

ance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," limiting the grant of public assistance to unemployable persons; substituting the Department of Welfare for the Department of Public Assistance, abolishing the Department of Public Assistance and the State Board of Public Assistance and imposing certain duties in respect to employable persons on the Department of Labor and Industry.

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

**CONFERENCE COMMITTEE APPOINTED ON
SENATE BILL No. 1007, (HOUSE BILL No. 230)**

The Clerk of the House of Representatives being introduced, informed the Senate that the House of Representatives has appointed Messrs. Achterman, Readinger and Winner as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

**CONFERENCE COMMITTEE APPOINTED ON
SENATE BILL No. 1010, (HOUSE BILL No. 234)**

He also informed the Senate that the House of Representatives has appointed Messrs. Achterman, Readinger and Winner as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

**HOUSE INSISTS UPON ITS NON-CONCURRENCE IN
SENATE AMENDMENTS TO HOUSE BILL No. 663,
AND APPOINTS COMMITTEE ON CONFERENCE**

He also informed the Senate that the House insists upon its non-concurrence in the amendments made by the Senate to House Bill No. 663, entitled:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June, one thousand nine hundred forty-one; evidenced by tax anticipation notes secured by and payable from current revenues, levied, assessed, collectible, and accruing during such two fiscal years; defining the powers and duties of the Governor, the Auditor General, and the State Treasurer in relation thereto; providing for the payment of interest on and the repayment of such loans; and making an appropriation.

and that the House of Representatives has appointed Messrs. Achterman, Readinger and Winner as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

**CONFERENCE COMMITTEE APPOINTED ON
SENATE BILL No. 507, (HOUSE BILL No. 1385)**

He also informed the Senate that the House of Representatives has appointed Messrs. Tate, Sheffer and Bretherick as a Committee of Conference to confer with a sim-

ilar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

LEAVE OF ABSENCE

Mr. SHAPIRO, of Philadelphia County, asked and obtained leave of absence for himself for June 11.

Mr. REED, of Washington County, asked and obtained leave of absence for himself, for the balance of the week.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Wednesday, June 11, 1941, at 2 o'clock, p. m., Eastern Standard Time.

Mr. THOMAS B. WILSON. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 5:03 o'clock, p. m., Eastern Standard Time, until Wednesday, June 11, 1941, at 2 o'clock, p. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

TUESDAY, JUNE 10, 1941

The House met at 12 m.

Mr. TURNER in the Chair.

PRAYER

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

O God, our Father, help us to realize that because of Thy goodness we have been blessed. Make us ever conscious of the fact that we are our brother's keeper, and as such, must give a good account of ourselves to Thee. Open Thou the windows of our imagination that we may more clearly recognize the souls of others, and being conscious of this, may be desirous of embracing them in a better understanding and sympathy as they face life with its perplexing problems and sorrows.

Help us to see that it is kindness and loyalty in the hearts of men that brings its greatest reward of security and loyalty to Thee, to the State, and to the Nation. Teach us how to live lives of service. In Thy name we pray. Amen.

JOURNAL APPROVED

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

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

REPORTS FROM COMMITTEES

Mr. HAMILTON, from the Committee on Townships, reported as committed, House Bill No. 1101, entitled:

An Act to amend section one thousand five hundred and one, and one thousand five hundred and eight 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 law relating thereto," further regulating sewer connections and sewer district assessments in certain cases.

Mr. BOORSE, from the Committee on Cities—First Class, reported as committed, House Bill No. 1710, entitled:

An Act creating a Board of Inspection in the Department of Public Works in cities of the first class; imposing powers and duties on such board and cities of the first class and any lessee of water or gas mains owned by such city; prescribing rights of persons suffering damage to property or personal injuries because of defective conditions of such mains and imposing liability on cities of the first class and lessees of water or gas mains owned by such city; and repealing inconsistent legislation.

Mr. LEVY, from the Committee on Military Affairs, reported as committed, House Bill No. 1738, entitled:

An Act to amend Route 22045 of 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."

Mr. LEVY, from the Committee on Military Affairs, reported as committed, House Bill No. 1739, entitled:

An Act to amend Route 38043 of 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."

Mr. FRENCH, from the Committee on Cities—First Class, reported as committed, House Bill No. 1370, entitled:

An Act to amend section eighteen of article nineteen of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," further regulating the removal, discharge or reduction in pay or position of officers, clerks and employees in the classified civil service.

Mr. CORDIER, from the Committee on Military Affairs, reported as committed, House Bill No. 1802, entitled:

An Act providing for, and requiring in certain cases, preference in appointments to public position for honorably discharged persons, who served in the military or naval service during any war in which the United States was engaged.

Mr. MORAN, from the Committee on Labor, reported as amended, House Bill No. 1231, entitled:

An Act to promote the general welfare and to protect

the health, safety, morals and standards of living of the people of the Commonwealth of Pennsylvania by providing for the elimination of wage and hour standards detrimental to the health, safety, morals and standard of living of workers, to establish minimum wage and maximum hour standards; to prescribe the powers and duties of the Department of Labor and Industry under this act, and for other purposes.

Mr. O'MULLEN, from the Committee on Motor Vehicles, re-reported as amended, House Bill No. 1652, entitled:

An Act to further amend sections eight and eleven of the act approved the fifteenth day of May one thousand nine hundred thirty-three (P. L. 553), entitled "An act relating to the financial responsibility of operators and owners of motor vehicles and to make uniform the law with reference thereto requiring operators and owners of automobiles under certain circumstances to furnish proof of financial responsibility as herein defined providing for the suspensions of operators' licenses and motor vehicle registration certificates in certain cases regulating insurance policies which may be accepted as proof of financial responsibility imposing duties upon the Secretary of Revenue the State Treasurer and prothonotaries and prescribing penalties" by giving the secretary discretionary power under certain circumstances to suspend operators' licenses and providing for notice and hearing before suspension of licenses and registrations.

Mr. MUNLEY, from the Committee on Motor Vehicles, re-reported as amended, House Bill No. 1365, entitled:

An Act to amend the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees and prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as variously amended authorizing the Secretary of Revenue to establish a system of permanent registration of vehicles and further regulating the operation of vehicles and the suspension of registrations and operating privileges giving the Pennsylvania Turnpike Commission power to regulate traffic on turnpikes extending the time limit for cities of the second class A to make certain changes in traffic signals extending the liability of political subdivisions to include negligent operation of their vehicles drawn by animal power amplifying and changing provisions of said act relating to lighting signal and warning devices redefining the term dealer further regulating dealers in junked vehicles permits for oversize and overweight vehicles use of school buses registration plates and cards maximum size of vehicles and medical examinations by physicians providing for payment of certain fees by counties limiting and providing new exemptions from the various provisions of said act giving additional authority to peace officers and department employes in the matter of investigations further regulating prosecutions giving certain powers to local authorities for the regulation of traffic and the establishment of

traffic courts changing and fixing additional fees changing and imposing new penalties giving the secretary additional powers and duties imposing additional duties on keepers and employers of garages and repair shops providing refunds to certain persons entering Federal services and making an appropriation.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. WOLF for himself for the remainder of the week.

Mr. LEONARD for himself for the remainder of the week after tomorrow's session.

Mr. RHEA for himself for the remainder of the week after tomorrow's session.

Mr. HARMUTH for himself for the remainder of the week after tomorrow's session.

Mr. BRETH for himself for the remainder of the week after tomorrow's session.

Mr. REUBEN E. COHEN for himself for the remainder of the week after tomorrow's session.

Mr. MONKS for himself for the remainder of the week after tomorrow's session.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 376

Mr. KNOBLE. Mr. Speaker, I desire to offer the report of the Committee of Conference on House Bill No. 376.

The SPEAKER pro tempore. The report will lie over for printing under the rules.

PERMISSION GRANTED COMMITTEES TO MEET DURING SESSION

Mr. METTHEW J. WELSH asked and obtained permission for the Committee on Military Affairs to meet during the session of the House.

Mr. FINNERTY asked and obtained permission for the Committee on Cities-First Class to meet during the session of the House.

Mr. LOVETT asked and obtained permission for the Committee on Labor to meet during the session of the House.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 316

Mr. LEVY. Mr. Speaker, I desire to offer the report of the Committee of Conference on House Bill No. 316.

The SPEAKER pro tempore. The report will lie over for printing under the rules.

RESOLUTION

RECALLING HOUSE BILL No. 949 FROM THE GOVERNOR

Mr. REUBEN E. COHEN offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 10, 1941.

Resolved (if the Senate concur), that House Bill No. 949, Printer's No. 717, entitled "An act to further amend section nine of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 363), entitled 'An act relating to the organization jurisdiction and

procedure of the orphans' courts the powers and duties of the judges thereof and appeals therefrom' by imposing liability on executors administrators or trustees for real estate broker's commissions in certain cases"

be recalled from the Governor for the purpose of amendment.

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

CONGRATULATORY RESOLUTION

Mr. NAGEL offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, June 10, 1941.

Today marks a noted event. On June 10, 1869, the Stork delivered, C. O. D. to the home of one, Joseph Smith, in Westmoreland County, a lively, noisy specimen of the Genus Homo. The heads of this Smith home at once decided to make this specimen a permanent member of their family and promptly named it Robert Francis, which name was soon shortened to "Bob"; and Joseph Smith assumed the position of Father. Bob grew and became an inspiration to his father who served as a member of this House in the Session of 1883 which session was popularly known as the "Million Dollar Session."

This son of this famous legislator has served as Democratic Committeeman of his county for fifty-one years.

This boy "Bob" correctly known as Robert F. Smith has spent the greater portion of his life in the flour, feed and milling business. Being an enthusiastic fisherman, he has cast his line into almost every pond and stream of our country and it naturally follows that he has hooked some giants and can relate some real fish stories that would put the expert to shame.

Mr. "Bob" Smith served as House Postmaster during the Earle Administration and is filling this important position during this Session. His effort to do his work in an efficient and satisfactory manner is manifest to all. He is liked and highly respected by all members and employes of the House, therefore be it

Resolved, That the House of Representatives congratulate Mr. Smith on his successfully passing seventy-two mile stones in his earthly career, and that with this congratulation goes the wish and hope that his life and health may be preserved so that he may witness many more of these happy occasions; and be it further

Resolved, That a duly certified copy of this resolution be transmitted to the esteemed House Postmaster Robert F. Smith.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 404

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurring in by the House of Representatives, to House Bill No. 404, entitled:

An Act relating to marriage and amending revising consolidating and changing the law relating thereto

And has appointed Messrs. WALKER, CROWE and STIEFEL a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two houses in relation to said bill.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 675, entitled:

An Act providing for and regulating the State licensing and registration of nurses of several classes the biennial recording of licenses regulating nursing imposing penalties and repealing certain existing laws

The first to the fourth sections inclusive were separately read and agreed to.

The fifth section was read:

On the question,

Will the House agree to the section?

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

The amendments were read by the Clerk as follows:

Amend sec. 5, page 4, line 9, by striking out the words "provided that" and inserting the words: "Provided That."

Amend sec. 5, page 4, line 11, by striking out the word "less" and inserting the word: "more".

The amendments were agreed to.

The section was agreed to as amended.

The sixth section was read:

On the question,

Will the House agree to the section?

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

The amendment was read by the Clerk as follows:

Amend sec. 6, page 4, line 29, by inserting after the word "sick" the following: "in a hospital, convalescent home or other suitable institution to be determined by the Board".

The amendment was agreed to.

The section was agreed to as amended.

The seventh section was read:

On the question,

Will the House agree to the section?

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

The amendment was read by the Clerk as follows:

Amend sec. 7, page 6, line 6, by striking out the word "operate" and inserting the word: "practice".

The amendment was agreed to.

The section was agreed to as amended.

The eighth section was read:

On the question,

Will the House agree to the section?

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

The amendment was read by the Clerk as follows:

Amend sec. 8, page 7, line 2, by inserting after the word "work" the following: "and Provided That the Board may remove any school from any approved list by the unanimous vote of the members of the Board after a full and fair hearing before the Board upon the question of said removal. The Board shall give thirty (30) days notice of the time and place of said hearing and a copy of the charges preferred shall be sent to the last known address of the school by registered mail. Any school aggrieved by the action of the Board in removing its name from the approved list or any school aggrieved by the action of the Board in refusing to place any school on the approved list may appeal therefrom within thirty (30) days after the mailing of notice of such action to the Court of Common Pleas of Dauphin County which court shall hear the matter de novo and shall enter such order affirming modifying or reversing the action of the Board as shall appear proper to the court. No such appeal shall act as a supersedeas unless the said court shall so decree. Any statewide organization of nurses shall have the right to intervene and participate in such appeal proceedings upon petition to the said court and upon notice to all parties of record. The action of said court in the appeal shall be final and not subject to further appeal."

The amendment was agreed to.

The section was agreed to as amended.

The ninth section was read:

On the question,

Will the House agree to the section?

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

The amendments were read by the Clerk as follows:

Amend sec. 9, page 7, line 8, by striking out the words "provided that" and inserting in lieu thereof the words: "Provided That".

Amend sec. 9, page 7, line 9, by inserting after the word "may" the word: "also".

The amendments were agreed to.

The section was agreed to as amended.

The tenth section was read:

On the question,

Will the House agree to the section?

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

The Clerk read the amendment as follows:

Amend sec. 10, page 7, line 26, by striking out the words "provided that" and inserting in lieu thereof the words: "Provided That".

