding two published in said municipality and in the legal journal if any designated by the rules of court for the publication of legal notices and advertisements and if no such newspaper is published therein the notice shall be given in at least one newspaper of general circulation circulating generally in the municipality Such election notice shall be published three times at intervals of not less than three days where daily newspapers of general circulation are available for such publication and in the case of weekly newspapers of general circulation and legal journals shall be published only twice once a week for two successive weeks The first publication of such notice shall be not less than fourteen nor more than twenty-one days before the day of the election Such notice may be published at any time after the ordinance shall have become effective

(b) The election notice shall contain and state

(1) The date upon which the election is to be held

(2) The amount of the assessed valuation of the municipality

(3) The sum of the gross liabilities the sum of the allow-

able deductions which are claimed and the amount of the net debt of the municipality

(4) The amount of the proposed increase of debt and

(5) The purpose or purposes for which the debt is to be increased

(c) The corporate authorities of the municipality shall in all cases fix the time of holding such election on the day of a municipal general or primary election unless more than ninety days or less than thirty days elapse between the effective date of the desire ordinance and the day of holding the said municipal general or primary election

If any day other than the day of any municipal general or primary election is fixed for such election the expense of holding the same shall be paid by the municipality for the benefit of which it is held

(d) The council in the case of cities and boroughs and the corporate authorities in the case of other municipalities shall at least twenty-five days before said election is to be held cause to be certified to the county board of elections a copy of the ordinance expressing the desire to increase the debt of the municipality and calling for an election for such purpose and the form of the question to be submitted to the electors

(e) Whenever an election is held to increase the debt of a municipality for any particular purpose or purposes and the increase is defeated another election for the same purpose or purposes may not be held until fifty-one weeks have elapsed since the prior election

(f) Elections to authorize the increase of debt shall be held at the place time and under the same regulations as provided by law for the holding of municipal elections In receiving and counting and in making returns of the votes cast the inspectors judges and clerks of said election shall be governed by the Pennsylvania Election Code and all the penalties provided in said Code for the violation thereof shall apply to the voters inspectors judges and clerks voting at and in attendance upon the elections held under the provisions of this act

(g) The election officers and clerks shall make return on forms provided by the county board of elections of the votes cast on such question to the county board of elections which shall compute the same and transmit a certified return thereof to the council in the case of cities and boroughs and to the corporate authorities in the case of other municipalities which body shall enter the same upon the minutes of the municipality If it appears that a majority or three-fifths of the electors as the case may require voting on such question have voted in favor of the increase of debt the county board of elections shall also file a certified copy of such return together with the copy of the ordinance certified to the county board of elections by the municipality with the clerk of the court of quarter sessions and the said clerk shall make a record of the same There shall also be filed with said clerk a copy of the notice of election and proof of the advertisement thereof

(h) Whenever the Board of School Directors of any independent school district by vote shall have signed a desire to make an increase of debt and there is no polling place within said independent school district where elections are held the election necessary to be held for the purpose of securing the assent of the electors of such independent school district to such increase of debt shall be held at the regular polling place within the municipality of which the said independent school district is a part most convenient to the voters thereof to be selected by the board of school directors of the independent school district notice of which place shall be set forth in the advertisements and notices required by this section At said election the ballots shall be furnished to and voted by only such voters as are residents of the said independent school district Whenever the board of school directors of any school district which is not coextensive with a municipality shall have signified by vote a desire to make such increase of debt the county board of elections of the county or counties within which such district is situated shall furnish the election officials with a list of the qualified voters in such districts and only the qualified voters of the school district shall be permitted to vote at such election

Section 206 Ordinance to Increase Debt by Borrowing Money Interest Rate (a) The corporate authorities of a



municipality where they are authorized to increase the debt may by their ordinance the vote thereon to be duly recorded upon the minutes of such municipality authorize and direct the issuance of general obligation bonds of the municipality in sums not less than one hundred dollars each bearing interest at a rate not exceeding six per centum in addition to any taxes the payment of which may be assumed by such municipality payable at such times as may be stated therein and the principal to be payable at a period or periods not exceeding thirty years from the date of said bonds

(b) An ordinance to authorize the issuance of general obligation bonds shall not take effect unless it has received the affirmative vote of a majority of all the members constituting the body adopting the ordinance

(c) An ordinance authorizing the issuance of general obligation bonds shall make the tax levy required by this act and shall state in substance

(1) The purpose or purposes for which the general obligation bonds are to be issued

(2) The maximum amount of general obligation bonds to be issued

(3) The rate or rates of interest or the maximum rate or rates of interest the general obligation bonds shall bear and in the latter case the actual rate of interest shall thereafter be fixed by resolution of the council in the case of cities and boroughs and the corporate authorities in the case of other municipalities

(4) The date of maturity of each bond and if said bonds are to be callable prior to maturity the date the terms and conditions of such call feature

(5) The estimated period of usefulness of the property or improvement for which the general obligation bonds are to be issued except in the case of general obligation bonds issued for funding or refunding purposes as may be authorized under Article five of this act

(6) The nature and source of assessments against property specially benefited specially pledged to the payment of principal and interest on such general obligation bonds

(7) That the bonds are general obligations of the municipality and shall pledge the full faith and credit thereof

(8) That the existing net debt and the debt to be incurred do not in the aggregate exceed the limitations of the Constitution and of this act

(9) The officer or officers who shall prepare verify and file the statement required by section 209 of this act

Section 207 Tax Levy An annual tax commencing the first fiscal year after such debt shall have been incurred or increased sufficient for the payment of the interest thereon together with any taxes covenanted to be paid thereon and the principal of such debt within the period for which such general obligation bonds may be issued shall be forthwith assessed by the corporate authorities in the ordinance authorizing the issue of such bonds The moneys arising from such tax except such moneys as shall be required to repay to the general fund any sums advanced for the service of the debt prior to the collection of the first annual tax required by this section and except as otherwise provided in section four hundred and two shall be placed in a sinking fund which shall be kept apart from all other moneys of the municipality and shall be applied only to the payment of interest and taxes on and the principal of such general obligation bonds or be invested in the manner provided by article four of this act

The annual tax shall be expressed as an amount of money to be raised by taxation in each succeeding year for principal interest and taxes on such bonds to the end that in each succeeding year the rate of taxation on each dollar of valuation may be adjusted so as to produce the amount specified in such tax levy The corporate authorities shall include such tax levy within its annual tax levy

Section 208 Maturity of Bonds All general obligation bonds of a municipality issued for property or improvements shall mature within a period not to exceed the estimated usefulness of such property or improvement for which such bonds are issued The estimated period of usefulness shall be stated in the ordinance authorizing the issue of such bonds and when so stated shall be conclusive

But such determination shall never extend the period of maturity beyond thirty years

Section 209 Statement to be Prepared and Filed with Clerk of the Court of Quarter Sessions Before delivering any general obligation bonds it shall be the duty of the officer or officers authorized by the ordinance issuing such bonds to prepare a statement showing (a) the amount of the existing gross liability or the gross liability the various allowable deductions which are claimed and net debt of such municipality ascertained as provided in this article (b) the amount of the assessed valuation (c) the amount of bonds to be issued and (d) the form number and date of maturity of the bonds and the officer or officers preparing the same shall make and append thereto his or their oath of the truth of the facts therein stated and shall file the same in the office of the clerk of the court of quarter sessions of the county

Certified copies of the record of such statement under the seal of said court shall be competent evidence in all of the courts of this Commonwealth

Section 210 Serial Bonds Required Except as otherwise provided in this section all general obligation bonds issued under the authority of this article shall mature in annual installments The first installment of principal shall mature not later than two years after the date of the bonds Installments of principal shall mature annually thereafter The sum of the principal interest and State tax payable in any year after the first installment of principal falls due shall not exceed the sum of the principal interest and State tax payable in any prior year on account of such issue by more than the sum of One Thousand Dollars (\$1,000)

General obligation bonds may mature in other than annual installments in the event that

(a) The last installment of principal shall mature more than twenty-five years and not more than thirty years from the date of the bonds and the aggregate principal amount of the bonds is less than One Hundred Twenty Thousand Dollars (\$120,000) Provided that not less than ten (10) per centum of the principal amount of the bonds shall mature by the end of the fifth year after the date of the bonds twenty-five (25) per centum by the end of the tenth year forty (40) per centum by the end of the fifteenth year sixty (60) per centum by the end of the twentieth year and eighty (80) per centum by the end of the twenty-fifth year

(b) The last installment of principal shall mature more than twenty years and not more than twenty-five years from the date of the bonds and the aggregate principal amount of the bonds is less than One Hundred Thousand Dollars (\$100,000) Provided that not less than ten (10) per centum of the principal amount of the bonds shall mature by the end of the fifth year after the date of the bonds twenty-five (25) per centum by the end of the tenth year forty-five (45) per centum by the end of the fifteenth year and seventy (70) per centum by the end of the twentieth year

(c) The last installment of principal shall mature more than fifteen years and not more than twenty years from the date of the bonds and the aggregate principal amount of the bonds is less than Eighty Thousand Dollars (\$80,000) Provided that not less than fifteen (15) per centum of the principal amount of the bonds shall mature by the end of the fifth year after the date of the bonds forty (40) per centum by the end of the tenth year and seventy (70) per centum by the end of the fifteenth year

(d) The last installment of principal shall mature more than ten years and not more than fifteen years from the date of the bonds and the aggregate principal amount of the bonds is less than Sixty Thousand Dollars (\$60,000) Provided that not less than twenty-five (25) per centum of the principal amount of the bonds shall mature by the end of the fifth year after the date of the bonds and sixty (60) per centum by the end of the tenth year

(e) The last installment of principal shall mature more than five years and not more than ten years from the date of the bonds and the aggregate principal amount of the bonds is less than Forty Thousand Dollars (\$40,000) Provided that not less than forty (40) per centum of the principal amount of the bonds shall mature by the end of the fifth year after the date of the bonds

(f) The last installment of principal shall mature not more than five years from the date of the bonds and the aggregate principal amount of the bonds is less than Twenty Thousand Dollars (\$20,000)

The purpose of this section is to require serial bonds and to encourage annual maturities without impairing the marketability of the bonds and nothing herein contained shall limit the power of municipalities to authorize bonds maturing at periods earlier than are required hereby

**Section 211 Redemption of General Obligation Bonds Prior to Maturity** Any general obligation bonds issued pursuant to this article may be made callable in whole or in part at par or at par and a premium or premiums upon such interest date or dates as may be specified in the ordinance. When general obligation bonds have been made callable they shall state on their face the date on which or subsequent to which such call may be made and the method of giving notice thereof and the terms upon which such bonds may be called. Such notice shall specify if less than all the bonds are to be called for redemption the numbers of the bonds to be called and the place where such bonds shall be presented by the holders thereof for redemption. Interest shall cease to run on all bonds specified in said notice after the date fixed in said notice as the callable date.

Whenever the municipality shall call for redemption less than the whole amount of any issue of general obligation bonds remaining outstanding the bonds to be called shall be those last maturing of such issue.

The municipality may from any funds not otherwise pledged at any time redeem and cancel any general obligation bonds tendered for redemption at not more than par and accrued interest.

**Section 212 Regulations for Sale of General Obligation Bonds** (a) When any municipality shall desire to borrow money and issue general obligation bonds therefor the municipality shall sell such bonds to the highest responsible bidder or bidders after public notice by advertisement in at least one and not more than two newspapers of general circulation published in the county in which such municipality shall be situated and in the legal journal if any designated by the rules of court for the publication of legal notices and advertisements. Such notice shall be published three times at intervals of not less than three days where daily newspapers of general circulation are available for such publication and in the case of weekly newspapers and legal journals shall be published only twice once a week for two successive weeks. The first advertisement shall be published not less than fifteen days before the day fixed for the opening of bids.

(b) General obligation bonds may be advertised for sale in accordance with this section and may be conditionally sold before or after the ordinance authorizing the issue of such bonds has been adopted by the corporate authorities thereof but if advertised for sale prior to the adoption of such ordinance such advertisement shall first be authorized by a proper resolution of the council or corporate authorities as the case may be.