The amendment was agreed to.

The section was agreed to as amended.

The eleventh section was read:

On the question,

Will the House agree to the section?

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

The amendment was read by the Clerk as follows:

Amend sec. 11, page 8, line 6, by striking out the words "which shall entitle" and inserting in lieu thereof the word: "entitling".

The amendment was agreed to.

The section was agreed to as amended.

The twelfth section was read:

On the question,

Will the House agree to the section?

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

The Clerk read the amendments as follows:

Amend sec. 12, page 8, line 20, by striking out the words "or provided that" and inserting in lieu thereof the words: "Provided That".

Amend sec. 12, page 9, line 3, by striking out the word "who" and inserting in lieu thereof the word: "which".

Amend sec. 12, page 9, line 8, by inserting after the word "which" the word: "date".

Amend sec. 12, page 9, line 9, by inserting after the word "list" the following: "and Provided That this section shall not apply to any school or schools or other institutions conducted by any presently well-recognized church or denomination for the purpose of training adherents of such church or denomination in the care of the sick in connection with the treatment of the sick by prayer or spiritual means in accordance with the religious tenets of such church or denomination; or".

Amend sec. 12, page 10, line 7, by striking out the words "upon conviction".

Amend sec. 12, page 10, line 10, by striking out the words "additional offenses" and inserting in lieu thereof the following "each additional offense".

The amendments were agreed to.
The section was agreed to as amended.
The thirteenth section was read:

On the question,

Will the House agree to the section?

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

The amendments were read by the Clerk as follows:

Amend sec. 13, page 10, line 21, by inserting after the figure "13" the following: "(a)".

Amend sec. 13, page 10, line 24, by striking out the letter "(a)".

Amend sec. 13, page 11, line 5, by striking out all of said line and inserting in lieu thereof the following: "others" "(b) The practice of nursing requiring a license as a".

Amend sec. 12, page 11, line 8, by striking out the letter "(a)".

The amendments were agreed to.
The section was agreed to as amended.
The fourteenth section was read:

On the question,

Will the House agree to the section?

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

The amendment was read by the Clerk as follows:

Amend sec. 14, page 12, lines 4, 5, 6 and 7, by striking out the words "in connection" in line 4, all of lines 5 and 6, and the words "by adherents thereof" in line 7, and inserting in lieu thereof the following: "as a part of or in connection with the treatment of the sick by prayer or spiritual means in the exercise of the religious tenets of a presently well-recognized church or denomination, so long as such person does not practice or hold himself or herself out to be a licensed nurse or licensed attendant as defined in this act."

The amendment was agreed to.

The section was agreed to as amended.

The fifteenth to the nineteenth sections inclusive and the title were separately read and agreed to.

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

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 1780, Senate Bill No. 185, Printer's No. 377, was passed over at the request of Mr. BROWN.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1818, (Senate Bill No. 486), entitled:

An Act relating to sheriff's sales of personal property providing that when personal property is sold at sheriff's sale to the plaintiff in the writ of execution the sheriff shall accept in payment a receipt from such purchaser for the amount to which he is entitled under the writ subject to certain deductions for costs and priority claims

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. 1820, (Senate Bill No. 1017), entitled:

An Act to amend section one of the act approved the fifteenth day of May one thousand eight hundred and seventy-four (P L 186) entitled "An act declaring what offices are incompatible" by specifically exempting persons serving in the armed forces of the United States

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. 1786, (Senate Bill No. 209), entitled:

An Act providing for the forfeiture and condemnation of vehicles used to store possess or transport narcotics or drugs the possession or transportation of which is in violation of law

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. 1654, (Senate Bill No. 624), entitled:

An Act to further amend clause seven of section one thousand two hundred ten of the act, approved the eighteenth day of May, one thousand nine hundred 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 increasing the minimum salaries of teachers in school districts of the fourth class and requiring the Commonwealth to make certain payments on account of such salaries

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

Ordered, To be transcribed for a third reading.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 960, as follows:

An Act to amend section one and two and to further amend sections three and five of the act approved the sixth day of April one thousand nine hundred and eleven (P. L. 51) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the sale the offering for sale or exposing for sale of having in possession with intent to sell or adulterated or deleterious sausage defining sausage and prescribing the penalty for the violation thereof by further defining sausage making possession of adulterated sausage prima facie evidence of intent to sell further defining and regulating the adulteration of sausage and conferring powers and duties on the Department of Agriculture

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

Section 1 Sections one and two of the act approved the sixth day of April one thousand nine hundred and eleven

(P. L. 51) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the sale the offering for sale or exposing for sale or having in possession with intent to sell of adulterated or deleterious sausage defining sausage and prescribing the penalty for the violation thereof" are 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 it shall be unlawful for any person or persons by himself herself or themselves or by his her or their agents servants or employes to sell offer for sale expose for sale or have in possession with intent to sell sausage that is adulterated within the meaning of this act The possession of any adulterated sausage shall be deemed prima facie evidence of the intent to sell such sausage

Section 2 Defining sausage That for the purpose of the act sausage or sausage meat shall be held to be comminuted meat as defined by the Department of Agriculture from [neat] cattle or swine or a mixture of such meats either fresh salted pickled or smoked with or without added salt and spices provided they do not conceal damage or inferiority and with or without the addition of edible animals fats blood and sugar or subsequent smoking It shall contain no larger amount of water than the meats from which it is prepared contained when in their fresh condition except as hereinafter permitted If it bears a name descriptive of kind composition or origin its contents shall correspond to the kind composition or origin indicated by such name

Section 2 Section three and five of said act as last amended by the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2670) are hereby further amended to read as follows

Section 3 That for the purpose of this act sausage shall be deemed to be adulterated

First If it does not conform to the requirements and definition for sausage in section two hereof

Second If it contains added water or ice in excess of the quantity required to bring the amount up to that which the meats from which it is prepared contain immediately after slaughter excepting such water and ice as may be added for the purpose of facilitating grinding chopping and mixing and which shall in no case exceed [seven] three per centum in sausage which is not cooked or smoked and ten per centum in sausage which is cooked or smoked as determined by the methods prescribed by the Department of Agriculture all tolerances having been allowed for

[Second] Third If it contains any cereal vegetable flour vegetable product milk powder or cracklings

[Third] Fourth If it contains any coal-tar [dye] color or any added natural color vegetable coloring boric acid or borates sulphites sulphur dioxide sulphurous acid or any other chemical preservative or other substances injurious or deleterious to health

[Fourth] Fifth If it contains any diseased contaminated filthy or decomposed substance or is manufactured in whole or in part from a diseased contaminated filthy or decomposed substance or a substance produced stored transported or kept in a way or manner that [would] might render the article diseased contaminated or unwholesome or if it is any product of a diseased animal or the product of any animal which has died otherwise than by slaughter

Section 5 That the Department of Agriculture of the State shall be charged with the enforcement of the provisions of this act and shall make rules and regulations for the proper enforcement thereof including rules and regulation setting up definitions and standards for sausage of particular kind composition or origin within the general definition for sausage in section two hereof and shall cause such rules and regulations to be published in the official bulletin in the issue immediately following the preparation of the same

Section 3 This act shall become effective immediately upon final enactment

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—200

Achterman,	French,	Marks,	Rosenfeld,
Allmond,	Gallagher,	Maxwell,	Royer,
Auker,	Gerard,	McClanaghan,	Rush,
Baker,	Gillan,	McClester,	Sarge,
Balthaser,	Gillette,	McDermott,	Sarra,
Baughner,	Goodwin,	McDowell,	Scanlon,
Bentzel,	Greenwood,	McFall,	Schwab,
Boles,	Gross,	McGrath,	Serrill,
Boney,	Gryskewicz,	McIntosh,	Shaffer,
Boorse,	Gyger,	McKinney,	Shaw,
Bower,	Habbyshaw,	McLanahan,	Smons,
Bradley,	Haberlen,	McLane,	Snyder,
Breth,	Haines,	McMillen,	Sollenberger,
Brown,	Hall,	McSurdy,	Sorg,
Brunner, C. H.,	Hamilton,	McIntorre,	Stambaugh,
Brunner, P. A.,	Hare,	Mihm,	Stank,
Burns,	Harkins,	Modell,	Stine,
Burriss,	Harmuth,	Monks,	Stockham,
Cadwalader,	Harris,	Mooney,	Tarr,
Chervenak,	Heatherington,	Moran,	Tate,
Chudoff,	Helm,	Moul,	Taylor,
Cochran,	Hering,	Muir,	Thompson, E. F.,
Cohen, M. M.,	Herman,	Munley,	Thompson, R. L.,
Cohen, R. E.,	Hersch,	Nagel,	Trout,
Cook,	Hewitt,	Nunemacher,	Turner,
Cooper,	Hirsch,	O'Brien,	Van Alisburg,
Cordier,	Holland,	O'Connor,	Verona,
Corrigan,	Huntley,	O'Dare,	Vincent,
Croop,	Imbrie,	O'Mullen,	Vogt,
Cullen,	James,	O'Neill,	Voldow,
Dalrymple,	Jefferson,	Owens,	Voorhees,
Dennison,	Jones, G. E.,	Petrosky,	Wagner,
DiGenova,	Jones, P. N.,	Petit,	Watkins,
Dix,	Kenehan,	Polaski,	Weingartner,
Dolon,	Kline,	Polen,	Weiss,
D'Ortona,	Knoble,	Powers,	Weish, M. J.,
Duffy,	Kolankiewicz,	Prosen,	Wilkinson,
Early,	Komorowski,	Rank,	Williams,
Eckels,	Krise,	Rausch,	Winnor,
Elder,	Lee, T. H.,	Readinger,	Wolf,
Elliott,	Lelsey,	Reagan,	Wood, L. H.,
Ely,	Leonard,	Reese, D. P.,	Wood, N.,
Falkenstein,	Lesko,	Reese, R. E.,	Woodring,
Finestone,	Levy,	Regan,	Woodside,
Finnerty,	Leydic,	Reynolds,	Wright,
Fiss,	Lichtenwalter,	Rhea,	Yeakel,
Fleming,	Longo,	Riley,	Yester,
Fletcher,	Lovett,	Rooney,	Young,
Flynn,	Lyons,	Rose, S.,	Kilroy,
Foot,	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.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 717, as follows:

An Act relating to criminal procedure providing for the securing of attendance of witnesses from within or without the State in criminal cases and making uniform the law in reference thereto

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

Section 1 Definitions The word "witness" as used in this act shall include a person whose testimony is desired in any proceeding or investigation by a grand jury or in a criminal action prosecution or proceeding

The word "state" shall include any territory of the United States and the District of Columbia

The word "summons" shall include a subpoena order or other notice requiring the appearance of a witness

Section 2 Summoning Witness in this State to Testify in Another State If a judge of a court of record in any state which by its laws has made provision for commanding persons within that state to attend and testify in this State certifies under the seal of such court that there is a criminal prosecution pending in such court or that a grand jury investigation has commenced or is about to commence that a person being within this State is a material witness in such prosecution or grand jury investigation and his presence will be required for a specified number of days upon presentation of such certificate to any judge of a court of record in the county in which such person is such judge shall fix a time and place for a hearing and shall make an order directing the witness to appear at a time and place certain for the hearing

If at a hearing the judge determines that the witness is material and necessary that it will not cause undue hardship to the witness to be compelled to attend and testify in the prosecution or a grand jury investigation in the other state and that the laws of the state in which the prosecution is pending or grand jury investigation has commenced or is about to commence and of any other state through which the witness may be required to pass by ordinary course of travel will give to him protection from arrest and the service of civil and criminal process he shall issue a summons with a copy of the certificate attached directing the witness to attend and testify in the court where the prosecution is pending or where a grand jury investigation has commenced or is about to commence at a time and place specified in the summons In any such hearing the certificate shall be prima facie evidence of all the facts stated therein

If said certificate recommends that the witness be taken into immediate custody and delivered to an officer of the requesting state such judge may in lieu of notification of the hearing direct that such witness be forthwith brought before him for said hearing and the judge at the hearing being satisfied of the desirability of such custody and delivery for which determination the certificate shall be prima facie proof of such desirability may in lieu of issuing subpoena or summons order that said witness be forthwith taken into custody and delivered to an officer of the requesting state Provided however That such judge may admit the witness to bail by bond with sufficient sureties and in such sum as he deems proper conditioned for his appearance before him at a time specified in such bond and for his surrender to an officer of the requesting state

If the witness who is summoned as above provided after being paid or tendered by some properly authorized person the sum of ten cents (\$.10) a mile for each mile by the ordinary traveled route to and from the court where the prosecution or investigation is pending and five dollars (\$5) for each day that he is required to travel and attend as a witness fails without good cause to attend and testify as directed in the summons he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this State

Section 3 Witness from Another State Summoned to Testify in this State If a person in any state which by its laws has made provision for commanding persons within its borders to attend and testify in criminal prosecutions or grand jury investigations commenced or about to commence in this State is a material witness in a prosecution pending in a court of record in this State or in a grand jury investigation which has commenced or is about to commence a judge of such court may issue a certificate under the seal of the court stating these facts and specifying the number of days the witness will be required Said certificate may include a recommendation that the witness be taken into immediate custody and delivered to an officer of this State to assure his attendance in this State This certificate shall be presented to a judge of a court of record in the county in which the witness is found