(c) The notice shall contain (1) a general description of the general obligation bonds to be sold (2) the manner, place and time of the sale or the time limit for the receipt of proposals (3) the name of the officer to whom bids or proposals shall be delivered (4) a statement that bidders must accompany their bids or proposals with a certified check cashiers check or treasurer's check drawn to the order of the municipality or its treasurer or a sum of money equal to not less than two per centum of the face amount of the general obligation bonds offered for sale to secure the municipality against any loss resulting from the failure of the bidder to comply with the terms of his bid or proposal and (5) a statement that the general obligation bonds will be sold and delivered to the purchaser only if and after the proceedings authorizing the issuance of such bonds have been approved by the department as required by article three of this act where such approval is required.

(d) Every bid or proposal shall be in writing and shall be placed in a sealed envelope sufficiently labelled to indicate that it is a bid or proposal for general obligation bonds

by the bidder before being delivered to the officer designated to receive the same.

(e) At the time and place fixed in the notice the bids or proposals shall be publicly opened in the presence of such officer or officers of the municipality as may have been designated for such purposes.

(f) The highest responsible bidder shall be the one who having complied with the conditions of sale offers to take the whole amount of general obligation bonds offered for sale at the least interest cost to the municipality which shall be determined by deducting from the total amount of interest to be paid on account of such bonds during the life thereof the amount of the premium offered if any over and above the face amount of the bonds offered for sale. In the case of callable bonds the life of the bonds shall be figured to the respective maturity dates rather than to the call date or dates. In the event that two or more bidders offer to take an identical return the one proposing the lowest rate of interest shall be deemed the highest responsible bidder and if two or more bidders having offered to take an identical return also propose the same rate of interest the bonds may be awarded and sold to either or with the consent of the bidders to them jointly.

(g) The council in the case of cities and boroughs and the corporate authorities in the case of other municipalities shall have the right to reject all bids or proposals and advertise the sale anew by the publication of a notice in manner and form as provided in this section.

(h) No bids for general obligation bonds at less than par value and accrued interest shall be accepted.

(i) The deposit required of each bidder shall be returned to each unsuccessful bidder immediately upon the award of the general obligation bonds or the rejection of all bids. In the case of the successful bidder the deposit shall be held by the treasurer and be applied on the purchase price when the bonds are actually delivered and paid for.

(j) No municipality and no officer thereof shall enter into any agreement in connection with the issuance or sale of bonds purporting to bind the municipality to deposit or leave on deposit in any bank and trust company or trust company any sum of money and all such agreements shall be null and void and of no effect.

(k) Where general obligation bonds shall be advertised for sale and no legal bid has been received then it shall be lawful for such municipality to sell the same or any part thereof at private sale for not less than par and accrued interest at any time within six months from the date of sale in accordance with the terms originally advertised and at a rate of interest not exceeding the maximum rate originally advertised.

**Section 213 Application of Bond Proceeds** The proceeds of the sale of general obligation bonds shall be used for the purpose or purposes specified in the ordinance authorizing said bonds except where a change of purpose has been authorized under the provisions of section 216 of this article. If for any reason any part of the proceeds is not applied to or is not necessary for such purpose or purposes such unexpended part of the proceeds shall be paid into the sinking fund for such issue of bonds unless otherwise applied under the provisions of section 216 of this article.

The cost of preparing, issuing and marketing general obligation bonds shall be deemed to be one of the purposes for which the bonds are issued.

Each municipality shall keep such accounts as will readily show the proceeds of each issue of bonds hereafter marketed and the application of the proceeds thereof.

**Section 214 Assessment Bonds to be General Obligations** All bonds hereafter issued by any municipality for the payment of the principal and interest of which assessments of benefits against property are pledged shall be general obligation bonds and shall pledge the full faith and credit of the municipality. Such general obligation bonds shall be supported by a tax levy as required by this article but the amount of assessments received and deposited in the sinking fund may be applied against the amount of the annual tax levied for any succeeding year or years.

No assessment bonds shall hereafter be issued which rest alone on special assessments of benefits and purport to impose no municipal liability.

Section 215 Annual Statement of Indebtedness The council in the case of cities and boroughs and the corporate authorities in the case of other municipalities shall at the end of each fiscal year cause to be prepared and published in at least one and not more than two newspapers of said municipality or of the county if so many are printed therein a statement showing in detail (a) the gross liability and net debt of the municipality ascertained as provided in this act (b) the amount of the assessed valuation (c) the assets of the municipality with the character and value thereof (d) the date of last maturity of the respective forms of funded debt thereof (e) the assets in each sinking fund and a neglect or failure so to do shall be a misdemeanor punishable by fine not exceeding one thousand dollars

Section 216 Moneys Borrowed or Authorized to be Borrowed for Impracticable Etc Purposes (a) Whenever any municipality has heretofore increased or authorized the increase of its debt with or without the assent of the electors of such municipality or shall hereafter so increase or authorize the increase of its debt and the purpose or purposes of such increase or authorized increase have proved or shall prove to be impracticable impossible or inadvisable the corporate authorities of the municipality may by their ordinance where such debt was increased without electoral assent or after electoral assent has been secured as hereinafter provided so declare and may provide for the use of the money so borrowed or authorized to be borrowed or any part thereof for any other purpose for which such debt could have originally been lawfully incurred

(b) The corporate authorities of any municipality may by their ordinance without the assent of the electors rescind or cancel in whole or in part the authority to borrow money the borrowing of which shall prove to be impracticable impossible or inadvisable

(c) Whenever the original increase of debt shall have been made or authorized with the assent of the electors of such municipality and the corporate authorities may desire to use the money so borrowed or authorized to be borrowed or any part thereof for any other lawful municipal purpose they shall by ordinance express their desire so to do and shall provide for an election to be held in like manner as in this article provided for elections to secure the assent of the electors to the increase of debt except that the notice of the election shall state (1) the date on which such election is to be held (2) the amount of money theretofore borrowed or authorized to be borrowed for the purpose in question (3) the purpose for which such debt was originally authorized (4) the new purpose for which the municipality desires to make use of said money and (5) the reason why said money may not be used for the purpose or purposes for which it was borrowed or authorized to be borrowed or why it may be advisable not to use it for such purpose A copy of the ordinance required by this section shall be filed with the county board of elections at least twenty-five days before the election

(d) The question to be submitted to the electors shall be substantially in the following form

"Shall the sum of \_\_\_\_\_ dollars heretofore borrowed or authorized to be borrowed by the (municipality) for the purpose of \_\_\_\_\_ be used by \_\_\_\_\_ for the purpose of \_\_\_\_\_?"

(e) The election shall be conducted and return thereof made by the election officers and by the county board of elections in the same manner as in this act provided for the increase of indebtedness The county board of elections shall with its certified return to the clerk of the court of quarter sessions transmit the ordinance of the municipality filed with it and the clerk shall make a record of the same The municipality shall also file with the clerk of the court of quarter sessions a copy of the election notice together with proof of publication thereof

(f) If at such election a majority or three-fifths of the electors voting thereon as was required for the original electoral assent shall vote in favor of using said money so borrowed or authorized to be borrowed or any part thereof for the new purpose as stated in the said notice the said money may be used for such new purpose as if it had originally been authorized or borrowed therefor

(g) Whenever it shall have been determined to refrain

from borrowing such money by action of the corporate authorities alone the original authority to borrow the same shall thereupon be deemed to have been rescinded and of no effect No such cancellation shall be effective until the council in the case of cities and boroughs and the corporate authorities in the case of other municipalities shall first have filed a certificate of such cancellation with the clerk of the court of quarter sessions of the county and with the Department of Internal Affairs in cases where the original proceedings were approved by that department which officers shall record or file the same with the proceedings had relating to the increase of indebtedness

Section 217 Acceptance Of Article By Municipalities Specially Incorporated Any municipality incorporated or acting under any local or special act of Assembly may surrender the provisions of its local or special act or acts in so far as the same limit define abridge control or prescribe the borrowing capacity of said municipality and also surrender the provisions of said local or special act or acts so far as the same prescribe or limit the method and procedure of creating debt or issuing general obligation bonds and may accept the provisions of this act by presenting a petition to the court of quarter sessions of the county within which the said municipality may be located setting forth the desire of such municipality to accept the provisions of said article

Such petition shall be made by the council in the case of cities and boroughs and by the corporate authorities in the case of other municipalities Upon presentation of the petition the court shall fix a day for hearing of which such notice shall be given as may be directed by the court At such hearing any inhabitant or taxpayer of the municipality may remonstrate against the granting of the petition and the court may grant or refuse the petition as to it appears proper If the court grants the petition the decree shall be recorded in the office for the recording of deeds of the county and thereafter the municipality shall be subject to all the provisions of this act and the local and special act of Assembly shall be annulled so far as they are inconsistent with this article and in all and every respect in so far as they may have restricted limited defined abridged controlled or prescribed the borrowing capacity of said municipality and in so far as they may have prescribed the method and procedure of creating debt or issuing bonds

### Article III

#### Approval Of Department Of Internal Affairs Of Proceedings To Incur General Obligation Debt

Section 301 Certification Of Proceedings For The Issuance Of General Obligation Bonds Fee The council in the case of cities and boroughs and the corporate authorities in the case of other municipalities (except a school district of the first class or a city of the second class or second class A) which shall have proceedings for the authorization in issue and sale of general obligation bonds shall before any such bonds are actually delivered to the purchaser cause to be certified under the signature of their clerk or secretary to the department a complete and accurate copy of the proceedings had for such incurring or increasing of debt together with certified copy of the financial statement required to be filed in the office of the clerk of the court of quarter sessions

When such proceedings are certified to the department the municipality shall pay to the department a fee of ten dollars plus an additional fee of one-half of one mill on each dollar of the aggregate par value of the bonds to be issued and sold by the municipality All fees received hereunder shall be paid by the department into the State Treasury through the Department of Revenue

Section 302 Examination Of Proceedings By Department It shall be the duty of the department upon the receipt of any such proceedings and facts to carefully examine the same to ascertain whether the proposed debt is within the limitations imposed by the Constitution and whether such proceedings are in conformity with existing law If such proceedings are found to be in accordance with the Constitution and law the department shall within twenty days after the receipt thereof approve the same and certify its approval to the municipality

**Section 303 Certificate Of Disapproval Correction Of Proceedings** If upon examination the department shall find that such proposed debt is not within the limitations imposed by the Constitution or that the proceedings are not in accordance with law it shall disapprove the same and shall within twenty days after the receipt thereof certify its disapproval to the municipality. Thereafter it shall be unlawful for such municipality to issue any general obligation bonds upon such proceedings unless the proceedings are subject to correction which correction has been approved by the department.

**Section 304 Records of Department** The department shall keep a record of all approvals and disapprovals made and the same shall be a public record and copies thereof certified under the hand and seal of the Secretary of Internal Affairs shall be admitted in evidence in all courts and elsewhere.

**Section 305 Sale of Bonds Controlled** It shall be unlawful for the corporate authorities of any municipality (except a school district of the first class or a city of the second class or second class A) to deliver to the purchaser any general obligation bonds unless the foregoing provisions of this article have been complied with. All general obligation bonds delivered contrary to the provisions of this article shall be invalid and shall impose no liability on the municipality.

**Section 306 Appeals by Interested Parties And Taxpayers** Where proceedings for the incurring or increasing of debt had by any municipality have been approved by the department any party interested or any taxpayer of the municipality may within thirty days after such approval and not thereafter appeal therefrom by petition to the Court of Common Pleas of Dauphin County which petition shall specifically allege the error or errors complained of in the proceedings in the manner required of bills in equity.

Jurisdiction is hereby conferred upon the court of Common Pleas of Dauphin County to hear and determine such appeals.

**Section 307 Notice of Appeal Record to be Transmitted** Service of Notice of any such appeals shall be given by the petitioner to the municipality instituting such debt proceedings and to the department. The department shall immediately upon the receipt of such notice transmit its entire record of such proceedings to the prothonotary of the court to which the appeal is taken and such record shall become the record in the court proceedings and may be offered in evidence. The notice to the department may be sent by registered mail addressed to the department at Harrisburg Pennsylvania. Proof of the service of such notice shall be filed with the prothonotary of Dauphin County.

**Section 308 Filing Answer** The municipality the department any person interested and any taxpayer may file an answer to such petition within twenty days after service of notice of the appeal on the municipality or the department.

**Section 309 Hearings Pleading** After the expiration of the time for filing answer the court shall fix a day for hearing of which such notice to all parties to the proceedings shall be given as the court may direct. At the hearing the court may hear evidence but the proceedings shall be limited to the questions raised by the petition and answer and no demurrer or other pleading shall be required to bring the matter to issue.

**Section 310 Order Further Proceedings by Municipality Subject to Approval of Department** After hearing the court shall have power to affirm or to order stricken from the proceedings in possession of the municipality the approval of the department or if in the opinion of the court the proceedings had by the municipality are subject to correction or amendment it may refer the matter back to the municipality.

Any further proceedings by the municipality pursuant to an order of the court shall be subject to approval by the Department of Internal Affairs.

**Section 311 Appeal to Supreme or Superior Court** From the final decision of the Court of Common Pleas of Dauphin County an appeal may be taken within thirty days and not thereafter to the Superior or Supreme Court as in other cases.

**Section 312 Finality of Proceedings Validity of Evidence of Indebtedness** When any proceeding for the incurring or increasing of debt has been approved by the department and no appeal has been taken or when the approval of the department after appeal has been affirmed finally by the court the validity of such proceedings and the right of the municipality to issue general obligation bonds lawfully pursuant to such proceedings shall not thereafter be inquired into judicially in equity or by civil or criminal proceedings or otherwise either directly or collaterally except where a constitutional question is involved.

Any general obligation bonds issued by such municipality pursuant to such proceedings and lawfully sold or disposed of shall be valid obligations of the municipality and the effect of such approval shall be to ratify validate and confirm such proceedings absolutely except as to constitutional questions notwithstanding any defect or error whatever in such proceedings.

**Section 313 Appeals by Municipalities** Any municipality may in like manner with like proceedings and with like rights as hereinbefore provided appeal from the action of the department in refusing to approve any proceedings by a municipality to incur or increase its debt and the court may after hearing affirm the action of the department or direct it to approve such proceedings as to it may appear proper. From the decision of the Court of Common Pleas an appeal may be taken to the Superior or Supreme Court within thirty days after such decision and not thereafter.

#### Article IV

#### Sinking Fund

**Section 401 Creation of Sinking Funds** Every municipality having any outstanding general obligation bonds and any municipality hereafter issuing any such bonds shall maintain its existing sinking funds or if no such funds are being maintained shall forthwith establish and thereafter maintain so long as any bonds remain outstanding and unpaid a separate sinking fund for each issue of bonds.

**Section 402 Payment of Moneys into Sinking Fund** It shall be the duty of the treasurer of each municipality to deposit into each sinking fund during each fiscal year not less than the portion of taxes collected and moneys received during such year for such sinking fund and to credit to each sinking fund the earnings and other income appertaining thereto. But nothing in this section or this act shall be deemed to limit the power of the corporate authorities (a) to appropriate moneys from the general fund for the payment of principal interest or taxes on any bonds through a sinking fund or otherwise or (b) to direct the treasurer or other fiscal officers to pay into a sinking fund the amount required for interest principal taxes or any of them out of any moneys in their hands not irrevocably pledged to any other purpose. When the full requirement for debt service on account of any issue of bonds for any year and all prior years has been paid into the sinking fund or otherwise discharged the annual tax of such year levied for and in conjunction with the issue of bonds shall no longer be dedicated to the payment of interest principal and taxes on account of such bonds and need not be deposited in the sinking fund for said bonds anything in this act to the contrary notwithstanding.

**Section 403 Use of Money in Sinking Fund Investment** The money or other assets in the sinking fund shall be applied to the payment of any taxes covenanted to be paid on the general obligation bonds for the payment of which such fund was created to the payment of interest on such bonds and to the payment of the principal of such bonds at their maturity. Any moneys in the sinking fund not needed for the time being for any of the above purposes may be invested in obligations issued by the United States of America and general obligation bonds of the Commonwealth of Pennsylvania or any political subdivision thereof. The moneys and other assets held in the sinking fund shall not be used for any other purpose except for such other investment purposes as may be specifically authorized by law.

Any investments held in the sinking fund may be sold at any time by the body board or commission having

the management and control of such sinking fund

Nothing contained in this section shall be construed to require the sale of any obligation bonds or notes legally held in a sinking fund at the time this act takes effect

Section 404 Management or Sinking Fund The management and control of the sinking fund of each municipality shall be vested in the council in the case of cities and boroughs and in the corporate authorities in the case of other municipalities except where by any other law there has been created any board or commission for the management and control of the sinking fund in which case such board or commission shall have the management and control of the sinking fund

Section 405 Inspection of Municipal Sinking Funds Orders to Comply (a) The department shall from time to time inspect and investigate the sinking funds of the municipalities as herein defined (except of school districts of the first class or of cities of the second class and second class A) which have any outstanding debt and all records books and papers relating thereto It may require the treasurer or other officer of any municipality to furnish copies of annual financial and other statements showing the condition of such sinking funds and the amount of outstanding debt together with the rate of interest and dates of maturity

(b) Such inspection and investigation and such statements shall be for the purpose of determining whether such sinking funds are being kept in accordance with this act and whether in the opinion of the department they will be sufficient to meet maturities of the debt for the payment of which they were created

(c) If the department shall ascertain that any municipality has failed or neglected to establish any sinking fund to meet taxes interest and principal payments as the same become due or has failed to provide sufficient funds for any sinking fund to meet such payments the department shall make an order requiring the municipality or any officer thereof to take such steps as in the opinion of the department will cause such sinking funds thereafter to comply with this article or to be sufficient

(d) Any officer or the members of any body of any municipality who shall refuse or neglect to obey any order of the department made under the authority of this section or who shall refuse to furnish information required by said department or refuse agents of said department the right of access to any records books and papers relating to the sinking fund of the municipality shall be guilty of a misdemeanor and upon conviction thereof shall be each sentenced to pay a fine not exceeding five hundred dollars

(e) In addition to the imposition of the penalty herebefore provided or in lieu thereof the department may in its discretion apply to the court of common pleas of the county in which the municipality is situate for a writ of mandamus to issue to such officer or body of the municipality to compel compliance with such order of the department or any modification thereof as to the court appears just and proper

## Article V

### Funding and Refunding Bonds

Section 501 General Provisions Any municipality may fund or refund any debts of the municipality either funded or unfunded in the manner and subject to the conditions provided in this article and may issue therefor its general obligation serial bonds to be known as funding or refunding bonds as the case may be

Except as herein otherwise provided such general obligation bonds shall be authorized issued and sold only in accordance with the provisions of article two of this act

The limitations on the debts of municipalities provided by article two of this act and the Constitution of this Commonwealth shall not prevent the funding or refunding of any debt which was valid at the time the debt was incurred even though the net debt of the municipality at the time of the funding or refunding exceeds such constitutional limitation

Funding and refunding bonds may be authorized issued and sold without the assent of the electors General obligation bonds issued to fund or refund bonds issued or

debt incurred with the assent of electors shall evidence debt incurred with the assent of electors

Section 502 Funding Bonds Conditions (a) Whenever any municipality has any unfunded debt contracted for current operating expenses which is due and owing and the financial condition of the municipality is such that in the opinion of the council in the case of cities and boroughs and the corporate authorities in the case of other municipalities it cannot meet such debt within the fiscal year without an unreasonable curtailment of municipal services or the levy of an excessive tax they may by petition apply to the court of quarter sessions of the county in which the municipality is situate setting forth the facts After hearing on such notice to the municipality and taxpayer as the court may prescribe the court shall make such order granting authority to fund such unfunded debt contracted for current operating expenses in whole or in part if it believes the proposed funding will accomplish the relief intended or refusing to permit the municipality to fund the same as it deems just and equitable The action of the court shall be final

Whenever the consent of the court to the funding of any unfunded debt contracted for current operating expenses has been secured the corporate authorities of the municipality may authorize issue and sell general obligation funding bonds bearing interest at a rate not exceeding six per centum in addition to any taxes payment of which may be assumed by the municipality the maturity of any such bonds not to extend beyond ten years from the date thereof and not exceeding in the aggregate the amount allowed by the court

(b) The funding of floating indebtedness incurred in the acquisition of property or the making of improvements as distinguished from that incurred for current operating expenses shall not require the approval of the court of quarter sessions but general obligation bonds issued to fund the same shall bear interest at a rate not exceeding six per centum in addition to any taxes payment of which may be assumed by the municipality and shall mature not later than the estimated period of usefulness of the property acquired or the improvement made which period of usefulness shall be stated in the ordinance authorizing the issuance thereof as required under the provisions of Section 206 of this Act

(c) If the total of the unfunded debt which is to be funded under the provisions of this section when added to the existing net debt of the municipality as determined by the provisions of Section 202 of this Act shall exceed two per centum of the assessed valuation of taxable property in the municipality but shall not exceed seven per centum of such assessed valuation then such municipality may first submit to the electors thereof in the manner prescribed by Section 205 of this Act the ratification validation and confirmation of such unfunded debt and if said electors shall assent to such ratification validation and confirmation of such unfunded debt the corporate authorities may proceed to fund the same in the manner prescribed by this section In such cases no approval of the Court of Quarter Sessions shall be required The total of the debt which has been ratified validated and confirmed shall thereafter be excluded in computing the amount of the debt of the municipality incurred without the consent of the electors

Section 503 Refunding Bonds Conditions Where any municipality has issued general obligation bonds either originally or for refunding purposes to secure any debt of such municipality which may have matured but remains unpaid and uncanceled or are about to mature and become payable and there is at the time or will in the opinion of the council in the case of cities and boroughs and the corporate authorities in the case of other municipalities be a default in the payment of principal thereon within one year the municipality for the purpose of paying off such bonds may authorize issue and sell refunding serial general obligation bonds bearing interest at a rate not exceeding six per centum per annum in addition to any taxes the payment of which may be assumed by the municipality the maturity of any of such bonds not to exceed twenty years after the date thereof and not exceeding in the aggregate the amount of the bonds or

other evidences of indebtedness so to be paid All assets in the sinking fund applicable to the payment of the principal of the bonds proposed to be refunded shall first be so applied and the balance of such issue only shall be redeemed by the issue of new bonds

Section 504 (a) Refunding of Callable Bonds Conditions Any municipality which has outstanding general obligation bonds which may be called prior to the maturity thereof at the option of such municipality or any municipality which may hereafter issue such bonds may authorize and issue its refunding bonds to redeem and pay off such outstanding callable bonds in an amount not exceeding in the aggregate the amount of bonds so to be redeemed and paid off Such refunding bonds shall bear interest at a rate less than the rate specified in the bonds to be redeemed and the maturity of such refunding bonds shall not exceed the maturity of the bonds to be redeemed All assets in the sinking fund applicable to the payment of the principal of the bonds proposed to be refunded shall be first so applied and the balance of such bonds only shall be refunded by the issue of new bonds

(b) Refunding of Bonds Which the Holders Are Willing to Surrender Conditions Any municipality which has outstanding general obligation bonds which the holders are willing to surrender or any municipality which may hereafter issue bonds which the holders are willing to surrender may at any time with the consent of the holders thereof authorize and issue refunding bonds to redeem and pay off such outstanding bonds in an amount not exceeding in the aggregate the amount of bonds so to be redeemed and paid off Such refunding bonds shall bear interest at a rate not exceeding six per centum per annum in addition to any taxes payment of which may be assumed by the municipality and shall mature not later than twenty years from the date thereof All assets in the sinking fund applicable to the payment of the principal of the bonds proposed to be refunded shall be first so applied and the balance of such bonds only shall be refunded by the issue of new bonds

Section 505 Sale or Exchange of Funding and Refunding Bonds Except in the case of refunding general obligation bonds issued to redeem bonds which the holders are willing to surrender any municipality shall first offer funding or refunding general obligation bonds for sale in accordance with the provisions of Section 214 of this act and if no bids are received for the same any such municipality shall be authorized to exchange such bonds with the debtors in the case of bonds issued to fund floating indebtedness and with the holders of the outstanding bonds in the case of bonds issued to redeem and pay off such outstanding bonds when such debt is to be funded or when such outstanding bonds are to be redeemed and paid off as the case may be The maximum rate of interest of the bonds to be exchanged shall not be in excess of the maximum rate of interest borne by the bonds previously offered for sale in the case of refunding bonds issued to redeem bonds which the holders are willing to surrender the municipality shall have the option to offer said bonds for sale or to exchange said bonds with the holders of the outstanding bonds without previously having offered the same for sale

For services in procuring the exchange or surrender of bonds or other evidences of debt a municipality may expend not to exceed one per centum of the debt so funded or refunded in addition to its actual expenses in the preparation and issue of such funding or refunding bonds