If the witness is summoned to attend and testify in

this State he shall be tendered the sum of ten cents (\$.10) a mile for each mile by the ordinary traveled route to and from the court where the prosecution or investigation is pending and five dollars (\$5) for each day that he is required to travel and attend as a witness A witness who has appeared in accordance with the provisions of the summons shall not be required to remain within this State a longer period of time than the period mentioned in the certificate unless otherwise ordered by the court The court may admit the witness to bail by bond with or without surety and in such sum as it deems proper conditioned for his appearance before it at a time specified in such bond If such witness after coming into this State fails without good cause to attend and testify as directed in the summons he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this State

Section 4 Exemption from Arrest and Service of Process If a person comes into this State in obedience to a summons directing him to attend and testify in this State he shall not while in this State pursuant to such summons be subject to arrest or the service of process civil or criminal in connection with matters which arose before his entrance into this State under the summons

If a person passes through this State while going to another state in obedience to a summons to attend and testify in that state or while returning therefrom he shall not while so passing through this State be subject to arrest or the service of process civil or criminal in connection with matters which arose before his entrance into this State under the summons

Section 5 Uniformity of Interpretation This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of the states which enact it

Section 6 Short Title This act may be cited as the "Uniform Act to Secure the Attendance of Witnesses from Within or Without a State in Criminal Proceedings"

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

The act approved the fifteenth day of July one thousand nine hundred thirty-five (P. L. 1017) entitled "An act relating to criminal procedure providing for the securing of attendance of witnesses from without the State in criminal cases and making uniform the law in reference thereto"

The act approved the twenty-fifth day of June one thousand nine hundred thirty-seven (P. L. 2088) entitled "An act to amend sections one two four five and seven of the act approved the fifteenth day of July one thousand nine hundred and thirty-five (P. L. 1017) entitled "An act relating to criminal procedure providing for the securing of attendance of witnesses from without the State in criminal cases and making uniform the law in reference thereto" by further regulating the attendance of such witnesses and limiting the powers with respect thereto to judges learned in the law"

The act approved the fifteenth day of June one thousand nine hundred thirty-nine (P. L. 401) entitled "An act to further amend sections one and four of the act approved the fifteenth day of July one thousand nine hundred and thirty-five (P. L. 1017) entitled "An act relating to criminal procedure providing for the securing of attendance of witnesses from without the State in criminal cases and making uniform the law in reference thereto" by extending the provisions thereof to include grand jury investigations"

Section 8 Constitutionality If any provision of this act or the application thereof to any person or circumstances is held invalid such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application and to this end the provisions of this act are declared to be severable

Section 9 Effective Date This act shall become effective immediately upon final enactment

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—200

Achterman,	French,	Marks,	Rosenfeld,
Allmond,	Gallagher,	Maxwell,	Royer,
Auker,	Gerard,	McClanaghan,	Rush,
Baker,	Gillan,	McClester,	Sarge,
Balthaser,	Gillette,	McDermott,	Sarraf,
Baughner,	Goodwin,	McDowell,	Scanlon,
Bentzel,	Greenwood,	McFall,	Schwab,
Boles,	Gross,	McGrath,	Serrill,
Boney,	Gryskewicz,	McIntosh,	Shaffer,
Boorse,	Gyger,	McKinney,	Shaw,
Bower,	Habbyshaw,	McLanahan,	Simons,
Bradley,	H. berlen,	McLane,	Snyder,
Breth,	Haines,	McMillen,	Sollenberger,
Brown,	Hall,	McSurdy,	Sorg,
Brunner, C. H.,	Hamilton,	Mechlorre,	Stambaugh,
Brunner, P. A.,	Hare,	Mihm,	Stank,
Burns,	Harkins,	Modell,	Stine,
Burris,	Harmuth,	Monks,	Stockham,
Cadwalader,	Harris,	Mooney,	Tarr,
Chervenak,	Heatherington,	Moran,	Tate,
Chudoff,	Helm,	Moul,	Taylor,
Cochran,	Hering,	Mulr.	Thompson. E. P.,
Cohen, M. M.,	Herman,	Munley,	Thompson. R. L.,
Cohen, R. E.,	Iersch,	Nagel,	Trout,
Cook,	Hewitt,	Nunemacher,	Turner,
Cooper,	Hirsch,	O'Brien,	Van Allsburg,
Cordier,	Holland,	O'Connor,	Verona,
Corrigan,	Huntley,	O'Dare,	Vincent,
Croop,	Imbrie,	O'Mullen,	Vogt,
Cullen,	James,	O'Neill,	Voldow,
Dalrymple,	Jefferson,	Owens,	Voorhees,
Dennison,	Jones, G. E.,	Petrosky,	Wagner,
D'Genova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Kenehan,	Polaski,	Weingartner,
Dolon,	Kilne,	Pfen,	Weiss,
D'Ortona,	Knoble,	Powers,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Prosen,	Wilkinson,
Early,	Komorowski,	Rank,	Williams,
Eckels,	Krise,	Rausch,	Winner,
Elder,	Lee, T. H.,	Readinger,	Wolf,
Elliott,	Lelsey,	Reagan,	Wood, L. H.,
Fly,	Leonard,	Reese, D. P.,	Wood, N.,
Falkenstein,	Lesko,	Reese, R. E.,	Woodring,
Flinstone,	Levy,	Regan,	Woodside,
Finnerty,	Leydic,	Reynolds,	Wright,
Fiss,	Lichtenwalter,	Rhea,	Yeakel,
Fleming,	Longo,	Riley,	Yester,
Fletcher,	Lovett,	Rooney,	Young,
Flynn,	Lyons,	Rose, S.,	Kilroy,
Foor,	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.

Agreeably to order,

The House proceeded to the consideration on final passage 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 payment 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 collectable 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 bond 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 of 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 as-

essment 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 there-

of 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 allowable 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 desired 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 signified a de-

sire 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 each 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 per annum 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 revenues if any other than taxes or the proceeds 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 au-

thorized 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 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. 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 Pleadings. 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 Evidences 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 of 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 any 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 hereinbefore 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 therein 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 pre-

viously 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 obligation 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 authorities 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 or 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 reissuing 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 bands of the municipality by such registrar or transfer agent

Section 703 Temporary Obligations 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 definitive 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 and governing bodies of the said municipalities or quasi-municipalities in relation to said funds and fixing a penalty for the 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 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 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 520 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 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 ar-

title 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 2147 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. 9) 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 laws 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. 125) 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 2702 2703 2704 2705 2706 2707 2708 3251 3252 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 laws relating thereto

Sections 1707 2446 and 2447 absolutely and section 2502 in so far as the same limits the maturity of bonds 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 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 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 bonds 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

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—200

Achterman,	French,	Marks,	Rosenfeld,
Allmond,	Gallagher,	Maxwell,	Royer,
Auker,	Gerard,	McClanaghan,	Rush,
Baker,	Gillan,	McClester,	Sarge,
Balthaser,	Gillette,	McDermott,	Sarra,
Baughner,	Goodwin,	McDowell,	Scanlon,
Bentzel,	Greenwood,	McFall,	Schwab,
Boles,	Gross,	McGrath,	Serrill,
Boney,	Gryskewicz,	McIntosh,	Shafer,
Boorse,	Gyger,	McKinney,	Shaw,
Bower,	Habbychaw,	McLanahan,	Simons,
Bradley,	Haberlen,	McLane,	Snyder,
Breth,	Haines,	McMillen,	Sollenberger,
Brown,	Hall,	McSurdy,	Sorg,
Brunner, C. H.,	Hamilton,	Melchiorre,	Stambaugh,
Brunner, P. A.,	Hare,	Mihm,	Stank,
Burns,	Harkins,	Modell,	Stine,
Burris,	Harmuth,	Monks,	Stockham,
Cadwalader,	Harris,	Mooney,	Tarr,
Chervenak,	Heatherington,	Moran,	Tate,
Chudoff,	Heim,	Moul,	Taylor,
Cochran,	Hering,	Muir,	Thompson, E. F.,
Cohen, M. M.,	Herman,	Munley,	Thompson, R. L.,
Cohen, R. E.,	Hersch,	Nagel,	Trout,
Cook,	Hewitt,	Nunemacher,	Turner,
Cooper,	Hirsch,	O'Brien,	Van Allsburg,
Cordier,	Holland,	O'Connor,	Verona,
Corrigan,	Huntley,	O'Dare,	Vincent,
Croop,	Imbrie,	O'Mullen,	Vogt,
Cullen,	James,	O'Neill,	Voldow,
Dalrymple,	Jefferson,	Owens,	Voorhees,
Dennison,	Jones, G. E.,	Petrosky,	Wagner,
DiGenova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Kenehan,	Polaski,	Weingartner,
Dolon,	Kilne,	Polen,	Weiss,
D'Ortona,	Knoble,	Powers,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Prosen,	Wilkinson,
Early,	Komorowski,	Rank,	Williams,
Eckels,	Krise,	Rausch,	Winner,
Elder,	Lee, T. H.,	Readinger,	Wolf,
Elliot,	Leisey,	Reagan,	Wood, L. H.,
Ely,	Leonard,	Reese, D. P.,	Wood, N.,
Falkenstein,	Lesko,	Reese, R. E.,	Woodring,
Finestone,	Levy,	Regan,	Woodside,
Finnerty,	Leydic,	Reynolds,	Wright,
Fiss,	Lichtenwaller,	Rhea,	Yeakel,
Fleming,	Longo,	Riley,	Yester,
Fletcher,	Lovett,	Rooney,	Young,
Flynn,	Lyons,	Rose, S.,	Kilroy,
Foor,	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.

RECONSIDERATION OF HOUSE BILL No. 329

Mr. LEVY. Mr. Speaker, I move that the vote by which House Bill No. 329, Printer's Number 733, entitled:

An Act to further amend the definition of "Restaurant" in section two and section four hundred eleven of the act approved the twenty-ninth day of November, one thousand nine hundred thirty-three (P. L. 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, con-

nection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," eliminating some of the requirements heretofore imposed upon restaurant licensees," was defeated on final passage on Tuesday, June 3rd, 1941, be reconsidered.

Mr. REUBEN E. COHEN. Mr. Speaker, I second the motion.

The SPEAKER pro tempore. How did the gentleman from Philadelphia, Mr. Levy, vote on the final passage of this bill?

Mr. LEVY. Mr. Speaker, I voted in the majority.

The SPEAKER pro tempore. How did the gentleman from Philadelphia Mr. Cohen, vote on the final passage of this bill?

Mr. REUBEN E. COHEN. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore declared the nays appeared to have it.

Whereupon, a division was called for, seventy-eight members having voted in the affirmative and forty in the negative, the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

Shall the bill pass finally?

BILL POSTPONED

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

The motion was agreed to.

BILLS ON FINAL PASSAGE

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 1524, as follows:

An Act to amend sections one two three and six of the act approved the first day of May one thousand nine hundred and forty-one (Act No. 17) entitled "An act abating certain tax penalties and interest on unpaid county (except counties of the second class) city (except cities of the first and second class) borough town township school districts (except school districts of the first class) poor district (except in counties of the second class) and county institution district (except in counties of the second class) taxes prohibiting the sale of real property for the nonpayment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof" eliminating the powers of taxing authorities to reject certain provisions of the act making the act effective as to property upon which the period of redemption has expired and in certain cases permitting tax sales of real estate during the period of time such sales are prohibited by said act

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

Section 1 Sections one two three and six of the act approved the first day of May one thousand nine hundred and forty-one (Act No 17) entitled "An act abating certain tax penalties and interest on unpaid county (except counties of the second class) city (except cities of the first and second class) borough town township school district (except school districts of the first class) poor district (except in counties of the second class) and county institution district (except in counties of the second class) taxes prohibiting the sale of real property for the nonpayment

of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof" are hereby amended to read as follows

Section 1 All penalties and interest imposed on unpaid delinquent county (except counties of the second class) city (except cities of the first and second class) borough town township school district (except school districts of the first class) poor district (except in counties of the second class) and county institution district (except counties of the second class) taxes for the tax year one thousand nine hundred and forty and all previous years assessed and levied against any parcel or parcels of real estate are hereby abated without the necessity of further action by the authority levying the tax if the unpaid delinquent taxes are paid as hereinafter provided unless the authority levying the tax shall have notified the county treasurer within thirty days after this act becomes effective that the taxing authority has rejected by a majority vote the provisions of this act relating to installment payments of such delinquent taxes as provided by this section. In all cases whether or not the tax levying authorities have heretofore rejected or shall hereafter reject the provisions of the act to which this is an amendment the provisions of section two of said act which under certain conditions extends the benefits of said act to taxpayers and owners who pay the entire amount of such delinquent taxes at one time shall be mandatory as to all taxing authorities coming within the scope of said act.

In order to receive the benefits of the installment system of payment provided by this act twenty per centum or more of the unpaid delinquent taxes due for the year one thousand nine hundred and forty and for all previous years shall be paid on or before the first day of November one thousand nine hundred and forty-one twenty per centum or more on or before the first day of November one thousand nine hundred and forty-two twenty per centum or more on or before the first day of November one thousand nine hundred and forty-three twenty per centum or more on or before the first day of November one thousand nine hundred and forty-four and the unpaid balance on or before the first day of November one thousand nine hundred and forty-five. Provided That the taxes on such parcel or parcels of real estate levied for the year one thousand nine hundred and forty-one together with any interest and penalties due thereon shall be paid on or before the first day of November one thousand nine hundred and forty-one. And provided further That the respective current taxes on such parcel or parcels of real estate levied for the years subsequent to the year one thousand nine hundred and forty-one during such installment periods assessed and levied by such taxing authority shall be paid before they become delinquent. For the purpose of this act a tax shall be deemed to become delinquent on the date when a penalty attaches to the tax. If and whenever any of the said current taxes or any of the said installments are not paid when due and payable as herein provided then and in that event the total amount of the abated penalties and interest shall be revived and added to the unpaid taxes with the same force and effect as if such abated penalties and interest or portion thereof had never been abated and the taxpayer shall not thereafter be entitled to any further benefits or privileges under this act.

Section 2 Any taxpayer or owner having the right of redemption or person having purchased such real property from a political subdivision after the period of redemption has expired may anticipate the payment of such delinquent taxes for the year one thousand nine hundred and forty and previous years at any time on or before November first one thousand nine hundred and forty-one by paying the entire amount of such delinquent taxes and receive the benefit of this act and in such cases payment of the taxes assessed and levied for the year one thousand nine hundred and forty-one shall be required at the time of such payment.

Section 3 This act shall be construed to apply to all such taxes whether or not such taxes have been returned to the commissioner's office or to the treasurer of any city for nonpayment or liens therefor have been filed in the

office of the prothonotary of the county or proceedings for the collection of such taxes have been instituted in any court in said county or where real property has been sold to a county city borough town township school district or county institution district at a tax sale or on a tax lien [and the period of redemption has not expired] but this act shall not be construed to apply to cases where real property has been sold other than to a county city borough town township school district or county institution district at a tax sale or on a tax lien and where the period of redemption has [not] expired the act shall apply only as provided in section two. The taxpayer shall be liable for the payment of all costs incurred except the solicitor's fees where such taxes have been returned for nonpayment or liens therefor have been filed in the office of the prothonotary or proceedings for the collection thereof have been instituted in any court.

Section 6 In order to enable the taxpayer or owner having the right of redemption under a tax sale to receive the full benefits of this act no real property shall be sold for nonpayment of taxes before November first one thousand nine hundred and forty-one unless the written consent of the registered or real owner thereof is filed of record in the proceedings and any tax sale shall be adjourned or readjusted or right of redemption extended as often as may be necessary for this purpose. If any tax sale is adjourned or readjusted or right of redemption extended after advertisement or sale no additional advertisement or notice shall be necessary for the adjourned or readjusted sale or right of redemption. No such adjournment or readjustment or redemption failure to advertise or hold any such tax sale shall invalidate the lien of any tax due and unpaid or sale had subject to redemption but the lien of all such taxes shall be fully preserved during the entire installment period herein provided for if the taxpayer avails himself of the privileges or benefits of this act. Provided however That herein provided for if the taxpayer avails himself of the privileges or benefits of this act the period during which payment of the said delinquent taxes is postponed or continued under this act shall not be included in computing and determining whether or not any right of the tax assessing and levying authority has been barred or lost by reason of the provisions of any statute or statutes now existing or hereafter enacted limiting the right of the said tax levying and assessing authorities to file preserve or maintain the lien of the said taxes.

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

On the question,

Shall the bill pass finally?

Mr. WALTER E. ROSE. Mr. Speaker, at this time I wish to call the attention of the House to the fact that this bill was defeated some time ago. It makes it mandatory for political subdivisions to accept the provisions of the tax abatement plan. Under the former act they have the power to reject it if they find that the abatement plan will work out to the detriment of the taxpayers. Very few of the subdivisions rejected the plan. Those who have rejected it should be commended for their forthrightness in the position they have taken, and I think, gentlemen, we have no right to say to them they must accept the provisions of the tax abatement if they don't want it. I again recommend to the Members to vote down this bill.

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—85

Achterman,	Haberlen,	McDermott,	Regan,
Allmond,	Haines,	McFall,	Reynolds,
Baker,	Hamilton,	McGrath,	Rhea,

Bentzel,	Harkins,	Melchiorre,	Rooney,
Boles,	Harmuth,	Modell,	Rose, S.,
Boney,	Harris,	Monks,	Rosenfeld,
Bower,	Hersch,	Mooney,	Schwab,
Breth,	Holland,	Moran,	Shaw,
Chervenak,	Jefferson,	Munley,	Tarr,
Cohen, M. M.,	Jones, P. N.,	O'Brien,	Tate,
Cordier,	Kenehan,	O'Connor,	Turner,
Croop,	Kolankiewicz,	O'Mullen,	Vincent,
Dennison,	Komorowski,	Cwens,	Vogt,
DiGenova,	Leonard,	Petrosky,	Weingartner,
Dolon,	Lesko,	Pettit,	Wells,
D'Ortona,	Leydic,	Polaski,	Welsh, M. J.,
Finestone,	Longo,	Polen,	Williams,
Finnerty,	Lovett,	Powers,	Woodring,
Flynn,	Malloy,	Prosen,	Wright,
Gallagher,	Marks,	Rausch,	Yester,
Gerard,	Maxwell,	Reese, R. E.,	Young,
Gryskewicz,			

NAYS—60

Auker,	Habbyslaw,	McKinney,	Sorg,
Boorse,	Hall,	McMillen,	Stambaugh,
Brunner, C. H.,	Hare,	McSurdy,	Stine,
Brunner, P. A.,	Hewitt,	Moul,	Stockham,
Cadwalader,	Huntley,	Muir,	Taylor,
Dairympie,	Imbrie,	Nunemacher,	Thompson R. L.,
Dix,	James,	Rank,	Trout,
Duffy,	Jones, G. E.,	Readinger,	Van Allsburg,
Elder,	Kline,	Roagan,	Voorhees,
Ely,	Krise,	Rose, W. F.,	Wagner,
Fiss,	Lee, T. H.,	Royer,	Watkins,
Fletcher,	Lelsey,	Serrill,	Wilkinson,
Gillette,	Lichtenwalter,	Shaffer,	Wolf,
Gross,	McClester,	Simons,	Wood, L. H.,
Gyger,	McIntosh,	Sollenberger,	Wood, N.,
			Woodside,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill 1537, (Senate Bill No. 381), as follows:

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 operation and leasing of aviation landing fields and airdromes by counties of the second third fourth fifth sixth seventh and eighth classes conferring certain powers of eminent domain upon such counties for the acquisition of lands for aviation landing fields and airdromes authorizing such counties to appropriate for such purposes unredeemed lands purchased at tax sales providing for the jurisdiction of condemnation proceedings where lands are situated in more than one county authorizing such counties to act jointly with certain political subdivisions in the operation and maintenance of aviation landing fields and airdromes and providing for the expenditure of funds for such purposes in cooperation with certain State Federal or other public agencies

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

Section 1 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" is hereby amended by adding thereto after section four hundred and ninety-five the following sections

Section 496 Any county of the second third fourth fifth sixth seventh or eighth classes may acquire by lease purchase or condemnation proceedings any land lying within its territorial limits or the territorial limits of any adjoining county which in the judgment of the county com-

missioners may be necessary and desirable for the purpose of establishing and maintaining airdromes or landing fields but no such land shall be so acquired in any adjoining county without the assent of the county commissioners thereof Any such county may also appropriate for such purposes any lands heretofore or hereafter purchased by it at any tax sale and which have not been redeemed within the period provided by law Provided however That nothing herein contained shall be construed to authorize the condemnation of any property owned by a company subject to the provisions of the Pennsylvania Public Utility Law

Section 496.1 The proceedings for the condemnation of lands under the provisions of this act and for the assessment of damages for property taken injured or destroyed shall be conducted in the same manner as now provided by law for the condemnation of land for build- ings for county purposes in the county in which the land is situated except that the owner of land to be condemned may if such land is situated in more than one county designate the court of common pleas of nay county in which any portion of such land is situated to have exclusive jurisdiction over the condemnation proceedings In case such owner after notice and request fails to make such designation the court of common pleas of the county in which the principal part of the land is situated shall have exclusive jurisdiction over the condemnation proceedings The title acquired by virtue of any such condemnation shall be a title in fee simple

Section 496.2 Any such county acquiring land for any aeronautical purposes may lease the same or part thereof for an adequate consideration after due public notice and with the consent and approval of the taxing authorities of the county acquiring such land to any individual or corporation desiring to use the same for the purposes of landing or starting an airplane therefrom or for other aeronautical purposes on such terms and subject to such conditions and regulations as may be provided Any such county may enter into a contract in the form of a lease providing for the use of said land or any part thereof by the Government of the United States for air mail delivery or other aeronautical purposes upon nominal rental or without consideration

Section 496.3 Any such county acquiring land for any aviation purpose may operate and maintain said airdromes or aviation landing fields jointly with any city county borough town or township or other political subdivision upon such terms and conditions as may be agreed upon between the corporate authorities thereof and the county commissioners of such county

Section 496.4 Any such county acquiring any land for such purpose may by resolution of the board of commissioners appropriate such funds as are necessary for the engineering design surveys and construction of such an airport either wholly by themselves or in cooperation with State Federal or other public agencies supplying a portion of the necessary funds for said work

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

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

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—200

Achterman,	French,	Marks,	Rosenfeld,
Allmond,	Gallagher,	Maxwell,	Royer,
Auker,	Gerard,	McCianaghan,	Rush,
Baker,	Gillan,	McClester	Sarge,
Balthaser,	Gillette,	McDermott,	Sarra,
Baughner,	Goodwin,	McDowell,	Scanlon,
Bentzel,	Greenwood,	McFall,	Schwab,
Boles,	Gross,	McGrath,	Serrill,
Boney,	Gryskewicz,	McIntosh,	Shaffer,
Boorse,	Gyger,	McKinney,	Shaw,
Bower,	Habbyslaw,	McLanahan,	Simons,
Bradley,	Haberlen,	McLane,	Snyder,

Breth,	Haines,	McMillen,	Sollenberger,
Brown,	Hall,	McSurdy,	Sorg,
Brunner, C. H.,	Hamilton,	Melchiorre,	Stambaugh,
Brunner, P. A.,	Hare,	Mihm,	Stank,
Burns,	Harkins,	Modell,	Stine,
Burris,	Harmuth,	Monks,	Stockham,
Cadwalader,	Harris,	Mooney,	Tarr,
Chervenak,	Heatherington,	Moran,	Tate,
Chudoff,	Helm,	Moul,	Taylor,
Cochran,	Hering,	Muir,	Thompson, E. F.,
Cohen, M. M.,	Herman,	Munley,	Thompson, R. L.,
Cohen, R. E.,	Hersch,	Nagel,	Trout,
Cook,	Hewitt,	Nunemacher,	Turner,
Cooper,	Hirsch,	O'Brien,	Van Allsburg,
Cordier,	Holland,	O'Connor,	Verona,
Corrigan,	Huntley,	O'Dare,	Vincent,
Croop,	Imbrie,	O'Mullen,	Vogt,
Cullen,	James,	O'Neill,	Voldow,
Dalrymple,	Jefferson,	Owens,	Voorhees,
Dennison,	Jones, G. E.,	Petrosky,	Wagner,
DiGenova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Kenehan,	Polaski,	Weingartner,
Dolon,	Kline,	Polen,	Weiss,
D'Ortona,	Knoble,	Powers,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Prosen,	Wilkinson,
Early,	Komorowski,	Rank,	Williams,
Eckels,	Krise,	Rausch,	Winner,
Elder,	Lee, T. H.,	Readinger,	Wolf,
Elllott,	Lelsey,	Reagan,	Wood, L. H.,
Ely,	Leonard,	Reese, D. P.,	Wood, N.,
Falkenstein,	Lesko,	Reese, R. E.,	Woodring,
Finestone,	Lev,	Regan,	Woodside,
Finnerty,	Leydic,	Reynolds,	Wright,
Fiss,	Lichtenwalter,	Rhea,	Yeakel,
Fleming,	Longo,	Riley,	Yester,
Fletcher,	Lovett,	Rooney,	Young,
Flynn,	Lons,	Rose, S.,	Kilroy,
Foor,	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 return it to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1662, as follows:

An Act to amend the title and further amend section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P L 844) entitled "An act authorizing the Commonwealth of Pennsylvania or any department or division thereof and counties cities boroughs incorporated towns townships school districts and poor districts to make contracts of life health and accident policies for the benefit of employes thereof and providing for the payment of the cost thereof" authorizing the making of contracts for hospitalization and medical services and extending the provisions of the act to vocational school districts and institution districts

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

Section 1 The title of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P L 844) entitled "An act authorizing the Commonwealth of Pennsylvania or any department or division thereof and counties cities boroughs incorporated towns townships school districts and poor districts to make contracts of life health and accident policies for the benefit of employes thereof and contracts for pensions for such employes and providing for the payment of the cost thereof" is hereby amended to read as follows

An Act authorizing the Commonwealth of Pennsylvania or any department or division thereof and counties cities boroughs incorporated towns townships school dis-

tricts [and poor] vocational school districts and institution districts to make contracts of life health hospitalization medical services and accident policies for the benefit of employes thereof and contracts for pensions for such employes and providing for the payment of the cost thereof

Section 2 Section one of said act as amended by the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P L 688) is hereby further 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 Commonwealth of Pennsylvania or any department or division thereof and any county city borough incorporated town township school district vocational school district or institution district may and are hereby specifically authorized to make contracts of insurance with any insurance company or non-profit hospitalization corporation or non-profit medical service corporation authorized to transact business within the Commonwealth insuring its employes or any class or classes thereof under a policy or policies of group insurance covering life health hospitalization medical service or accident insurance and may contract with any such company granting annuities or pensions for the pensioning of such employes and for such purposes may agree to pay part or all of the premiums or charges for carrying such contracts and may appropriate out of its treasury any money necessary to pay such premiums or charges or portions thereof