Section 506 Cancellation of Bonds All general obligation bonds and other evidences of debt funded or refunded pursuant to this article shall be marked cancelled by the treasurer or other proper authority of the municipality

## Article VI

### Utility and Revenue Bonds

#### (a) Utility Bonds

Section 601 Power to Issue and Sell Utility Bonds Any municipality which has by law power to provide for the construction or acquisition of waterworks subways underground railways or street railways or the appurtenances thereof may authorize issue and sell (a) general obliga-

tion utility bonds which shall not be considered to be a debt of the municipality within the meaning of sections eight and fifteen of article nine of the Constitution of Pennsylvania if as hereinafter provided it is determined that the net revenues derived from said property for a period of five years either before or after the acquisition thereof or where the same is constructed by the municipality after the completion thereof shall have been sufficient to pay interest and sinking fund charges during said period upon said bonds or (b) non-debt utility bonds if the said bonds are secured solely by liens upon the respective property and shall impose no municipal liability

Section 602 General Obligation Utility Bonds Not to be Considered Debt Under Certain Circumstances (a) Where a municipality shall acquire or construct any property provided for in Section 601 of this act and money is to be borrowed by the issue of bonds to pay for such acquisition or construction and such bonds are not to be secured by liens on the property acquired or constructed such bonds shall be authorized issued and sold only as general obligation bonds and only in the manner provided by and in accordance with the provisions of article two of this act except that if the net revenues derived from said property during the five years immediately preceding the acquisition of such property would have been sufficient to pay interest and sinking fund charges on the general obligation bonds to be issued the assent of the electors need not be required

(b) General obligation bonds so issued shall not be considered a debt within the meaning of sections eight and fifteen of article nine of the Constitution at any time when the net debt of the municipality shall be required to be determined for any purpose if the net revenue derived from said property for the period of the last five completed fiscal years of the utility property immediately preceding the date of such determination of net debt (whether before or after the acquisition of such property or after the completion of the construction thereof) shall have been or would have been sufficient to pay interest and sinking fund charges upon said general obligation bonds so issued or about to be issued

(c) The determination that such general obligation bonds shall not at the time be considered a debt of the municipality within the meaning of sections eight and fifteen of article nine of the Constitution shall be made by resolution of the council in the case of cities and boroughs and the corporate authorities in the case of other municipalities on the affidavit of the engineer or other proper officer of the municipality showing

(1) The date the general obligation bonds were issued or are to be issued

(2) The principal amount of the general obligation bonds issued or to be issued the dates of the maturity thereof and if such bonds are outstanding the principal amount thereof outstanding

(3) The amount of the interest and sinking fund charges for each year during the life of such bonds

(4) The gross revenue from said property during each of said five years from which shall be deducted for each year the total cost of operation and maintenance and state taxes assumed on such bonds in order to determine the net revenues for the said five year period

(5) That the net revenues derived from said property during said five year period were sufficient to pay interest and sinking fund charges on such general obligation bonds

(d) Where the issue of general obligation bonds is involved at the time the said debt is determined a certified copy of the affidavit of the engineer or other proper officer and a certified copy of the resolution of the council or corporate authorities shall accompany the record of proceedings transmitted to the department for approval and certified copies thereof shall also be filed in the office of the clerk of the court of Quarter Sessions with the financial statement required by article two of this act

(e) Any such general obligation utility bonds heretofore issued by any municipality may be determined not to be a debt within the meaning of sections eight and fifteen of article nine of the Constitution in accordance with the procedure provided by this section

(f) The determination that general obligation utility bonds shall not be considered a debt of the municipality

within the meaning of sections eight and fifteen of article nine of the Constitution shall not be construed as effecting the contractual relations existing between the municipality and the holder of any such utility bonds

**Section 603 Utility Bonds Imposing no Municipal Liability** (a) In the case of the acquisition or construction of any property provided for in section six hundred and one of this act where the bonds issued to pay for such acquisition or construction are to be secured by lien on the property acquired or constructed and are to impose no municipal liability the bonds may be authorized issued and sold by the corporate authorities only in the manner provided by and in accordance with the provisions of article two of this act in respect to general obligation bonds except that the consent of the electors shall not be required and that no tax need be levied for the payment of the principal and interest of and taxes on such bonds and that no provisions relating to debt statements and provisions that the bonds are general obligation bonds pledging the full faith and credit of the municipality need be complied with in the ordinance or otherwise

(b) Such non-debt utility bonds shall not be considered debts within the meaning of sections eight and fifteen of article nine or any other section of the Constitution and shall impose no municipal liability

(c) The ordinance of the corporate authorities authorizing the issue of such bonds shall in addition to the requirements of article two of this act and not above excepted state that the bonds are not general obligation bonds and shall rest alone for their payment and the payment of interest and taxes covenanted to be paid thereon upon the property subject to the lien and the revenues derived from said property which revenues shall be pledged for such purpose and shall state the method of application of such revenues to such purpose

(d) Where non-debt utility bonds are to be secured by lien on the property acquired or constructed as provided in section fifteen article nine of the Constitution the municipality may enter into any deed of trust indenture or other agreement with any bank or trust company or other person having power to enter into the same including any Federal agency as security for such bonds and may assign and pledge all or any of the revenue or receipts from such property Such deed of trust indenture or other agreement may contain such provisions as may be customary in such instruments or as the municipality may authorize including but without limitation provisions as to (1) construction improvement operation maintenance and repair of the property and the duties of the municipality with reference thereto (2) the application of funds and the safeguarding of funds on hand or on deposit (3) the rights and remedies of said trustee and the holders of the bonds (which may include restrictions upon the individual right of action of such bondholders) and (4) the terms and provisions of the bonds or the ordinance authorizing the issuance of the same

**Section 604 Interest and Sinking Fund Charges on Certain Utility Bonds Tax Levy** Where any municipality shall issue any general obligation utility bonds to provide for the construction of any property enumerated in section six hundred and one of this act the municipality may also issue bonds to provide for the interest and sinking fund charges accruing thereon until said properties have been completed and in operation for a period of one year No such municipality shall be required to levy a tax to pay said interest and sinking fund charges as required by section ten of article nine of the Constitution until after said property so constructed shall have been operated by the municipality during said period of one year

(b) **Non-Debt Revenue Bonds**

**Section 620 Authority to Issue Revenue Bonds** Any municipality authorized by law to construct acquire extend or alter any public works undertakings or facilities and to borrow money therefor by the issue and sale of bonds secured solely by the pledge of the whole or part of the revenue from any rent toll or charge for the use or services of such works undertakings and facilities may by ordinance of the corporate authorities thereof authorize issue and sell non-debt revenue bonds in the manner provided by division (b) of this article

Such non-debt revenue bonds shall not pledge the credit nor create any debt nor be a lien against any real property of the municipality nor be a charge against the general revenues of the municipality but shall be a lien upon and be payable solely from the rentals tolls or charges imposed for the use or services of such public work undertaking or facility

**Section 621 Bond Ordinance** Whenever a municipality has enacted an ordinance imposing a rental toll or charge upon properties or persons to be served by or to have the use of such public works undertaking or facility when the same is completed it shall have power to adopt an ordinance authorizing the issue of such bonds

Such ordinance shall state

(a) The purpose for which the non-debt revenue bonds are to be issued

(b) The maximum amount of bonds to be issued

(c) The rate or rates of interest or the maximum rate or rates of interest the bonds shall bear

(d) The maximum period within which the bonds shall mature

(e) The amount of annual rentals tolls or charges which are pledged for the payment of interest and sinking fund charges on the non-debt revenue bonds to be issued and state taxes covenanted to be paid thereon and shall pledge such annual revenues for the payment of the principal and interest of such bonds and taxes covenanted to be paid thereon

(f) That the bonds are not general obligations of the municipality and that no property or revenues of the municipality shall be pledged to the payment thereof or the interest and state taxes covenanted to be paid thereon except the rents tolls or charges for the use or services of the public work undertaking or facility to be constructed acquired altered or extended from the proceeds of the non-debt revenue bonds to be issued and that no tax shall in any event be levied for the payment of the interest or principal of or state taxes on such bonds

(g) That the bonds shall constitute a lien against the rents tolls or charges for the use or services of the work undertaking or facility to be constructed acquired altered or extended which are specifically pledged under the ordinance

(h) The method of applying the revenues from rents tolls or charges for the use of such work undertaking or facility to the payment of the principal interest and taxes on such bonds

**Section 622 Bonds To Cover Interest Taxes And Sinking Fund During Construction** The corporate authorities of the municipality shall have power to authorize the issue and sale of sufficient additional non-debt revenue bonds as may be necessary to provide for the interest taxes and sinking fund charges accruing thereon until the public work undertaking and facility has been completed and has been in operation for not exceeding one year in order to provide sufficient revenue until such time as rentals tolls and charges may be collected from the owners of properties or persons being served

**Section 623 Certain Procedure Required** (a) All non-debt revenue bonds authorized issued and sold under the authority of subdivision (b) of this article shall be serial bonds as provided in article two of this act for general obligation bonds with maturities not exceeding the estimated period of usefulness of the property or improvement for which such bonds shall be issued which period shall be stated in the ordinance authorizing such bonds and when so stated shall be conclusive and shall bear interest at a rate not exceeding six per centum per annum in addition to any taxes payment of which may be assumed by the municipality

(c) **General Provisions Applicable to Non-debt Public Utility and Non-debt Revenue Bonds**

**Section 630 Qualities Of Utility And Revenue Bonds** All utility general obligation and utility non-debt bonds and non-debt revenue bonds issued by any municipality under the authority of this article shall have all the qualities of negotiable instruments under the law merchant and the negotiable instruments laws of the Commonwealth of Pennsylvania

**Section 631 Periodic Issue Of Bonds** The corporate au-

thorities of any municipality shall have power to authorize the issue and sale of such bonds from time to time as the work of construction alteration or extension proceeds

Section 632 Investment Of Sinking Fund Moneys In Utility And Non-debt Revenue Bonds It shall be lawful for any municipality issuing utility general obligation bonds utility non-debt bonds or non-debt revenue bonds under the provisions of this article to invest the sinking fund moneys of the municipality in such bonds

Section 633 Default In Payment Of Principal And Interest Rights Of Bondholders In addition to the rights and remedies granted to bondholders by the ordinance providing for the issue of utility general obligation bonds utility non-debt bonds or non-debt revenue bonds in the event the municipality shall default in the payment of principal of our interest on any such bonds after the same shall have become due whether at maturity or upon call for redemption and said default shall continue for a period of thirty days or in the event the municipality shall fail or refuse to comply with the provisions of this article or shall default in any agreement made with the bondholders then the holders of twenty-five per centum in aggregate principal amount of the bonds then outstanding by instrument filed in the office of the recorder of deeds of the county where the municipality is situate and proved or acknowledged in the same manner as a deed to be recorded may appoint a trustee to represent the bondholders for the purposes herein provided Such trustee may and upon written request of the holders of twenty-five per centum in principal amount of the bonds then outstanding shall in his or its own name

(a) By mandamus or other suit action or proceeding at law or in equity enforce all rights of the bondholders including the right to require the municipality to collect revenues rates tolls rentals and charges adequate to carry out any agreement as to or pledge of the revenues or receipts from the property work undertaking or facility and to require the municipality to carry out any other agreements with or for the benefit of the bondholders and to perform its duties

(b) Bring suit upon the bonds but any execution upon a judgment recovered thereon shall be restricted to the revenues or receipts from the property work undertaking or facility

(c) By action or suit in equity require the municipality to account as if it were the trustee of an express trust for the bondholders

(d) By action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of bondholders

(e) By notice in writing to the municipality declare all bonds due and payable and if defaults shall be made good then with the consent of the holders of twenty-five per centum of the principal amount of the bonds then outstanding to annul such declaration and its consequences

The court of common pleas of the county shall have jurisdiction of any suit action or proceeding by the trustee on behalf of the bondholders

In any suit action or proceeding by the trustee the fees counsel fees and expenses of the trustee shall be a charge on the revenue or receipts derived from such property works undertakings and facilities the revenues or receipts from which are or may be applicable to the payment of the bonds so in default

Any such trustee shall in addition to the foregoing have and possess all of the powers necessary or appropriate for the exercise of any of the functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights

#### Article VII

##### General Provisions

Section 701 Conversion And Reissuance Of Bonds Whenever any municipality shall have any outstanding bonds which the holder desires to convert from coupon bonds into fully registered bonds or from fully registered bonds into coupon bonds or if any bonds shall be lost

or completely destroyed or defaced or partially destroyed or defaced the municipality may in its discretion by resolution of the council in case of cities and boroughs and of the corporate authorities in case of all other municipalities authorize the conversion and reissuance of said bonds under the signatures of the officials in office at the time of the adoption of such resolution and under the following conditions

(a) In the case of the conversion of coupon bonds into fully registered bonds the same may be authorized to be done by the removal and cancellation of the coupons attached thereto and the execution by a duly authorized officer of the municipality of a certificate written or printed on the back of the bonds which shall include (1) Date of registration (2) name of registered owner (3) such other information as the corporate authorities deem necessary

(b) In case of the conversion of fully registered bonds into coupon bonds the same may be authorized to be done either (1) by attaching to said bonds new coupons for unmatured interest in the same form and tenor as those originally authorized and the execution by a duly authorized officer of the municipality of a certificate of such conversion written printed or stamped on the back of the bond or (2) by the preparation execution and substitution of new bonds and coupons

(c) In the case of bonds defaced or partially destroyed the resolution (1) may authorize the officers of the municipality in office at the time of the adoption of such resolution to re-execute such bonds and impress the seal of the municipality thereon or (2) may authorize the preparation execution and substitution of new bonds and in the case of coupon bonds of coupons

(d) In the case of bonds lost or completely destroyed the resolution may authorize the preparation execution and substitution of new bonds and in the case of coupon bonds of coupons Before the adoption of such resolution the owner of said bonds shall furnish to the council in case of cities and boroughs and to the corporate authorities in case of all other municipalities (1) proof of ownership (2) proof of loss or destruction (3) bond with corporate surety satisfactory to the said council or corporate authorities to indemnify the municipality against all loss cost damage or expense which may thereafter be suffered by said municipality by reason of a claim of any person or persons based on the original bond or bonds supposed to have been lost or destroyed

(e) In all cases where new bonds or coupons are to be executed and substituted for old bonds the new bonds and new coupons shall be in the form and tenor of the old bonds and coupons and the cost of conversion or reconversion and of the preparation execution and substitution of such bonds and coupons shall be borne by the persons requesting such reconversion or reissuance of said bonds and coupons and shall be paid to the municipality prior to the delivery of the new bonds or coupons

(f) The resolution authorizing such conversion reconversion or reissuance shall set forth the date maturities interest rate denomination numbers of the old and new bonds the name of the holder or holders thereof and that the cost of preparing and issuing the new bonds shall be borne and paid by the persons requesting the conversion reconversion or reissuance and a certified copy thereof shall be filed in the office of the Clerk of the Court of Quarter Sessions at the same number and term as the proceedings for the original bonds

Section 702 Bank As Registrar Or Transfer Agent In all cases where any municipality shall make provision for complete registration of any bond issue and the conversion and reconversion of said bonds it may appoint a bank or trust company as registrar or transfer agent of the municipality and provide for the registration and transfer of bonds of the municipality by such registrar or transfer agent

Section 703 Temporary Obligation In all cases where any municipality has authorized and sold an issue of bonds and the purchaser or purchasers thereof desire to receive delivery of the whole or any part thereof and



the municipality is unable to make such delivery due to delay in the preparation and execution of definitive bonds such municipality may prepare and upon receipt of the purchase price deliver temporary obligations for the whole or any part of said issue of bonds to the purchaser or purchasers

Such temporary bonds shall be in such denomination or denominations as may be agreed upon and shall be similar to the form and tenor of definitive bonds of the same issue but with such omissions, modifications, or additions as may be desirable or appropriate. Such temporary bonds shall be exchangeable for other temporary bonds and for definitive bonds when ready of the same issue and series of like aggregate principal amounts whether of the same or different denominations and when surrendered for exchange shall be accompanied by all unmatured coupons if any appertaining thereto and if registered shall be accompanied by written instruments of transfer in form approved by the corporate authorities of such municipality duly executed by the registered owner in person or by his attorney duly authorized in writing. All temporary bonds surrendered in exchange for other temporary bonds or for definite bonds shall be cancelled.

Temporary bonds issued in accordance with the provisions of this section shall be executed in the same manner as the ordinance provides for the execution of the definitive bonds.

#### Article VIII

##### Effective Date Repeals

Section 801 Effective Date This act shall become effective on the first day of January one thousand nine hundred and forty-two.

Section 802 Saving Clause Nothing contained in this act shall be construed to affect the validity of any bonds heretofore issued or sold nor shall anything in this act operate to prevent the issue and sale of any bonds authorized or to be authorized pursuant to any proceeding commenced prior to the effective date of this act and the authorization issuance and sale of such bonds may be proceeded with and concluded under the laws in existence when such proceedings was commenced notwithstanding the repeal by this act of such laws or may be proceeded with and concluded under the provisions of this act at the option of the municipality. This act shall not be construed to repeal any of the provisions of the act approved the sixteenth day of May one thousand nine hundred and thirty-nine P. L. 139) entitled "An act authorizing counties cities boroughs townships of the first and second class and school districts to issue and sell bonds for certain purposes and for a certain period of time providing for a trust fund and a sinking fund for the payment thereof and defining the duties of the officers governing bodies of the said municipalities or quasi municipalities in relation to said funds and fixing a penalty for violation thereof."

Section 803 Repeals The following acts and parts of acts are hereby repealed to the extent herein set forth.

The act approved the twentieth day of April one thousand eight hundred and seventy-four (P. L. 65) entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" absolutely.

The act approved the twelfth day of April one thousand eight hundred and seventy-five (P. L. 46) entitled "A supplement to an act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof approved the twentieth day of April Anno Domini eighteen hundred and seventy-four amending the sixth section thereof" absolutely.

The act approved the fourteenth day of April one thousand eight hundred and eighty-one (P. L. 10) entitled "An act granting power to counties cities (except cities of the first and second classes) boroughs municipalities or school districts in this Commonwealth which have issued bonds or other interest bearing evidences of indebtedness to redeem the same and issue new bonds

therefor with or without interest coupons attached" except in so far as the same relates to cities of the first class.

The act approved the ninth day of June one thousand eight hundred and ninety-one (P. L. 252) entitled "An act to amend an act entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' approved the twentieth day of April Anno Domini one thousand eight hundred and seventy-four amending section three of said act relating to increase of indebtedness" absolutely.

The act approved the eighteenth day of April one thousand eight hundred and ninety-five (P. L. 36) entitled "An act amending section four of an act entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' approved the twentieth day of April Anno Domini one thousand eight hundred and seventy-four abolishing the restriction that the tax levied to pay municipal indebtedness shall be equal to eight per centum of the amount of such increased debt and providing for the method of assessing and levying a tax for the payment of the principal and interest when the bonds become due" absolutely.

The act approved the thirteenth day of April one thousand eight hundred and ninety-seven (P. L. 17) entitled "An act to amend section two of an act entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' approved the twentieth day of April Anno Domini one thousand eight hundred and seventy-four abolishing the restriction that the tax levied to pay municipal indebtedness shall be equal to eight per centum of the amount of such increased debt and providing for the method of assessing and levying a tax for the payment of the principal and interest when the bonds become due and the form of statement to be filed" absolutely.

The act approved the eleventh day of May one thousand eight hundred and ninety-seven (P. L. 53) entitled "An act to further amend the fourth section of an act entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' approved the twentieth day of April Anno Domini one thousand eight hundred and seventy-four as amended by an act approved the eighteenth day of April Anno Domini one thousand eight hundred and ninety-five amending that part of the same which restricts the increase of indebtedness to an amount not exceeding two per centum and providing for an increase of indebtedness to an amount not exceeding seven per centum of the last assessed valuation" absolutely.

The act approved the first day of March one thousand eight hundred and ninety-nine (P. L. 6) entitled "An act to amend section one and to repeal section two of an act (approved the fourteenth day of April one thousand eight hundred and eighty-one (P. L. 10)) entitled 'An act granting power to counties cities (except cities of the first and second classes) boroughs municipalities and school districts in this Commonwealth which have issued bonds or other interest-bearing evidences of indebtedness to redeem the same and issue new bonds therefor with or without interest coupons attached' except in so far as the same relates to cities of the first class."

The act approved the first day of May one thousand nine hundred and nine (P. L. 317) entitled "An act to amend an act entitled 'An act to amend an act entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' approved the twentieth day of April Anno Domini one thousand eight hundred and seventy-four amending section three of said act relating to increase of indebtedness' being an act to amend an act approved the twentieth day of April Anno Domini one thousand eight hundred and seventy-four entitled 'An act to regulate

manner increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof approved the ninth day of June Anno Domini one thousand eight hundred and ninety-one amending section three of said act relating to increase of indebtedness to further amend section three of said act relating to increase of indebtedness" absolutely

Section 502 absolutely and sections 506 507 and 508 except in so far as said sections empower school districts to incur debt of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith"

The act approved the twenty-eighth day of May one thousand nine hundred and thirteen (P. L. 377) entitled "An act fixing the time within which an election may be held to increase municipal indebtedness for the same purposes and on the same subject as were defeated by a majority vote at a previous election" except in so far as the same relates to cities of the first class

The act approved the twenty-eighth day of April one thousand nine hundred and fifteen (P. L. 195) entitled "An act to amend section two of an act entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' approved the twentieth day of April Anno Domini one thousand eight hundred and seventy-four abolishing the restrictions that the tax levied to pay municipal indebtedness shall be equal to eight per centum of the amount of such increased debt and providing for the method of assessing and levying a tax for the payment of the principal and interest when the bonds become due and the form of statement to be filed' approved the thirteenth day of April Anno Domini one thousand eight hundred and ninety-seven by extending the powers to incur and increase indebtedness to townships of the second class" absolutely

The act approved the fifth day of June one thousand nine hundred and fifteen (P. L. 846) entitled "An act relating to the indebtedness of municipalities and providing for carrying into operation section fifteen of article nine of the Constitution of Pennsylvania so far as it relates to municipalities" absolutely

The act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 568) entitled "An act authorizing boroughs with the assent of the electors duly obtained at an election to use moneys borrowed for purposes which have proved impracticable or impossible for any other lawful municipal purpose" and the amendments thereto absolutely

The act approved the sixth day of July one thousand nine hundred and seventeen (P. L. 747) entitled "An act requiring all counties cities boroughs townships school districts and other municipalities and incorporated districts to sell any bonds or other securities issued by them to the highest responsible bidder after due public notice" except in so far as the same relates to cities of the first class

The act approved the twenty-sixth day of March one thousand nine hundred and nineteen (P. L. 24) entitled "An act authorizing cities of the third class with the assent of the electors duly obtained at an election to use moneys borrowed or authorized to be borrowed for purposes which have proved impracticable or impossible for any other lawful municipal purpose absolutely

The act approved the twelfth day of June one thousand nine hundred and nineteen (P. L. 456) entitled "An act authorizing boroughs and towns incorporated or acting under any local or special act or acts of Assembly to surrender the provisions of such special acts in so

far as the said local or special acts restrict limit define abridge control or prescribe the borrowing or bonding capacity of said boroughs or towns and in so far as the said special acts prescribe or limit the method and procedure of creating indebtedness or issuing bonds or certificates of indebtedness therein and thereby and providing for the acceptance by said boroughs and towns of the provisions of the general act of Assembly approved the twentieth day of April one thousand eight hundred and seventy-four entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' prescribing the method and procedure by which the surrender of said provisions may be effected to be by petition to the court of quarter sessions of the judicial district in which said borough or town is located and approval by said court" absolutely

The act approved the twelfth day of April one thousand nine hundred and twenty-three (P. L. 59) entitled "A supplement to an act approved the twentieth day of April one thousand eight hundred and seventy-four (P. L. 65) entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' providing a procedure to incur or to increase indebtedness where the existing indebtedness is less than two per centum but the amount to be incurred exceeds two per centum of the assessed value of the taxable property and providing that this act shall apply to pending proceedings" absolutely

The act approved the eleventh day of July one thousand nine hundred and twenty-three (P. L. 1042) entitled "An act to further amend section three of an act approved the twentieth day of April one thousand eight hundred and seventy-four (P. L. 65) entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' by designating the place for the holding of elections for the purpose of increasing indebtedness of independent school districts" absolutely

The act approved the seventh day of April one thousand nine hundred and twenty-five (P. L. 171) entitled "An act to further amend section three of an act approved the twentieth day of April one thousand eight hundred and seventy-four (P. L. 65) entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' as amended by providing that the vote shall be counted by the court of quarter sessions" absolutely

The act approved the thirty-first day of March one thousand nine hundred and twenty-seven (P. L. 91) entitled "An act relating to municipal indebtedness imposing certain powers and duties upon the Department of Internal Affairs and the officers of counties cities of the third class boroughs towns townships school districts of the second third and fourth classes and poor districts in connection with proceedings to incur and increase indebtedness and the establishing and maintaining of sinking funds fixing the maximum maturity of refunding bonds and providing penalties" absolutely

The act approved the thirteenth day of April one thousand nine hundred and twenty-seven (P. L. 205) entitled "A supplement to an act approved the twentieth day of April one thousand eight hundred and seventy-four (P. L. 65) entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof'" absolutely

Sections 1776 1777 1782 1783 2141 2142 2147 2148 2181 and 2182 of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" absolutely

The act approved the eleventh day of April one thousand nine hundred and twenty-nine (P. L. 516) entitled "A supplement to the act approved the thirty-first day

of March one thousand nine hundred and twenty-seven (P. L. 91) entitled 'An act relating to municipal indebtedness imposing certain powers and duties upon the Department of Internal Affairs and the officers of counties cities of the third class boroughs towns townships school districts of the second third and fourth classes and poor districts in connection with proceedings to incur and increase indebtedness and the establishing and maintaining of sinking funds fixing the maximum maturity of refunding bonds and providing penalties' by providing for and regulating appeals from approvals and disapprovals by the Department of Internal Affairs of proceedings to incur or increase indebtedness and declaring the effect of the approvals by the department' and the amendments thereto absolutely.