The proper officer agency board or commission of any of the above political divisions or subdivisions having authority to enter into such contracts of insurance are hereby authorized enabled and permitted to deduct from the employe's pay salary or compensation such part of the premium as is payable by the employe and as may be so authorized by the employe in writing

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

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—200

Achterman,	French,	Marks,	Rosenfeld,
Allmond,	Gallagher,	Maxwell,	Royer,
Auker,	Gerard,	McClanaghan,	Rush,
Baker,	Gillan,	McClester,	Sarge,
Balthaser,	Gillette,	McDermott,	Sarra,
Baughner,	Goodwin,	McDowell,	Scanlon,
Bentzel,	Greenwood,	McFaul,	Schwab,
Boles,	Gross,	McGrath,	Serrill,
Boney,	Gryskewicz,	McIntosh,	Shaffer,
Boorse,	Gyger,	McKinney,	Shaw,
Bower,	Habbyshaw,	McLanahan,	Simons,
Bradley,	Hrverlen,	McLane,	Snyder,
Breth,	Haines,	McMillen,	Sollenberger,
Brown,	Hall,	McSurdy,	Sorg,
Brunner, C. H.,	Hamilton,	Melchiorre,	Stambaugh,
Brunner, P. A.,	Hare,	Mihm,	Stank,
Burns,	Harkins,	Modell,	Stine,
Burris,	Larmuth,	Monks,	Stockham,
Cadwalader,	Harris,	Mooney,	Tarr,
Chervenak,	Heatherington,	Moran,	Tate,
Chudoff,	Helm,	Moul,	Taylor,
Cochran,	Hering,	Muir,	Thompson, E. F.,
Cohen, M. M.,	Herman,	Munley,	Thompson, R. L.,
Cohen, R. E.,	Hersch,	Nagel,	Trout,
Cook,	Hewitt,	Nunemacher,	Turner,
Cooper,	Hirsch,	O'Brien,	Van Allsburg,
Cordier,	Holland,	O'Connor,	Verona,
Corrigan,	Huntley,	O'Dare,	Vincent,
Croop,	Imbrie,	O'Mullen,	Vogt,
Cullen,	James,	O'Neill,	Voldow,
Dalrymple,	Jefferson,	Owens,	Voorhees,
Dennison,	Jones, G. E.,	Petrosky,	Wagner,
DiGenova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Kenehan,	Polaski,	Weingartner,
Dolon,	Kline,	Polen,	Weiss,

D'Ortona,	Knoble,	Powers,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Prosen,	Wilkinson,
Early,	Komorowski,	Rank,	Williams,
Eckels,	Krise,	Rausch,	Winner,
Elder,	Lee, T. H.,	Readinger,	Wolf,
Elliott,	Lelsey,	Reagan,	Wood, L. H.,
Ely,	Leonard,	Reese, D. P.,	Wood, N.,
Falkenstein,	Lesko,	Reese, R. E.,	Woodring,
Finestone,	Levy,	Regan,	Woodside,
Finnerty,	Leydic,	Reynolds,	Wright,
Fiss,	Lichtenwalter,	Rhea,	Yeakel,
Fleming,	Longo,	Riley,	Yester,
Fletcher,	Lovett,	Rooney,	Young,
Flynn,	Lyons,	Rose, S.,	Kilroy,
Foor,	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.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. ACHTERMAN.

The House resumed the consideration on final passage of House Bill No. 568, entitled:

An Act to further amend the act approved the first day of June, one thousand nine hundred and thirty-seven (P. L. 1168), entitled "An act to protect the right of employes to organize and bargain collectively; creating the Pennsylvania Labor Relations Board; conferring powers and imposing duties upon the Pennsylvania Labor Relations Board, officers of the State government, and courts; providing for the right of employes to organize and bargain collectively; declaring certain labor practices by employers to be unfair; further providing that representatives of a majority of the employes to be the exclusive representatives of all the employes; authorizing the board to conduct hearings and elections, and certify as to representatives of employes for purposes of collective bargaining; empowering the board to prevent any person from engaging in any unfair labor practice, and providing a procedure for such cases, including the issuance of a complaint, the conducting of a hearing, and the making of an order; empowering the board to petition a court of common pleas for the enforcement of its order, and providing a procedure for such cases; providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order, and establishing a procedure for such cases; providing for an appeal from the common pleas court to the Supreme Court; providing the board with investigatory powers, including the power to issue subpoenas and the compelling of obedience to them through application to the proper court; providing for service of papers and process of the board; prescribing certain penalties," redefining the powers and duties of the Pennsylvania Labor Relations Board; redefining "labor disputes," the rights of employers and certain unfair labor practices by employers and employes; further changing the provisions for designation and selection of representatives for the purpose of labor bargaining; changing the practice and procedure before the board, further prescribing the qualifications for, and increasing the salaries of, members of the board; eliminating the provision making the rules and regulations of the board subject to the approval of the Secretary of Labor and Industry; and eliminating certain forfeiture of rights.

On the question recurring,
Shall the bill pass finally?

BILL RECOMMENDED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Labor for the pur-

pose of further study and possible amendment.

The motion was agreed to.

BILL ON FINAL PASSAGE

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. SCANLON.

The House resumed the consideration on final passage of House Bill No. 709, as follows:

An Act to further amend section four hundred and twelve of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 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 the transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" by further defining the sales of malt or brewed beverages

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

Section 1 Section four hundred and twelve of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 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 licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" as last reenacted and amended by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (P. L. 1762) is hereby further amended to read as follows

Section 412 Sale of Malt or Brewed Beverages Every license issued to a hotel restaurant club or a railroad pullman or steamship company under this act for the sale of liquor shall authorize the licensee to sell malt or brewed beverages at the same places but subject to the same restrictions and penalties as apply to sales of liquor except that licensees other than clubs may sell malt or brewed beverage for consumption off the premises where sold in quantities of not more than [seventy-two] one hundred forty-four fluid ounces in a single sale to one person No licensee under this act shall at the same time be the holder of any other license except a retail dispensers license authorizing the sale of malt or brewed beverages only

On the question recurring,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Messrs. SCANLON, MELCHIORRE and FALKENSTEIN asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—90

Almond,	Goodwin,	McSurdy,	Rosenfeld,
Baker,	Gryskewicz,	Melchiorre,	Royer,
Balthaser,	Harkins,	Modell,	Sarra,
Boles,	Harmuth,	Monks,	Scanlon,
Boney,	Herman,	Mooney,	Schwab,
Bradley,	Hersch,	Moran,	Shaw,
Breth,	Holland,	Munley,	Sorg,
Brunner, C. H.,	Jefferson,	O'Brien,	Stank,
Brunner, P. A.,	Kenehan,	O'Mullen,	Tarr,
Burns,	Kline,	O'Neill,	Thompson, E. F.,
Chudoff,	Kolankiewicz,	Petrosky,	Thompson, R. L.,
Cordier,	Komorowski,	Polaski,	Vogt,
Cullen,	Leonard,	Powers,	Voldow,
Dalrymple,	Lesko,	Frosen,	Voorhees,
DiGenova,	Lichtenwalter,	Rausch,	Watkins,
Dolon,	Longo,	Readinger,	Wels,
Duffy,	Lovett,	Reese, R. E.,	Welsh, M. J.,
Falkenstein,	Malloy,	Regan,	Williams,
Finestone,	Marks,	Reynolds,	Wolf,
Finnerty,	Maxwell,	Rhea,	Wood L. H.,
Flynn,	McClanaghan,	Rose, S.,	Woodring,
Gallagher,	McDermott,	Rose, W. E.,	Young,
Gerard,	McGrath,		

NAYS—75

Achterman,	French,	Knoble,	Riley,
Auker,	Gillan,	Krise,	Rush,
Baughner,	Gillette,	Levy,	Sarge,
Bentzel,	Greenwood,	Leydic,	Serrill,
Bower,	Gross,	Lyons,	Shaffer,
Burriss,	Gyger,	McClester,	Simons,
Cadwalader,	Habbyshaw,	McFall,	Sollenberger,
Chervenak,	Haines,	McIntosh,	Stambaugh,
Cochran,	Hall,	McKinney,	Stine,
Cohen, M. M.,	Hamilton,	McMillen,	Taylor,
Croop,	Hare,	Moul,	Trout,
Dennison,	Harris,	Muir,	Turner,
Dix,	Heatherington,	Nagel,	Wagner,
Elder,	Helm,	Nunemacher,	Weingartner,
Elliott,	Hewitt,	O'Connor,	Woodside,
Ely,	Huntley,	O'Dare,	Yeakel,
Fiss,	Imbrie,	Owens,	Yester,
Fleming,	James,	Reagan,	
Foor,	Jones, P. N.,		

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR.

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

The Chair would like to inform the Members of the reason for his absence today. He attended the ceremony at the Pennsylvania Military College in honor of that great sportsman and symbol of good, clean living, a man loved by the youth of our nation, Mr. Connie Mack. He received a Doctor's Degree on physical education.

I also want to thank the gentleman from Delaware for that great occasion.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1508, (Senate Bill No. 645), entitled:

An Act to reenact and further amend the title and the act, approved the first day of June, one thousand nine hundred thirty-three (P. L. 1409), entitled as amended, "An act creating the Highway Mining Commission with judicial powers, to have exclusive jurisdiction over the

mining of coal within or under the right of ways of State highways; and the assessment and award of benefits, improvements, and damages for coal required to be left in place by reason of the obligation to furnish support for State highway routes, whether payable by the Commonwealth or a county; authorizing counties to enter into agreements to indemnify or reimburse the Commonwealth for damages to highways caused by the removal of coal under or adjacent thereto," by extending said act, as amended, to all lands, easements and right of ways purchased, condemned, or otherwise acquired by the Commonwealth; waiving vertical and lateral support therefor under certain conditions; reserving the right to acquire absolute vertical and lateral support; reserving the power to establish detours for the removal of coal underlying State highways; renaming the Highway Mining Commission and making certain changes in its membership and procedure; providing for appeals to the courts of common pleas from orders assessing damages for coal required to be left in place; and further clarifying the provisions of the act.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

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

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1208, (Senate Bill No. 80), as follows:

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 employes further defining the powers 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

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

Section I Clause (b) of section four of 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 exception) 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" is hereby amended to read as follows

Section 4 Definitions The following words and phrases as used in this act shall have the following meanings unless the context clearly requires otherwise

(b) "Benefit year" with respect to any individual means the fifty-two consecutive weeks beginning with the first [week] effective day occurring after January first one thousand nine hundred thirty-eight with respect to which compensation is payable to him and thereafter the fifty-two consecutive weeks beginning with the first [week] effective day with respect to which compensation is properly claimed by or next payable to him after the termination of his last preceding benefit year

Section 2 Clause (i) of section four of said act as amended by the act approved the eighteenth day of May one thousand nine hundred and thirty-seven (P. L. 658) is hereby further amended to read as follows

Section 4 Definitions The following words and phrases as used in this act shall have the following meanings unless the context clearly requires otherwise

(i) "Employer" means every (1) individual (2) copartnership (3) association (4) corporation (domestic or foreign) (5) the legal representative trustee in bankruptcy receiver or trustee of any individual copartnership association or corporation or (6) the legal representative of a deceased person (I) who or which employed or employs any employe (whether or not the same employe) in employment subject to this act for some portion of each of some [twenty (20)] two (2) days during the calendar year one thousand nine hundred thirty-six or any calendar year thereafter each day being in a different week in covered employment or (II) who or which has elected to become fully subject to this act and whose election remains in force

Whenever any employer contracts with or has under him any contractor or subcontractor for any work which is part of his usual trade occupation profession or business unless such employer as well as each such contractor or subcontractor is an employer (as defined in the first paragraph of this subsection) the employer shall for all the purposes of this act be deemed to employ each individual in the employ of each such contractor or subcontractor for each day during which said individual is engaged in performing such work except that each such contractor or subcontractor who is an employer (as defined in the first paragraph of this subsection) shall alone be liable for the employer's contributions measured by the wages payable to individuals in his employ and except that any employer who shall become liable for and pay contributions with respect to individuals in the employ of any such contractor or subcontractor who is not an employer (as defined in the first paragraph of this subsection) may recover the same from such contractor or subcontractor Each individual employed to perform or to assist in performing work of any agent or employe of an employer shall be deemed to be employed by such employer for all the purposes of this act whether such individual was hired or paid directly by such employer or by such agent or employe provided the employer had actual or constructive knowledge of the work

Where an employer maintains more than one place of employment within this Commonwealth all of the employes at the several places of employment shall be treated for the purposes of this act as if employed by a single employer

Any individual copartnership association or corporation who or which is not subject to this act may elect to become subject thereto by filing with the department his or its written application and if such application is approved by the department the election shall become binding for not less than two calendar years

An employer subject to this act may elect to include within the term "employment" subject to this act services

performed by his or its employes [entirely without this Commonwealth] with respect to which no contributions are required and paid under an unemployment compensation law of any other state if the employe or employes included in such election maintain a domicile within this Commonwealth

Such election shall be subject to the approval of the department and if such election is approved by the department the election shall become binding for not less than two calendar years or until the department on its own motion cancels the election

An employer subject to this act may elect to include within the term "employment" subject to this act services performed by his or its employes which are exempt under the provisions of subsection (j) of section four of this act Such election shall be subject to the approval of the department and if such election is approved by the department the election shall become binding for not less than two calendar years

Any services performed for an employer covered by an election pursuant to this subsection shall during the effective period of such election be deemed to be employment for all the purposes of this act Any election approved by the department pursuant to this subsection shall cease to be effective only as of January first of any calendar year subsequent to the initial two calendar years thereof and only if at least thirty (30) days prior to such first day of January the employer has filed with the department a notice of termination of his election

Section 3 Clauses (l) (s) and (v) of section four of said act are hereby amended to read as follows

Section 4 Definitions The following words and phrases as used in this act shall have the following meanings unless the context clearly requires otherwise

(1) "Full-time Weekly Wage" means the weekly wages that any individual would receive if he were employed at his most recent wage rate from employers during his base year and for the customary scheduled full-time week prevailing for his occupation in the enterprise in which he last earned wages from employers during his base year

If the department finds that the full-time weekly wage as above defined would be unreasonable or arbitrary or not readily determinable with respect to any individual the full-time weekly wage of such individual shall be deemed to be [one-thirteenth] one-tenth of his total wages from employers in that quarter in which such total wages from employers were highest during the first eight out of the last nine completed calendar quarters (excluding however any completed calendar quarter which occurs prior to January first one thousand nine hundred thirty-seven), immediately preceding the first day of his benefit year

(s) "Total Unemployment" means [that an employe during a particular week has had no work for which wages are payable to him the total lack of any employment or wages payable on any day including employment not subject to this act

(v) "Week" means any calendar week ending at midnight Saturday or [the equivalent thereof as determined in accordance with general rules adopted by the department] any seven consecutive calendar days or each accumulation of five effective days which need not be consecutive

Section 4 Section four of said act is hereby amended by adding after clause (v) a new clause to read as follows

Section 4 Definitions The following words and phrases as used in this act shall have the following meanings unless the context clearly requires otherwise

(w) "Effective day" means a full day of total unemployment provided such day falls within a period of seven consecutive calendar days in which an employe had three or more days of total unemployment and provided further that those days of total unemployment in excess of two days within such period shall be deemed "effective days" An employe who is employed on a shift continuing through midnight shall be deemed to have been employed only on the day beginning after midnight with respect to such shift

Section 5 Subsections (e) and (f) of section two hun-

dred and eight of said act as amended by the act approved the eighteenth day of May one thousand nine hundred and thirty-seven (P. L. 658) are hereby further amended to read as follows

Section 208 Civil Service Selection of Personnel Additional Duties of Secretary and Board

* * * *

(e) The secretary shall prescribe by rules and regulations the qualifications not inconsistent with any limitations set forth in this act to be possessed by persons desiring employment in the various grades of employment in the administration of this act. The qualifications shall be such as will best promote the most efficient administration of this act and shall provide that persons applying for positions in the offices designated by the secretary as central administrative offices (which shall include all those having jurisdiction throughout the State) shall be citizens of the United States and shall have been legal residents of Pennsylvania for a period of not less than one year before making application and persons applying for positions in district offices (which shall include all those whose jurisdiction is limited to a particular district created under the provisions of this act) shall be citizens of the United States and shall have been legal residents of Pennsylvania for a period of not less than one year and in the district in which such office is located for a period of not less than six months before making application. Transfers of employes from employment in central administrative offices to district offices in another city town or borough in which district the employes have been legal residents for a period of not less than six months or transfers of employes from employment in district offices in one city town or borough to central administrative offices must have prior signed approval of employes involved. Provided That transfers of employes from employment in central administrative offices to district offices in the same city town or borough or vice versa or that temporary transfers of employes from employment in central administrative offices to any one district office in which district they may or may not be a legal resident as herein defined for not more than sixty days in any one calendar year or temporary transfers of employes from employment in district offices in one city town or borough to central administrative offices for not more than sixty days in any one calendar year can be made without prior approval of the employes involved but in the case of such temporary transfers the employes involved shall be furnished traveling expenses and adequate subsistence expenses while on such temporary assignment.

(f) Every individual desiring employment under the provisions of this act shall file with the board an application under oath or affirmation which shall be in a form prescribed by the board provided that such application shall be the same for all individuals desiring the same grade of employment and shall be so drawn as to reveal the qualifications as prescribed by the secretary. In no case shall the board require of the applicant any information pertaining to his race creed color or political affiliations. Upon receiving such application the applicant shall be admitted to the next competitive examination in the grade of employment which he or she seeks. Such competitive examinations shall be practical in their character and so far as may be possible shall relate to those matters which will fairly test the relative capacity and fitness of persons examined to discharge the duties of the service into which they seek to be appointed but not applicant shall be required to be possessed of any scholastic education or training in order to be permitted to take any competitive examination or to be appointed to any position. Such competitive examinations shall be in writing but in arriving at a final rating of applicants for such administrative and professional grades of employment as are so designated by the board the board may take into consideration such experiences and personal qualifications as are related to the grades of employment for which applicants are being examined provided that the same standards shall apply with respect

to all applicants in the same grade of employment. Provided however That in the final rating of all applicants persons who were engaged in the military or naval service of the United States during any war in which the United States was engaged and who have an honorable discharge from such service shall receive in addition to all other ratings an additional five per centum and any such person who shall have been disabled by wounds or in any other manner while engaged in such service (so long as he is able to perform the work of the employment for which he is examined) and who shall submit satisfactory evidence to the board that such disability was received while engaged in such service shall be rated an additional five per centum over and above the five per centum hereinbefore set forth and in either case the total per centum mark or grade thus obtained shall determine the order of standing of such persons on any list of eligibles. Applications of individuals who have been appointed and who have served the probationary period specified in this section shall not be further reviewed or reevaluated by the board.

Section 6 Subsection (i) of section two hundred and eight of said act is hereby amended to read as follows

Section 208 Civil Service Selection of Personnel Additional Duties of Secretary and Board

* * * *

(i) The board shall certify to the secretary for each administrative district and for the State as a whole lists of the names of persons receiving a passing mark and shall rank such persons in the order of magnitude commencing with the highest rating for the specified grade of employment. Such list shall be known as a list of eligibles and shall be valid until the next examination is held and the new list of eligibles certified for the same grade of employment but in no event for a period of less than one year two years unless no more than two names remain on a list of eligibles in which case a new examination [may] shall be held and the list of eligibles shall be certified to the secretary within six months but those whose names remained on the list of eligibles shall be retained on the new list for a period of at least [one year] two years from the date of their original certification.

In certifying lists of eligibles for the various grades in any class of employment the board shall certify persons taking identical examinations on all lists of eligibles for all grades in such class of employment for which they are qualified.

Section 7 Subsection (j) of section two hundred and eight of said act as amended by the act approved the eighteenth day of May one thousand nine hundred and thirty-seven (P. L. 658) is hereby further amended to read as follows

Section 208 Civil Service Selection of Personnel Additional Duties of Secretary and Board

* * *

(j) The secretary shall make appointments to positions created under this act and shall fill vacancies as they may occur from the lists of eligibles certified to him by the board except with respect to positions filled by promotions as hereinafter provided and by the appointment of persons exempted by subsection (b) of this section. In making appointments therefrom the secretary shall select from the three persons ranking highest on the list of eligibles for the grade of employment in the administrative district or in the State as a whole as the case may be the applicant most suitable for the position in the grade of employment for which a vacancy exists taking into consideration his experience and personal qualifications with sole reference to merit and fitness for the position to be filled. If upon inquiry by the secretary a person on the list of eligibles is found to be not available for employment or cannot be located his name shall not for the time being be considered among the three names from which a choice is to be made. For the second vacancy the secretary shall make selection from the highest three persons remaining on such list of eligibles who have not been within his reach for three

separate vacancies The third and any additional vacancies shall be filled in like manner

Vacancies in positions subject to the provisions of this section whether such positions be newly created or vacated for any reason by any former incumbent shall be filled [in so far as practical unless no qualified employes as available [in a lower grade] by promotions from among employes [holding positions in the lower grades] In all cases an employe to be promoted shall possess the qualifications specified for the position and shall have served not less than six months (including service during any probationary period but not including service during any provisional employment) in a position under the provisions of this act and shall have passed a promotional examination conducted by the board under the provisions of this act and be on the certified promotional list for the position to which they are to be promoted The qualifications for taking a promotional examination or to be promoted shall not be inconsistent with any provision or limitation set forth for an examination for appointment under this act [Promotions shall be based on merit and upon the superior qualifications of the employe to be promoted as shown by his or her previous service record under this act The secretary may promote an employe to a higher position to which such employe has been certified as eligible by the board provided that the board shall in certifying such employe satisfy itself that the employe possesses the qualifications prescribed by the secretary for the higher position Before making such certification the board may require any employe or employes to take such qualifying or competitive examinations as the board may prescribe]

Section 8 Subsections (k) (n) (o) (p) and (s) of section two hundred and eight sections three hundred and one and four hundred and one of said act are hereby amended to read as follows

Section 208 Civil Service Selection of Personnel Additional Duties of Secretary and Board

* * * *

(k) A person selected for appointment shall be duly notified by the secretary in writing and upon accepting and reporting for duty shall receive from the secretary a certificate of appointment The first nine months under this appointment shall be a probationary period If and when after full and fair trial during this period the conduct or capacity of the probationer be not satisfactory to the secretary the probationer shall be so notified in writing with a full statement of reasons and this notice shall terminate his services provided that within ten days he may appeal his case to the board in the same manner as hereinafter provided for individuals receiving notice of dismissal The retention of such individual beyond the probationary period shall automatically confirm such individual as a permanent appointment and such an individual may not be dismissed suspended or furloughed except for the reasons specified in this section In case of emergency extra positions shall be filled temporarily by persons from the list of eligibles and if no such persons are available then such temporary appointments may be made of persons not on the list of eligibles No extra position shall be filled temporarily for a period of more than three months in any twelve month period and no person whether or not on the list of eligibles shall be temporarily appointed to any such extra position for more than three months in any one calendar year Persons on the list of eligibles who are temporarily appointed to such extra positions shall be given credit for such time on their probationary period under this act and after being employed for nine months by temporary appointments as herein provided shall be reinstated to the list of eligibles and shall be given preference in future regular appointments the same as hereinafter provided for furloughed employes At no time shall there be persons serving temporarily in such extra positions in excess of ten per centum of the total number of employes in employment under this act The secretary shall when notifying any person of such temporary appointment give them full details as to the nature of the work and the minimum

period of time such temporary appointment shall continue

(n) When there are no more than two eligibles on a list of eligibles for any grade of employment in which a vacancy exists the secretary may in his discretion make an appointment therefrom [or from any civil service list of eligibles of the same grade and similar specifications of duties established for State employment by the laws of this Commonwealth]

(o) The secretary may when in his judgment the public interest or the efficiency of the service requires summarily dismiss any employe of the department engaged in the administration of this act who has been finally convicted of an offense in connection with his duties in the administration of this act or of any felony or any crime involving moral turpitude

The secretary may suspend for a period not to exceed thirty days or dismiss any employe of the department engaged in the administration of this act for delinquency or misconduct in his or her duties under this act.

The secretary may by reason of lack of funds or curtailment of work furlough any employes of the department engaged in the administration of this act provided that such employes shall be reinstated to the lists of eligibles and shall be given preference over all other persons on such lists of eligibles and preference over all other persons on any promotional lists for future appointments to their own grade of employment or a lower grade in the same class of employment in order of seniority Such eligibility for reinstatement shall remain effective for a period equal in length to an employes' service under this act but in no case shall it continue for a period longer than two years Furloughs shall be made in reverse order of seniority within grades but in cases where two or more employes have equal seniority the one with the lowest rank on the civil service list shall be furloughed Any employe displaced in this manner who has been previously promoted shall be returned to his previous position and salary by displacing the employe with the least service in that grade but in cases where two or more employes have equal seniority the one with the lowest rank on the civil service list shall be furloughed This system shall apply to all promoted employes

The secretary may demote to a vacant position in the lower grade in the same class of service any employe of the department who is unable to perform the duties of the position to which he or she was appointed and who is able to perform the duties of such lower grade

Employes may upon application in writing to the secretary and upon written approval by him obtain a leave of absence without pay

(p) All employes of the department engaged in the administration of this act who are given notice of dismissal suspension demotion or furlough shall be entitled to a hearing before the board by an appeal made within ten days after such notice of dismissal suspension demotion or furlough becomes effective and shall be furnished with copies of any charges preferred against them and shall be allowed a reasonable time for personally answering the same in writing and submitting affidavits in support thereof Any employe summarily dismissed or dismissed for delinquency or misconduct under a decision of the board or upon the expiration of the date for an appeal if no appeal has been taken shall be removed from all lists of eligibles for positions under this act Any employe after having been dismissed suspended demoted or furloughed or having received notice of dismissal suspension demotion or furlough and who has made appeal thereof to the board shall be restored by the secretary upon being sustained on such appeal by the decision of the board to the same grade of employment in which he had been employed and [in the discretion of the board] shall be fully reimbursed for any loss of salary caused by such dismissal suspension demotion or furlough The board shall hear such appeals and render a final decision in all cases under this section in not more than thirty days after the date of such appeals and shall keep records of such appeals as provided for appeals for compensation

under section five hundred four of this act Appeals may be taken by the secretary or the employe from the board to the Superior Court within thirty days after the decision of the board in the same manner as provided in this act for appeals with respect to compensation

(s) Whoever makes a false statement or representation knowing it to be false or knowingly fails to disclose a material fact or in any manner conceals any information in order to obtain employment either for himself or any other person under this section shall upon conviction thereof in a summary proceedings be sentenced to pay a fine of not less than twenty dollars nor more than two hundred dollars and in the default of the payment of such fines and costs shall be sentenced to imprisonment for not more than thirty days and each such violation shall be deemed to be a separate offense and his name shall be removed from all lists of eligibles and if appointed he shall be summarily dismissed.