The act approved the eleventh day of April one thousand nine hundred and twenty-nine (P. L. 518) entitled "An act to amend the act approved the sixth day of July one thousand nine hundred and seventeen (P. L. 747) entitled 'An act requiring all counties cities boroughs townships school districts and other municipalities and incorporated districts to sell any bonds or other securities issued by them to the highest responsible bidder after due public notice' providing for private sales where no bids are received" except in so far as the same relates to cities of the first class.

The act approved the eleventh day of April one thousand nine hundred and twenty-nine (P. L. 520) entitled "An act relating to deductible assets in the calculation of the percentage of the assessed valuation of taxable property representing indebtedness in proceedings to incur and increase indebtedness by counties cities boroughs towns townships municipal districts and divisions" except in so far as the same relates to cities of the first class.

Section 396 of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the law relating thereto" absolutely.

The act approved the eighth day of May one thousand nine hundred and twenty-nine (P. L. 1661) entitled "An act to amend section three as amended of the act approved the twentieth day of April one thousand eight hundred and seventy-four (P. L. 65) entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' requiring county commissioners to furnish lists of voters where certain school directors hold elections on indebtedness" absolutely.

The act approved the sixteenth day of May one thousand nine hundred and twenty-nine (P. L. 1778) entitled "An act to amend section two of the act approved the twentieth day of April one thousand eight hundred and seventy-four (P. L. 65) entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' as amended providing when bonds shall be due" absolutely.

The act approved the thirteenth day of May one thousand nine hundred and thirty-one (P. L. 195) entitled "An act authorizing school districts with the assent of the electors duly obtained at an election to use moneys borrowed or authorized to be borrowed for purposes which have proved impracticable or impossible for any other lawful municipal purpose" absolutely.

Sections 2446 and 2447 2702 2703 2704 2705 2706 2707 2708 3251 3253 and 3311 absolutely and section 3310 in so far as the same limits the maturity of bonds of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto

Section 1707 of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the

first class amending revising consolidating and changing the law relating thereto" absolutely.

The act approved the twenty-eighth day of April one thousand nine hundred and thirty-three (P. L. 97) entitled "An act to amend section three of the act approved the thirty-first day of March one thousand nine hundred and twenty-seven (P. L. 91) entitled 'An act relating to municipal indebtedness imposing certain powers and duties upon the Department of Internal Affairs the officers of counties cities of the third class boroughs towns townships school districts of the second third and fourth classes and poor districts in connection with proceedings to incur and increase indebtedness and the establishing and maintaining of sinking funds fixing the maximum maturity of refunding bonds and providing penalties' by authorizing the Department of Internal Affairs to charge and collect fees for examining and approving proceedings relating to municipal indebtedness" absolutely.

Sections 904 1546 and 1547 of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the laws relating thereto" absolutely.

The act approved the fourth day of May one thousand nine hundred and thirty-three (P. L. 273) entitled "An act to amend section one of the act approved the fourteenth day of April one thousand eight hundred and eighty-one (P. L. 10) entitled 'An act granting power to counties cities (except cities of the first and second classes) boroughs municipalities and school districts in this Commonwealth which have issued bonds or other interest-bearing evidences of indebtedness to redeem the same and issue new bonds therefor with or without interest coupons attached' as amended by extending the provisions of the said act to cities of the first and second classes and providing that the refunding bond issued under the provisions thereof may bear interest at a rate of six per centum per annum and providing further that said bonds shall be payable at any time not exceeding twenty years after the date thereof" except in so far as the same relates to cities of the first class.

The act approved the twenty-seventh day of December one thousand nine hundred and thirty-three (1933-34 P. L. 123) entitled "An act authorizing counties poor districts boroughs towns townships and school districts having moneys borrowed for one purpose to use the same for other purposes which will aid recovery from existing economic depression and requiring in certain such cases the assent of the electors" absolutely.

The act approved the fifth day of January one thousand nine hundred and thirty-four (1933-34 P. L. 218) entitled "An act authorizing counties cities boroughs townships incorporated towns poor districts and school districts to issue bonds for the purpose of refunding or retiring outstanding bonds and to exchange said new bonds for such outstanding bonds without payment of cash or public bidding and limiting any compensation payable therefor" except in so far as the same relates to cities of the first class.

The act approved the ninth day of May one thousand nine hundred and thirty-five (P. L. 155) entitled "An act granting power to counties cities boroughs towns townships school districts and poor districts to redeem unmatured bonds and obligations by a new issue of bonds at a lesser rate of interest" except in so far as the same relates to cities of the first class.

The act approved the twenty-first day of June one thousand nine hundred and thirty-five (P. L. 401) entitled "An act to amend section nine of the act approved the thirty-first day of March one thousand nine hundred and twenty-seven (P. L. 91) entitled 'An act relating to municipal indebtedness imposing certain powers and duties upon the Department of Internal Affairs and the officers of counties cities of the third class boroughs towns townships school districts of the second third and fourth classes and poor districts in connection with proceedings to incur and increase indebtedness and the establishing and maintaining of sinking funds fixing the maximum maturity of refunding bonds and providing penalties'

limiting existing indebtedness as covered by the section to bonded indebtedness" absolutely

The act approved the twelfth day of July one thousand nine hundred and thirty-five (P. L. 712) entitled "An act to amend section one of the act approved the fourteenth day of April one thousand eight hundred and eighty-one (P. L. 10) entitled "An act granting power to counties (except cities of the first and second classes) boroughs municipalities and school districts in this Commonwealth which have issued bonds or other interest-bearing evidences of indebtedness to redeem the same and issue new bonds therefor with or without interest coupons attached" as amended extending the provisions of said act to townships of the first class" except in so far as the same relates to cities of the first class

The act approved the eighteenth day of July one thousand nine hundred and thirty-five (P. L. 1287) entitled "An act to further amend section one of the act approved the fourteenth day of April one thousand eight hundred and eighty-one (P. L. 10) entitled "An act granting power to counties cities (except cities of the first and second classes) boroughs municipalities and school districts in this Commonwealth which have issued bonds or other interest-bearing evidences of indebtedness to redeem the same and issue new bond therefor with or without interest coupons attached" extending said act to townships and to the refunding of bonds and obligations issued for refunding purposes" absolutely

The act approved the fourth day of June one thousand nine hundred and thirty-seven (P. L. 1623) entitled "An act empowering municipalities to refund improvement bonds based solely on assessments for grading street and sewer improvements and imposing no municipal liability by a new issue of bonds" except in so far as the same relates to cities of the first class

All other acts of Assembly and parts of acts inconsistent with this act or any part thereof are hereby repealed in so far as they are in conflict or inconsistent herewith

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—122

Achterman,	Gates,	Maxwell,	Royer,
Allmond,	Gerard,	McDermott,	Rush,
Balthaser,	Goodwin,	McFall,	Scanlon,
Baugher,	Greenwood,	McKinney,	Schwab,
Boles,	Gryskewicz,	McLanahan,	Serrill,
Boney,	Habbyhaw,	McLane,	Shaffer,
Boorse,	Haines,	McSurdy,	Shaw,
Bower,	Hamilton,	Melchiorre,	Sorg,
Bradley,	Harris,	Mihm,	Stambaugh,
Bretherick,	Heatherington,	Model,	Tarr,
Brown,	Helm,	Muir,	Tate,
Brunner, P. A.,	Hersch,	Nagel,	Taylor,
Burns,	Hewitt,	Numemacher,	Thompson, E. F.,
Cohen, M. M.,	Holland,	O'Brien,	Turner,
Cohen, R. E.,	Huntley,	O'Dare,	Van Allsburg,
Cook,	James,	O'Neill,	Vogt,
Dennison,	Jefferson,	Petrosky,	Welsh, E. E.,
Dix,	Jones, P. N.,	Pettit,	Welsh, M. J.,
Dolon,	Keenan,	Polaski,	Williams,
Duffy,	Kenehan,	Polen,	Winnner,
Early,	Kilne,	Powers,	Wolf,
Elder,	Kolankiewicz,	Rank,	Wood, N.,
Elliott,	Komorowski,	Reagan,	Woodring,
Ely,	Lelsey,	Reese, David P.,	Woodside,
Finnerty,	Lesko,	Reese, R. E.,	Wright,
Fisher,	Levy,	Reynolds,	Yeakel,
Fiss,	Leydic,	Rhea,	Yester,
Fleming,	Longo,	Riley,	Young,
Foor,	Lovett,	Rooney,	Kilroy,
French,	Malloy,	Rose, W. E.,	
Gallagher,	Marks,	Rosenfeld,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1543, as follows:

An Act providing a method for supplying perfecting and recording birth records of certain persons whose births have not heretofore been made a public record or whose record of birth is incomplete or incorrect making such records competent legal evidence prescribing fees and imposing certain duties upon the orphans' court

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

Section 1 Any person having been born in the Commonwealth of Pennsylvania prior to January first one thousand nine hundred and six whose record of birth is not contained in the records of the orphans' court of the county in which he was born or whose record of birth is incomplete or incorrect may have a record of his birth filed and recorded or corrected in the office of the clerk of the orphans' court of the county in which he was born by presenting a petition to said orphans' court alleging the fact that no record of his birth exists or that said record is incomplete or incorrect and setting forth so much of the following information as is available and a statement that the information not supplied cannot be obtained and the reasons therefor

(a) Place and date of birth including state county city borough town township or village If in a hospital or other institution the name of the same shall be given as well as the residence of the parents and the post office address of the parents

(b) Full name

(c) Sex

(d) Whether a twin or other plural birth

(e) Whether the birth was legitimate or illegitimate

(f) Full name of father when legitimate

(g) Color or race of father

(h) Birthplace of father and age at birth of applicant if known

(i) Occupation of father if known

(j) Residence of parents if living and known

(k) Occupation

(l) Maiden name of mother

(m) Color or race of mother

(n) Birthplace of mother and age at birth of applicant if known

(o) Occupation of mother if known

(p) Number of children of this mother if known and number of children of this mother now living if known

(q) (1) A certificate written in the English language signed by the doctor or midwife in attendance at the birth of such person or

(2) A certificate written in the English language signed by such person accompanied by a baptismal record kept by a bona fide ecclesiastical body and certified by a priest minister or other officer of said body or if it is impossible to obtain such records then an affidavit to that effect and

(3) A certificate written in the English language signed by such person and by a parent or near relative of such person who has lived with the person or family and has knowledge of the facts contained in such affidavit or

(4) A certificate written in the English language signed by such person and by two other persons who have had adequate means of knowledge of the facts contained in such affidavit or of the family tradition thereon Provided That such last mentioned persons need not be related by blood or marriage if they have been connected with the family so long and so intimately as to have acquired knowledge of the facts