A material fact or item of information shall be limited to one which the board exercising due diligence is able to prove false within the nine month's probationary period The board shall have no authority to act under this section following the expiration of the nine months' probationary period for the employe involved.

Section 301 Contributions by Employers of Eight or More Employes Each employer who has employed eight or more employes (whether or not the same employes) in employment for some portion of each of some [twenty] two (2) days [(whether or not at the same moment of time) during a calendar year each day being in a different week] shall pay for each such calendar year beginning with the calendar year one thousand nine hundred thirty-six contributions into the Unemployment Compensation Fund which shall be equal to but not more than the amount of the maximum credit allowable to such employer for such calendar year by section nine hundred two of the Social Security Act against the Federal excise tax imposed by section nine hundred one of the Social Security Act with respect to employment Such payments shall be made at such times and in such manner as the department shall prescribe Such contributions in order to be no more and no less than the maximum credit allowable under the Social Security Act against such Federal excise tax shall be equal to the following percentages of total wages paid or payable by the employer for such calendar year

(1) Ninetenths of one per centum for the calendar year one thousand nine hundred thirty-six

(2) One and eight-tenths per centum for the calendar year one thousand nine hundred thirty-seven and

(3) Two and seven-tenths per centum for the calendar year one thousand nine hundred thirty-eight and each calendar year thereafter

Section 401 Qualifications Required to Secure Compensation shall be payable to any employe who is or becomes totally unemployed on or after January first one thousand nine hundred thirty-eight and who

(a) Has within his base year earned wages from employers of not less than [thirteen times his weekly compensation amount] one hundred dollars except for casual labor.

(b) Has registered for work at a designated employment office at such times and in such manner as the department may prescribe

(c) Has made a claim for compensation in the proper manner prescribed by the department

(d) Is able to work and available for work and

(e) Has been totally unemployed for a waiting period of at least [three weeks] five effective days which need not be consecutive (except as otherwise hereinafter provided in this clause) prior to [any] the first week for which he claims compensation provided that such [three weeks] five effective days of total unemployment shall occur after compensation first becomes payable under this act Such [three weeks] five effective days shall not include any [week] day in which the employe was ineligible for compensation under section four hundred two of this act or

was ineligible for compensation under any provision of this section excepting however paragraphs (a) and (c) of this section The [three weeks] five effective days of total unemployment need not be consecutive but may be accumulated over the period of fifty-two consecutive weeks preceding any week for which he claims compensation Provided that this requirement shall not interrupt the payment of compensation for consecutive weeks of unemployment If the employe's total unemployment is due to a voluntary suspension of work resulting from an industrial dispute then he shall be ineligible for compensation for a further waiting period of three weeks or fifteen effective days in addition to the waiting period hereinbefore prescribed in this clause

(f) In claiming benefits hereunder an employe shall correctly report any days of employment including employment not subject to this act and the days on which he was totally unemployed and shall make such reports in accordance with such regulations as the department shall prescribe

Section 9 Section four hundred and two of said act as amended by the act approved the twentieth day of June one thousand nine hundred and thirty-nine (P. L. 458) is hereby further amended to read as follows

Section 402 Ineligibility for Compensation An employe shall be ineligible for compensation for any [week] period under the provisions of section four hundred one of this act

(a) In which his unemployment is due to failure without good cause either to apply for suitable work when so directed by the employment office or to accept suitable work when offered to him by the employment office In determining whether or not any work is suitable for an individual the department shall consider the degree of risk involved to his health safety morals his physical fitness and prior training and experience and the distance of the available work from his residence

(b) In which his unemployment is due to voluntary leaving work without good cause except where as a condition of continuing in employment the employe would be required to join or remain a member of a company union or to resign from or refrain from joining any bona fide labor organization or to accept wages hours or conditions of employment not desired by a majority of the employes in the establishment or the occupation or would be denied the right of collective bargaining under generally prevailing conditions

(c) With respect to which or a part of which he has received or is seeking unemployment benefits under an unemployment compensation law of any other state or of the United States Provided That if the appropriate agency of such other state or of the United States finally determines that he is not entitled to such unemployment benefits the disqualifications shall not apply

(d) Any employe ineligible for compensation under section four hundred one of this act because of the provisions of subsections (a) and (b) of this section shall become eligible for unemployment compensation in accordance with his earning if such employe has not secured any employment for a period of four weeks after he has become unemployed

Section 10 Sections four hundred and three four hundred and four five hundred and four five hundred and five six hundred and two and six hundred and three of said act are hereby amended to read as follows

Section 403 Rate and Payment of Weekly Compensation Compensation shall be paid only for each accumulation of five effective days which need not be consecutive shall be payable at the rate of [fifty] sixty-six and two-thirds per centum of the employe's full-time weekly wage but the amount shall not be more than [fifteen] twenty dollars nor less than [seven dollars and fifty cents] ten dollars a week An employe's weekly compensation amount as determined for the first week of his benefit year shall constitute his weekly compensation amount throughout such benefit year Compensation shall be computed to the nearest multiple of [five] fifty cents Compensation shall be paid through employment offices at such times and in such manner as the department may prescribe All accrued benefits due any deceased employe may in the discretion of the de-

partment be paid to the surviving spouse children or parents of the deceased without letters testamentary or of administration

Any claimant who begins a benefit year after the effective date of these amendments shall have his benefit and compensation rights determined in accordance with such amendments Provided That any claimant who may have accumulated one or more weeks of waiting within fifty-two weeks of the effective date of these amendments without having begun a benefit year may have one week of such accumulated time credited to him at the beginning of and for use in the benefit year beginning subsequent to the effective date of these amendments

Section 404 Amount of Compensation The maximum total amount of compensation payable to any eligible employe during any benefit year shall not exceed [one-eighth] one-fifth of his total wages from employers during the first eight out of the last nine completed calendar quarters immediately preceding each week with respect to which compensation is payable (excluding however any completed calendar quarter which occurs prior to January first one thousand nine hundred thirty-seven) or [thirteen] sixteen times his weekly compensation amount whichever is the lesser.

The department may maintain a separate account for each employe and in such event shall credit his account with all wages earned by him from employers subsequent to January first one thousand nine hundred thirty-seven Compensation paid to an eligible employe shall be charged against amounts credited to such account in the chronological order in which the wages of such individual were earned from employers

Section 407 Status Preserved During and After Military or Naval Service Notwithstanding any provision of this act to the contrary the compensation rights of any employe who enters the military or naval service of the United States during any period of war or preparation for defense and is honorably discharged from such service shall become fixed as of the time he enters such service and shall remain in status quo for and during the period of such service and upon being honorably discharged from such service such employe shall be entitled to the same benefit rights under the act to which this is an amendment as he was at the time he entered the service In calculating the base year the base period the benefit year or any period of time under said act all time so spent in the military or naval service of the United States shall be excluded from computation therein

The legislature hereby declares the intent of this section to be that the benefit rights of an employe entering the military or naval service herein described and subsequently receiving an honorable discharge therefrom shall during the period of such service be and remain as they were of the time of entry into service and that upon the termination of such service by honorable discharge the benefit rights of such employe shall be and continue as though uninterrupted by the period of such service

Section 504 Powers of Board Over Claims The Board shall have power on its own motion or on appeal to remove transfer or review any claim pending before or decided by a referee and in any such case and in cases where a further appeal is allowed by the board from the decision of a referee may affirm modify or reverse the decision of the department or referee on the basis of the evidence previously submitted in the case or direct the taking of additional evidence When any claim pending before a referee is removed or transferred to the board the board shall afford the claimant and all other affected parties reasonable opportunity for a fair hearing The parties shall be duly notified of the board's final decision and the reasons therefor A complete record shall be kept of each case heard before the board All testimony at any hearing before the board whether on appeal or otherwise shall be taken by a reporter but need not be transcribed unless the disputed claim is further appealed

Section 505 Rules of Procedure The manner in which appeals shall be taken the reports thereon required from the department the claimant and employers and the conduct of hearings and appeals shall be in accordance with

rules of procedure prescribed by the board whether or not such rules conform to common law or statutory rules of evidence and other technical rules of procedure Provided however That the board shall afford the claimant and all other affected parties a reasonable opportunity for a fair hearing which shall be public and wherein all evidence shall be taken under oath or affirmation

Section 602 Administration Fund There is hereby created a special fund to be known as the Administration Fund which shall consist of all moneys or other property received by the department from the United States of America or any agency thereof including the Social Security Board or from any other source whatsoever to be used for the administration of this act The department shall pay all costs required for the administration and operation of this act out of the Administration Fund

In addition any law to the contrary notwithstanding this fund shall be subject to a charge by the Treasury Department for the costs incurred by said department in making disbursements arising from payments out of the Unemployment Compensation Fund and the fund created in this section

Section 603 State Treasurer as Custodian The State Treasurer shall be the custodian of the Unemployment Compensation Fund and the Administration Fund He shall give a bond or bonds with corporate sureties conditioned upon the faithful performance of his duties as custodian of such funds in such amount or amounts as shall be determined and fixed by the Executive Board of this Commonwealth Premiums for such bond or bonds shall be paid by the department out of the moneys in the Administration Fund All moneys belonging to such funds (exclusive of moneys on deposit in the Unemployment Trust Fund as provided in section six hundred one) shall be deposited by the State Treasurer in any banks or public depositories in which general funds of the Commonwealth may be deposited but no public deposit insurance charge or premium shall be paid out of moneys in the Unemployment Compensation Fund Any law to the contrary notwithstanding all payments from such funds shall be made by the State Treasurer under such systems of requisitioning and accounting as [the Governor] the State Treasurer [and secretary] shall determine with the approval of the Social Security Board

Section 11 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. TURNER. Mr. Speaker, I had prepared a statement on this bill and a comparison of the bill as it came from the Senate and the amendments to the Unemployment Compensation Law that were made in pursuance of the study made by the Joint State Government Commission, but in view of the fact that the bill has been,—well I would say that the bill as it is now is an abortion because it does not in any way resemble or have any of the characteristics it had as it came from the Senate. The Democratic leadership might just as well have presented an entirely new bill rather than take Senate Bill No. 80 and amend it in the respect that it has been amended.

I realize that a measure of this kind in this session will undoubtedly go to a conference committee, and I cannot conceive that the Senate will concur in the amendments of the House, because so many of them are absolutely ridiculous. Many of them are based on an unknown quantity that may cost such a great amount of money that it might endanger the fund. I do not feel that the amendments proposed by the Joint State Government Commis-

sion are infallible. As far as the questions of the amount of payments or the waiting period are concerned, those are questions upon which we might have honest difference of opinion, but after the Joint State Government Commission has studied the Unemployment Compensation Law has conferred with innumerable groups of people, after it has called in all the agencies it could think of and has come to an honest conclusion as to the amendments to be made and then have it turned out as it has been, it seems to me is a legislative absurdity, and one therefore which I am not prepared at the moment to discuss.

I am confident it will go to the Senate and a conference committee. I believe there should be amendments to the unemployment compensation law. I am going to vote against this bill because I feel that the House committee in changing the provisions radically and wiping out provisions has changed the bill entirely from what was proposed by the Senate. That is a wrong procedure and certainly not an intelligent approach to this subject after such a study, and therefore, I am going to vote no, feeling that it will go to a Conference Committee, including the House and the Senate, and believing it may be worked out there.

Mr. REUBEN E. COHEN. Mr. Speaker, this House is now being possibly condemned because they sought to do some work on the unemployment compensation bill, because the majority party of this House promised to the people of Pennsylvania some amendments to the unemployment compensation laws to liberalize the law.

This House several weeks ago passed a bill amending and liberalizing the unemployment compensation law. The bill went to the Senate, where it was promptly put into a nice little pigeon hole in an ancient desk in some dusty committee room, and there it reposes without seeing the light of day. The House Committee on Labor decided to do something on unemployment compensation, because they knew that the Republican Senate refused to act on what the House thought was agreeable. The Senate received the House bill before it acted on its own bill, and lacking the intestinal fortitude to act on the House bill, they put out a concoction which they thought was an unemployment compensation bill. That bill was passed, adopting, I believe, in good part the work of the Joint State Government Commission of which the gentleman from Delaware was the chairman since the last session of the Legislature.

The gentleman has stated that he does not believe the Joint State Government Commission findings were infallible, and I admire the gentleman for his frankness in stating that there might have been some imperfections in their findings. It so happens that the House Committee on Labor in carefully studying this bill took the recommendations of the Joint State Government Commission where they felt those recommendations were on sound and firm ground. The gentleman certainly cannot have good reason now to complain that we have not taken all of the recommendations of the committee of which he was chairman, because what we saw was good in their recommendations we adopted. This bill was introduced in the Senate by a partisan committee made up of one Democrat and three Republicans; one member in the Senate a self styled expert on compensation in Pennsylvania and possibly in America; one the chairman of the sub-committee which handled the legislation for the

Joint State Government Commission, one other Republican Senator, and the Senator from Westmoreland, Mr. Dent, who was also on the Joint State Government Commission.