Every certificate filed under this section shall be supported by an affidavit or affirmation on behalf of each person signing the certificate attesting the correctness of

the information given therein which affidavit or affidavits shall be a part of the record of birth and a copy of such affidavit or affidavits shall accompany each certified copy of any record of such birth issued by the clerk of the orphans' court

Section 2 Upon presentation of said petition by the clerk of the orphans' court or after hearing had the said court if satisfied of the truth and accuracy of the facts alleged herein shall order the record of the birth of the petitioner to be filed and recorded and indexed in the office of the clerk of the orphans' court in said county upon the payment of a filing fee of two dollars and fifty cents (\$2.50) which payment shall entitle the petitioner to a certified copy of said record

Section 3 There shall be provided at the expense of the county a special docket book or register wherein such records of birth shall be duly entered

Section 4 A record of birth so established or a duly certified copy of the same shall be prima facie evidence of all matters therein contained and shall be admissible in all judicial proceedings

Section 5 A certified copy of any such birth record shall be furnished to any applicant upon payment to the clerk of said court of the sum of fifty cents (\$.50)

Section 6 In addition to any other penalties provided by existing law any person who shall make any affidavit statement record or certification under the provisions of this act knowing the same to be false shall upon summary conviction therefor be sentenced to pay a fine of not less than one hundred dollars (\$100.00) nor more than three hundred dollars (\$300.00) and the costs of prosecution and upon failure to pay such fine and costs shall be imprisoned not more than ninety (90) days

Section 7 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 8 The provisions of this act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. PETROSKY. Mr Speaker, as one of the co-sponsors of this bill I feel it is only proper to rise at this time and compliment the gentlemen of the sub-committee of the standing committee on State Government. Those gentlemen who put in many hours of work upon a measure which was drawn up for the benefit of those who were born in this Commonwealth prior to 1906. They should be complimented because of the necessity of this type of legislation. This legislation will enable those born previous to 1906 to receive a certified copy of birth upon presentation of satisfactory evidence to the Clerk of the Orphan's Court for determination by the judge of the Orphan's Court in each respective county. It will also benefit those who must have sufficient evidence to obtain old age pension and other gratuities which are given to them through federal or state grants.

I say to you, Mr. Speaker, that the many hours that were put upon this bill by the gentlemen who were on the sub-committee are appreciated and they should be complimented for placing in my opinion, I would say, the finest legislation that has been placed before this House during this session.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

## YEAS—122

Achterman,	Gallagher,	Marks,	Rosenfeld,
Allmond,	Gates,	Maxwell,	Royer,
Balthaser,	Gerard,	McDermott,	Rush,
Baughner,	Goodwin,	McFall,	Scanlon,
Boies,	Greenwood,	McKinney,	Schwab,
Boney,	Gryskewicz,	McLanahan,	Serrill,
Boorse,	Habbyshaw,	McLane,	Shaffer,
Bower,	Haines,	McSurdy,	Shaw,
Bradley,	Hamilton,	Melchiorre,	Sorg,
Bretherick,	Harris,	Mihm,	Stambaugh,
Brown,	Heatherington,	Modell,	Tarr,
Brunner, P. A.	Heim,	Muir,	Tate,
Burns,	Hersch,	Nagel,	Taylor,
Cohen, M. M.,	Hewitt,	Nunemacher,	Thompson, E. F.,
Cohen, R. E.,	Holland,	O'Brien,	Turner,
Cook,	Huntley,	O'Dare,	VanAllsburg,
Dennison,	James,	O'Neill,	Vogt,
Dix,	Jefferson,	Petrosky,	Welsh, E. B.,
Dolon,	Jones, P. N.,	Pettit,	Welsh, M. J.,
Duffy,	Keenan,	Polaski,	Williams,
Early,	Kenehan,	Polen,	Winnier,
Elder,	Kline,	Powers,	Wolf,
Elliott,	Kolankiewicz,	Rank,	Wood, N.,
Ely,	Komorofski,	Reagan,	Woodring,
Finnerty,	Leisey,	Reese, D. P.,	Woodside,
Fisher,	Lesko,	Reese, R. E.,	Wright,
Fiss,	Levy,	Reynolds,	Yeakel,
Fleming,	Leydic,	Rhea,	Yester,
Foor,	Longo,	Riley,	Young,
French,	Lovett,	Rooney,	Kilroy,
	Malloy,	Rose, W. E.,	Speaker.

## NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILLS PASSED OVER

There being no objection House Bill No. 543, Printer's No. 533, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 1524, Printer's No. 534, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 1459, Printer's No. 529, was passed over at the request of the SPEAKER.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 253, as follows:

An Act providing for the appointment powers and control of members of volunteer fire companies as special fire police and conferring powers on them at fires attended by their fire companies in any city borough town and township

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

Section 1 Any volunteer fire company in any city borough town or township may nominate any of its members as special fire police. All special fire police so nominated shall before they enter upon their duties as such be confirmed by the mayor of the city the burgess of the borough or town or the chairman of the board of commissioners or supervisors of the township as the case may be. When so confirmed and sworn they shall have full power to regulate traffic and keep crowds under control at or in the vicinity of any fire on which their companies are in attendance and to exercise such other police powers as are necessary in order to facilitate and prevent interference with the work of firemen in extinguishing fires

Section 2 Whenever any volunteer fire company is in attendance on a fire in any city borough town or township other than the one in which such fire company is

organized any member of such fire company who shall have been sworn in as a special fire police shall have the same power and authority in such other city borough town or township as he would have in that by which he was appointed

Section 3 All special fire police when on duty shall be subject to the control of the chief of police if any of the city borough town or township in which they are serving

Section 4 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 5 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—122

Achterman,	Gallagher,	Malloy,	Rose, W. E.,
Allmond,	Gates,	Marks,	Rosenfeld,
Balthaser,	Gerard,	Maxwell,	Royer,
Baughner,	Goodwin,	McDermott,	Rush,
Boies,	Greenwood,	McFall,	Scanlon,
Boney,	Gryskewicz,	McKinney,	Schwab,
Boorse,	Habbyshaw,	McLanahan,	Serrill,
Bower,	Haines,	McLane,	Shaffer,
Bradley,	Hamilton,	McSurdy,	Shaw,
Bretherick,	Harris,	Melchiorre,	Sorg,
Brown,	Heatherington,	Mihm,	Stambaugh,
Brunner, P. A.,	Helm,	Modell,	Tarr,
Burns,	Hersch,	Muir,	Tate,
Cohen, M. M.,	Hewitt,	Nagel,	Taylor,
Cohen, R. E.,	Holland,	Nunemacher,	Thompson, E. F.,
Cook,	Huntley,	O'Brien,	Turner,
Dennison,	James,	O'Dare,	Van Allsburg,
Dix,	Jefferson,	O'Neill,	Vogt,
Dolon,	Jones, P. N.,	Petrosky,	Welsh, E. B.,
Duffy,	Keenan,	Pettit,	Welsh, M. J.,
Early,	Kenehan,	Polaski,	Williams,
Elder,	Kline,	Polen,	Winner,
Elliott,	Kolankiewicz,	Powers,	Wolf,
Ely,	Komorofski,	Rank,	Wood, N.,
Finnerty,	Leisey,	Reagan,	Woodring,
Fisher,	Lesko,	Reese, D. P.,	Woodside,
Fiss,	Levy,	Reese, R. E.,	Wright,
Fleming,	Leydic,	Reynolds,	Yeakel,
Foor,	Longo,	Rhea,	Yester,
French,	Lovett,	Riley,	Young,
		Rooney,	Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 522, as follows:

An Act making an appropriation to the Pennsylvania State College to advance the tobacco interest of this Commonwealth

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

Section 1 The sum of twenty-five thousand dollars (\$25,000) is hereby specifically appropriated to the Pennsylvania State College for the purpose of advancing the interests of tobacco growers in this Commonwealth by experimental work with a view of improving existing types of tobacco and shade grown wrappers and other nicotine bearing plants of overcoming diseases destructive to tobacco and other nicotine plants of perfecting processes of curing fermentation sweating and packing of tobacco and of securing and using correct types of fertilizers

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—122

Achterman,	Gates,	Maxwell,	Rosenfeld,
Allmond,	Gerard,	McDermott,	Royer,
Balthaser,	Goodwin,	McFall,	Rush,
Baughner,	Greenwood,	McKinney,	Scanlon,
Boies,	Gryskewicz,	McLanahan,	Schwab,
Boney,	Habbyshaw,	McLane,	Serrill,
Boorse,	Haines,	McSurdy,	Shaffer,
Bower,	Hamilton,	Melchiorre,	Shaw,
Bradley,	Harris,	Mihm,	Sorg,
Bretherick,	Heatherington,	Modell,	Stambaugh,
Brown,	Helm,	Muir,	Tarr,
Brunner, P. A.,	Hersch,	Nagel,	Tate,
Burns,	Hewitt,	Nunemacher,	Taylor,
Cohen, M. M.,	Holland,	O'Brien,	Thompson, E. F.,
Cohen, R. E.,	Huntley,	O'Dare,	Turner,
Cook,	James,	O'Neill,	Van Allsburg,
Dennison,	Jefferson,	Petrosky,	Vogt,
Dix,	Jones, P. N.,	Pettit,	Welsh, E. B.,
Dolon,	Keenan,	Polaski,	Welsh, M. J.,
Duffy,	Kenehan,	Polen,	Williams,
Early,	Kline,	Powers,	Winner,
Elder,	Kolankiewicz,	Rank,	Wolf,
Elliott,	Komorofski,	Reagan,	Wood, N.,
Ely,	Leisey,	Reese, D. P.,	Woodring,
Finnerty,	Lesko,	Reese, R. E.,	Woodside,
Fisher,	Levy,	Reynolds,	Wright,
Fiss,	Leydic,	Rhea,	Yeakel,
Fleming,	Longo,	Riley,	Yester,
Foor,	Lovett,	Rooney,	Young,
French,	Malloy,	Rose, W. E.,	Kilroy, Speaker
Gallagher,	Marks,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 826 as follows:

An Act to amend section one thousand four hundred one of the act approved the first day of May one thousand nine hundred thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" further regulating the establishment and maintenance of sidewalks

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

Section 1 Section one thousand four hundred one of the act approved the first day of May one thousand nine hundred thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 1401 Power of Supervisors to Establish Width and Location of Sidewalks Consents in Certain Cases The supervisors of any township [upon the request of any landowner whose land fronts upon a public highway within such township] may construct and maintain sidewalks along any public highway in the township and may establish the width grade and location for a sidewalk along one or both sides of said highway [along the lands of such owner] The width of the walk on each side of said highway shall not be less than six feet for roads fifty feet in width or less and for roads over fifty feet in width shall be ten feet in width [When said sidewalks are so

established such landowner shall pay for and keep the same in repair!

In case the street or highway is a State Highway or a county road the written consent of the Department of Highways or the county commissioners as the case may be shall first be obtained

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—122

Achterman,	Gallagher,	Malloy,	Rose, W. E.,
Allmond,	Gates,	Marks,	Rosenfeld,
Balthaser,	Gerard,	Maxwell,	Royer,
Baughner,	Goodwin,	McDermott,	Rush,
Boles,	Greenwood,	McFall,	Scanlon,
Boney,	Gryskewicz,	McKinney,	Schwab,
Boorse,	Habbyshaw,	McLanahan,	Serrill,
Bower,	Haines,	McLane,	Shaffer,
Bradley,	Hamilton,	McSurdy,	Shaw,
Bretherick,	Harris,	Melchiorre,	Sorg,
Brown,	Heatherington,	Mihm,	Stambaugh,
Brunner, P. A.,	Helm,	Modell,	Tarr,
Burns,	Hersch,	Muir,	Tate,
Cohen, M. M.,	Hewitt,	Nagel,	Taylor,
Cohen, R. E.,	Holland,	Nunemacher	Thompson, E. F.,
Cook,	Huntley,	O'Brien,	Turner,
Dennison,	James,	O'Dare,	VanAllsburg,
Dix,	Jefferson,	O'Neill,	Vogt,
Dolon,	Jones, P. N.,	Petrosky,	Welsh, E. E.,
Duffy,	Keenan,	Pettit,	Welsh, M. J.,
Early,	Kenehan,	Polaski,	Williams,
Elder,	Kline,	Polen,	Winner,
Elliott,	Kolankiewicz,	Powers,	Wolf,
Ely,	Komorofski,	Rank,	Wood, N.,
Finnerty,	Lelsey,	Reagan,	Woodring,
Fisher,	Lesko,	Reese, D. P.,	Woodside,
Fiss,	Levy,	Reese, R. E.,	Wright,
Fleming,	Leydic,	Reynolds,	Yeakel,
Foor,	Longo,	Rhea,	Yester,
French,	Lovett,	Riley,	Young,
		Rooney,	Kilroy, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 125, as follows:

An Act authorizing and directing the Legislative Reference Bureau to compile edit and publish a compilation of laws relating to local taxation and making an appropriation

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

Section 1 The Legislative Reference Bureau is hereby authorized and its duty shall be to compile edit and publish a pamphlet containing a compilation of the laws of Pennsylvania relating to local taxation

Section 2 The sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary is hereby specifically appropriated to the Legislative Reference Bureau to pay the compensation of assistants and all costs and expenses incurred by the bureau in carrying out the provisions of this act

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—122

Achterman,	Gates,	Marks,	Rose, W. E.,
Allmond,	Gerard,	Maxwell,	Rosenfeld,
Balthaser,	Goodwin,	McDermott,	Royer,
Baughner,	Greenwood,	McFall,	Rush,
Boles,	Gryskewicz,	McKinney,	Scanlon,
Boney,	Habbyshaw,	McLanahan,	Schwab,
Boorse,	Haines,	McLane,	Serrill,
Bower,	Hamilton,	McSurdy,	Shaffer,
Bradley,	Harris,	Melchiorre,	Shaw,
Bretherick,	Heatherington,	Mihm,	Sorg,
Brown,	Helm,	Modell,	Stambaugh,
Brunner, P. A.,	Hersch,	Muir,	Tarr,
Burns,	Hewitt,	Nagel,	Tate,
Cohen, M. M.,	Holland,	Nunemacher,	Taylor,
Cohen, R. E.,	Huntley,	O'Brien,	Thompson, E. F.,
Cook,	James,	O'Dare,	Turner,
Dennison,	Jefferson,	O'Neill,	VanAllsburg,
Dix,	Jones, P. N.,	Petrosky,	Vogt,
Dolon,	Keenan,	Pettit,	Welsh, E. E.,
Duffy,	Kenehan,	Polaski,	Welsh, M. J.,
Early,	Kline,	Polen,	Williams,
Elder,	Kolankiewicz,	Powers,	Winner,
Elliott,	Komorofski,	Rank,	Wolf,
Ely,	Lelsey,	Reagan,	Wood, N.,
Finnerty,	Lesko,	Reese, D. P.,	Woodring,
Fisher,	Levy,	Reese, R. E.,	Woodside,
Fiss,	Leydic,	Reynolds,	Wright,
Fleming,	Longo,	Rhea,	Yeakel,
Foor,	Lovett,	Riley,	Yester,
French,	Malloy,	Rooney,	Young,
Gallagher,			Kilroy, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 11, Printer's No. 633, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 53, Printer's No. 632, was passed over at the request of the SPEAKER.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 253

The Clerk of the Senate being introduced, informed that the Senate insists on its concurrence in the amendments made and insisted upon the House of Representatives to Senate Bill No. 253, entitled:

An Act relating to members of the bureau of fire in cities of the second class providing subject to the approval of the electors for a three-platoon system for such members with certain exceptions providing for an election on such question and regulating hours of service hours of rest and annual vacations

And has appointed Messrs. WALKER, TAYLOR and FREY a committee of conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the differences existing between the two Houses in relation to the said bill.

MESSAGE AND BILL LAID ON TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that Senate

Bill No. 253, together with the message from the Senate be laid on the table.

The motion was agreed to.

### SENATE MESSAGE

#### SENATE INSISTS ON NON-CONCURRENCE IN HOUSE AMENDMENTS

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurrence in by the House of Representatives, to House Bill No. 481, entitled

An Act to amend sections eighteen and nineteen of the act, approved the second day of July, one thousand nine hundred and thirty-five (P. L. 589), entitled "An act to safeguard human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products, conferring powers and imposing duties on the Secretary of Health, the Advisory Health Board and otherwise providing for the administration of the act and imposing penalties," requiring the filing of local ordinances, rules and regulations with the Dairy Advisory Council; requiring local ordinances, rules and regulations in certain cases to be consistent requiring inspectors employed by municipalities to be approved inspectors eliminating the power of the Advisory Health Board to make rules and regulations, establishing a Dairy Advisory Council in the Department of Health, conferring powers and imposing duties thereon and providing for appeals to the Court of Common Pleas

#### APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 481

Mr. ACHTERMAN. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

The SPEAKER. The Chair appoints as a Committee of Conference on House Bill No. 481, Messrs WOODRING, MOUL and SNYDER.

Ordered, That the Clerk inform the Senate accordingly.

### SENATE MESSAGE

#### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

#### HOUSE BILL No. 376.

An Act to amend paragraph (a) of section eight hundred sixty-five of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by prohibiting the sale of lubricating oil which has been used and re-refined unless such oil is clearly so labeled.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments. The Clerk read the amendments as follows:

Amend title, page 1, line 1, by striking out after the word "amend" the words "paragraph (a) of"; also in line 6 of title by striking out after the word "sale" the

words of lubricating oil which has been used and re-refined unless such oil is clearly so labeled" and inserting in lieu thereof the words "exposing for sale and offering for sale of certain lubricants in a manner to deceive the purchaser and the disguising and camouflaging of equipment used for marketing liquid fuels lubricating oils and similar products".

Amend Section 1, page 1, line 1, by striking out after the figure "1" the words "Paragraph (a) of section" and inserting in lieu thereof the word "Section"; also on page 2, line 8, by striking out after the word "sale" the words "and whoever stores sells exposes for sale or offers for sale in any manner so as to deceive or tend to deceive the purchaser any lubricating oil lubricants mixtures of lubricants adulterated oils or falsely labeled oils which had been once used for lubrication purposes and subsequently reclaimed re-refined or reconditioned without clearly indicating or setting forth such fact on the container pump or distributing device used" and inserting in lieu thereof the following: "or whoever stores sells exposes for sale or offers for sale in any manner any reclaimed or re-refined oils lubricating oils lubricants mixtures of lubricants or adulterated oils without labeling such oil or lubricant as "reclaimed motor oil" or "lubricating oil" or "re-refined lubricant or motor oil"; also in line 17, by inserting after the word "section" the following:

"(b) Whoever stores keeps exposes for sale offers for sale or sells from any tank or container or from any pump or other distributing device or equipment any other liquid fuels lubricating oils or other similar products than those indicated by the name trade name symbol sign or other distinguishing mark or device of the manufacturer or distributor appearing upon the tank container pump or other distributing equipment from which the same are sold offered for sale or distributed shall be subject to the penalties provided by clause (f) of this section

(c) Whoever disguises or camouflages his own equipment by simulating thereon the design color or combination of colors of the trade name symbol sign or other distinguishing mark or device under which recognized brands of liquid fuels lubricating oils and similar products are generally marketed shall be subject to the penalties provided by clause (f) of this section

(d) Whoever exposes for sale offers for sale or sells under any name in general use any liquid fuels lubricating oils or other like products except those manufactured or distributed by the manufacturer or distributor marketing liquid fuels lubricating oils or other like products under such trade name or substitutes mixes or adulterates the liquid fuels lubricating oils or other similar products sold offered for sale or distributed under such trade name shall be subject to the penalties provided by clause (f) of this section

(e) Whoever aids or assists any other person in the violation of the provisions of this section by depositing or delivering into any tank receptacle or other container any other liquid fuels lubricating oils or like products than those intended to be stored therein and distributed therefrom as indicated by the name of the manufacturer or distributor or the trade name of the product displayed on the container itself or on the pump or other distributing device used in connection therewith shall be subject to the penalties provided by clause (f) of this section

(f) Whoever violates any of the provisions of this section is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred dollars (\$500) for the first offense and or not more than two thousand dollars (\$2,000) for each subsequent offense or in the case of the second or subsequent conviction shall undergo imprisonment of not more than one (1) year or both."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. ACHTERMAN. Mr. Speaker, I move that the



House do non-concur in the amendments made by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

#### REPORTS FROM COMMITTEES

Mr. HAMILTON, from the Committee on Townships, reported as amended, House Bill No. 828, entitled:

An Act to further amend section eight hundred two of the act, approved the first day of May, one thousand nine hundred thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," further regulating the making of contracts and purchases by the townships.

Mr. GRYSKEWICZ, from the Committee on Mines and Mining, reported as amended, House Bill No. 788, entitled:

An Act to promote the general public health and welfare by regulating the business of "strip mining" or mining coal by removing the overlying soil or strata therefrom; authorizing the Department of Mines to issue permits for "strip mining" operations; requiring those proposing to engage in strip mining operations to file a bond with the Department of Mines to secure the leveling and replacement of the surface soil; imposing certain additional duties upon the Department of Mines and the various mine inspectors; and providing penalties.

#### INTERROGATION

Mr. TURNER. Mr. Speaker, I desire to interrogate the gentleman from Monroe, Mr. Achterman.

The SPEAKER. Will the gentleman from Monroe permit himself to be interrogated?

Mr. ACHTERMAN. I shall, Mr. Speaker.

Mr. TURNER. Mr. Speaker, in this morning's issue of the Philadelphia Inquirer appears the following quotation from the gentleman from Monroe, Mr. Achterman:

"We have completed our studies of taxes and appropriations," the Democratic leader said. "I want to impress that it was a difficult task due to the fact that the budget as presented by the Governor was inaccurate."

I would like to ask the gentleman from Monroe whether he is properly quoted?

Mr. ACHTERMAN. I am, Mr. Speaker.

Mr. TURNER. I would like to ask the gentleman from Monroe in what respect was the budget inaccurate.

Mr. ACHTERMAN. As to revenues, Mr. Speaker.

Mr. TURNER. Mr. Speaker, will the gentleman from Monroe tell us what studies the Appropriations Committee has made as to the revenues?

Mr. ACHTERMAN. The studies, Mr. Speaker, consisted of a constant and regular check of the receipts of the various taxes during the biennium, keeping in touch daily; a comparison of the last eleven months of this fiscal year with the comparable period in the preceding

fiscal year; a study of the income of Pennsylvania in relation either to increased or decreased income, with the resultant correlation of taxes collected to income; a projection of the income of the United States in relation to the State of Pennsylvania to determine if the income of Pennsylvania was more or less constant as compared with the income of the United States; ascertaining of what we feel is a constant percentage of return; an effort to compute the income of Pennsylvania over the coming two years of the biennium, with the resultant study of the anticipated revenues from taxes now on the books with those contemplated.

Mr. TURNER. Will the gentleman tell us whether from those studies he believes the estimates are too high or too low?

Mr. ACHTERMAN. Without hesitancy, Mr. Speaker, they are too low.

Mr. TURNER. Will the gentleman tell us, Mr. Speaker, in the taxes what estimates are too low?

Mr. ACHTERMAN. In practically every field, Mr. Speaker.

Mr. TURNER. Well, "practically every field" is not an answer. Will the gentleman tell us what taxes?

Mr. ACHTERMAN. I am not prepared, Mr. Speaker, I do not have the information at my desk. As a matter of fact, my office is now working, getting that typed up, and as I stated in the same release that the gentleman quoted from, it will be available later in the week.

Mr. TURNER. The article that I have before me, Mr. Speaker, does not have that quotation.

Mr. ACHTERMAN. Then I am sorry, Mr. Speaker; apparently they do not quote me in full.

Mr. TURNER. Will the gentleman tell us, Mr. Speaker, the total amount that his estimates show of an increase?

Mr. ACHTERMAN. Mr. Speaker, those figures are not completed and are not available at the moment.

Mr. TURNER. Mr. Speaker, will the Appropriations Committee prepare a tabulation with a statement of its reasons and prepare that for the Members of the House, so that they may have it available next week?

Mr. ACHTERMAN. It will be available next week to the Members of the House, Mr. Speaker.

Mr. TURNER. Mr. Speaker, can the gentleman give us the approximate totals?

Mr. ACHTERMAN. Mr. Speaker, I would say somewhere between twenty-five and twenty-eight million dollars.

Mr. TURNER. That is all, Mr. Speaker.

#### ADJOURNMENT

Mr. McDERMOTT. Mr. Speaker, I move that this House adjourn until Monday, May 19, 1941, at 8 p. m.

The motion was agreed to, and (at 11:23 a. m.) the House adjourned.