Senator Dent has authorized me to say here today that after the Senate Committee took apart a bill which he originally agreed to sponsor as a member of the Joint State Government Commission, he was ashamed of this bill and desired to withdraw any support he ever gave to the bill. I think with such a lurid history behind it, this House would do well to pass this bill and return to the Senate a bill that will be of benefit to those who need it; pass it and send it over to the Senate and show them that we are ready and have always been ready to put through liberal legislation. If you want this liberal legislation, vote on it; don't talk about it. Don't try to hold it up, but sit down and work out the proposition. I think if we enter into the proposition with that spirit we will probably have a decent liberal unemployment law for the people of Pennsylvania.

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—146

Achterman,	French,	Malloy,	Rooney,
Allmond,	Gallagher,	Marks,	Rose, S.,
Auker,	Gerard,	Maxwell,	Rose, W. E.,
Baker,	Goodwin,	McClanaghan,	Rosenfeld,
Balthaser,	Greenwood,	McDermott,	Rush,
Beaughier,	Gross,	McFall,	Sarraf,
Bentzol,	Gryskewicz,	McGrath,	Scanlon,
Boles,	Haberlen,	McIntosh,	Schwab,
Boney,	Haines,	McManahan,	Shaffer,
Bower,	Hamilton,	McSurdy,	Shaw,
Bradley,	Harkins,	Meichtorre,	Sorg,
Breth,	Hermuth,	Modell,	Stank,
Brown,	Harris,	Monks,	Stockham,
Brunner, C. H.,	Heatherington,	Mooney,	Tarr,
Brunner, P. A.,	Hersch,	Moran,	Tate,
Burrs,	Hirsch,	Moul,	Taylor,
Burris,	Holland,	Munley,	Thompson, E. F.,
Cadwalader,	Huntley,	Nagel,	Thompson, R. L.,
Chervenak,	Imbrie,	Nunemacher,	Trout,
Chudoff,	James,	O'Brien,	VanAllsburg,
Cochran,	Jefferson,	O'Connor,	Verona,
Cohen, M. M.,	Jones, G. E.,	O'Dare,	Vincent,
Cohen, R. E.,	Jones, P. N.,	O'Mullen,	Vogt,
Cordier,	Kenehan,	O'Neill,	Voldow,
Corrigan,	Kline,	Owens,	Voorhees,
Croop,	Knoble,	Petrosky,	Watkins,
Cullen,	Kolankiewicz,	Pettit,	Weingartner,
Dalrymple,	Komorofski,	Polaski,	Wells,
Dolon,	Krise,	Polen,	Welsh, M. J.,
D'Ortona,	Lee, T. H.,	Powers,	Wilkinson,
Duffy,	Leonard,	Prosen,	Williams,
Elliott,	Lesko,	Rank,	Wolf,
Falkenstein,	Levy,	Rausch,	Woodring,
Finestone,	Leydic,	Readinger,	Wright,
Finnerty,	Longo,	Regan,	Yester,
Fleming,	Lyons,	Reynolds,	Young,
Fletcher,	Lovett,	Rhea,	Kilroy, Speaker
Flynn,			

NAYS—10

Dix,	McKinney,	Sarge,	Wood, L. H.,
Ely,	Riley,	Stambaugh,	Wood, N.,
Hall,	Royce,	Turner,	

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

Ordered, That the Clerk return it to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

SCHOOL BOY PATROL WELCOMED

The SPEAKER. The Chair welcomes to the House this afternoon the School Boy Patrol of Cresson, Cambria County, sponsored by the Cresson Post No. 238 American Legion.

HOUSE BILLS ON THIRD READING MADE SPECIAL ORDER

Mr. ACHTERMAN. Mr. Speaker, I move that all House Bills on third reading in consecutive order as they appear on the calendar, be made a special order of business immediately.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1195, entitled:

An Act to amend article three 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," by authorizing the formation of State and county associations of assessors or other assessing and taxing officers; providing for the organization, operation and meetings thereof; and imposing the duty of paying certain expenses connected therewith upon counties.

On the question,

Will the House agree to the bill on third reading?

Mr. McFALL. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend the title, page 1, seventh line of title by inserting after the word "formation" the following: "except in counties of the second class".

Amend sec. 2, page 2, line 9, by inserting after the word "Assessors" the following: "Except in Counties of the Second Class".

Amend sec. 2, (sec. 97), page 2, line 13, by inserting after the word "county" the following: "except counties of the second class".

Amend sec 2, (sec. 99), page 3, line 2, by inserting after the word "Assessors" the following: "not including counties of the second class".

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1256, as follows:

An Act requiring all police officers in cities of the first Class to slate for hearing all persons arrested by such officers without warrant in the station house of the dis-

trict in which the arrest was made providing for the confinement of such persons imposing certain duties on magistrates and imposing penalties

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

Section 1 All police officers shall slate all persons arrested by them without warrant in the station house located in the district in which such arrest without warrant is made

Section 2 All persons so slated shall until the hearing or unless released be confined only in the station house in the district in which such arrests are made or in the nearest county prison

Section 3 It shall be the duty of all magistrates assigned to the divisional police courts in such cities to hear and determine all such cases in the divisional police district in which the arrest was made

Section 4 Any police officer or superior officer found guilty of violating the provisions of this act in summary proceedings shall be fined one hundred dollars (\$100) and such violation by any police officer or superior officer shall be grounds for removal from his position

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—200

- | | | | |
|-----------------|----------------|---------------|------------------|
| Achterman, | Foor, | Malloy, | Rose, W. E. |
| Allmond, | French, | Maris, | Rosenfeld, |
| Aulcr, | Gallagher, | Maxwell, | Royer, |
| Baker, | Gerard, | McClanaghan, | Rush, |
| Balthaser, | Gillan, | McClester, | Sarge, |
| baugher, | Gillette, | McDermott, | Sarrat, |
| Bentzel, | Goodwin, | McDowell, | Scanlon, |
| Bofes, | Greenwood, | McFall, | Schwab, |
| Boney, | Gross, | McGrath, | Serrill, |
| Boorse, | Gryskewicz, | McIntosh, | Shaffer, |
| Bower, | Gyger, | McKinney, | Shaw, |
| Bradley, | Habbyshaw, | McLanahan, | Simons, |
| Breth, | Haberlen, | McLane, | Snyder, |
| Brown, | Haines, | McMillen, | Sollenberger, |
| Brunner, C. H., | Hall, | McSurdy, | Sorg, |
| Brunner, P. A., | Hamilton, | Melchiorre, | Stambaugh, |
| Burris, | Kare, | Mihm, | Stank, |
| Burris, | Karkins, | Modell, | Stine, |
| Cadwalader, | Karmuth, | Monks, | Stockham, |
| Chervenak, | Harris, | Mooney, | Tarr, |
| Chudoff, | Heatherington, | Moran, | Tate, |
| Cochran, | Helm, | Moul, | Taylor, |
| Cohen, M. M., | Hering, | Muir, | Thompson, E. F., |
| Cohen, R. E., | Horman, | Munley, | Thompson, R. L., |
| Cook, | Hersch, | Nagel, | Trout, |
| Cooper, | Hewitt, | Nunemacher, | Turner, |
| Cordier, | Hirsch, | O'Brien, | Van Allsburg, |
| Corrigan, | Holland, | O'Connor, | Verona, |
| Croop, | Huntley, | O'Dare, | Vincent, |
| Cullen, | Imbrie, | O'Mullen, | Vogt, |
| Dalrymple, | James, | O'Neill, | Voldow, |
| Dennison, | Jefferson, | Owens, | Voorhees, |
| DiGenova, | Jones, G. E., | Petrosky, | Wagner, |
| Dix, | Jones, P. N., | Pettit, | Watkins, |
| Dolan, | Keenehan, | Polaski, | Weingartner, |
| D'Ortona, | Kline, | Polen, | Wells, |
| Duffy, | Knoble, | Powers, | Welsh, M. J., |
| Early, | Kolaniewicz, | Prosen, | Wilkinson, |
| Eckels, | Komorofski, | Rank, | Williams, |
| Elder, | Krise, | Rausch, | Winner, |
| Elliott, | Lee, T. H., | Readinger, | Wolf, |
| Ely, | Letsey, | Reagan, | Wood, L. H., |
| Falkenstein, | Leonard, | Reese, D. P., | Wood, N., |
| Finestone, | Lesko, | Reese, R. E., | Woodring, |
| Finerty, | Levy, | Regan, | Woodside, |
| Fis, | Leydic, | Reynolds, | Wright, |
| Fleming, | Lichtenwalter, | Rhea, | Yeakel, |
| Fletcher, | Longo, | Riley, | Yester, |
| Flynn, | Lovett, | Rooney, | Young, |
| | Lyons, | Rose, S., | 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. 1625, entitled:

An Act to protect public health, safety and morals and to promote the common welfare by regulating the use and occupancy, re-use and re-occupancy and the renting and re-renting for use and occupancy of all buildings in cities of the first class planned in whole or in part for residential purposes, and any living quarters connected with a business or commercial establishment by requiring the issuance of certificates of occupancy and by requiring owners, agents and tenants to obtain such certificates of occupancy; conferring powers and imposing duties upon the Department of Public Health and upon the Department of Public Safety of cities of the first class; providing for appeals to the Zoning Board from refusals of the Department of Health to issue certificates providing for inspections and inspection fees and the institution of prosecutions for failure to obtain certificates of occupancy imposing penalties and repealing inconsistent acts or parts of acts

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMENDED

Mr. FINNERTY. Mr. Speaker, I move that this bill be recommitted to the Committee on Cities First Class for the purpose of a public hearing.

The motion was agreed to

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 129, as follows:

An Act to add sections three hundred fourteen and three hundred fifteen to article three of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractual relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or

revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" prohibiting certain public utilities from imposing penalties by reason of the late payment of service charges by consumers and prohibiting certain public utilities from imposing minimum or meter charges

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

Section 1 Article three of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractual relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing

penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" is hereby amended by adding at the end thereof after section three hundred thirteen two new sections to read as follows

Section 314 Penalty for Failure to Pay Promptly Prohibited No public utility as defined in section two clause seventeen paragraphs (a) (b) and (f) of this act shall impose any penalty upon its consumers for failure to pay promptly greater than interest at the legal rate covering the period of nonpayment after the expiration of the days of grace allowed in schedule duly filed with the Public Utility Commission

Section 315 Ready to Serve and Meter Rental Charges Prohibited No public utility as defined in section two clause seventeen paragraphs (a) (b) and (f) of this act shall impose upon the patrons or customers of its service any charge commonly called a ready to serve charge or meter rental charge or any other charge of any kind whatsoever except the charge imposed at its legally scheduled rates for the service or commodity actually furnished or rendered to its consumers Provided however That those charges which are commonly called customer's costs or charges including meter reading meter inspection billing and bookkeeping may be equitably divided among all customers receiving said service

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.

Messrs. DOLON, LOVETT, and PAUL A. BRUNNER asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—105

- Achterman, French, Maxwell, Readinger, Baker, Gallagher, McClester, Reese, R. E., Balthaser, Gerard, McFall, Regan, Baugher, Gillan, McGrath, Reynolds, Bentzel, Goodwin, McIntosh, Rose, S., Boies, Greenwood, McLanahan, Rose, W. E., Boney, Gross, McLane, Rush, Bradley, Haberen, McSurdy, Sarraf, Breth, Hamilton, Modell, Shaffer, Brown, Hare, Mooney, Shaw, Brunner, P. A., Harkins, Moran, Sorg, Burns, Harmuth, Moul, Stambaugh, Burris, Harris, Muir, Stank, Chervenak, Heatherington, Nagel, Stine, Cochran, Helm, Nunemacher, VanAllsburg, Cohen, M. M., Hirsch, O'Connor, Verona, Cordier, Holland, O'Dare, Vincent, Cullen, Komorofski, Owens, Voorhees, Dalrymple, Lee, T. H., Petrosky, Wagner, Dennison, Leonard, Pettit, Watkins, Dix, Lesko, Polaski, Weiss, Dolon, Longo, Polen, Welsh, M. J., Elliott, Lovett, Powers, Williams, Flinnerty, Lyons, Prosen, Woodring, Fletcher, Malloy, Rank, Yester, Flynn, Marks, Rausch, Young, Poor,

NAYS—52

- Allmond, Habbyslaw, McClanaghan, Thompson, R. L., Auker, Haines, McKinney, Trout, Bower, Hall, McKimney, Turner, Brunner, C. H., Herman, Melchiorre, Vogt, Cadwalader, Hersch, Rhea, Voidow, Chudoff, Imbrie, Riley, Weingartner, Corrigan, James, Rooney, Wilkinson, DiGenova, Jefferson, Royer, Wood, L. H., D'Ortona, Jones, G. E., Sarge, Wood, N., Duffy, Kline, Sollenberger, Woodside, Eckels, Kolankiewicz, Stockham, Wright, Ely, Krise, Tate, Yeakel,

Finestone, Levy, Thompson, E. F., Kilroy, Speaker.

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. 1482, as follows:

An Act to amend section four hundred eighteen of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicles conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractual relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" by imposing additional limitations on public utilities where a bona fide cooperative corporation has been organized to furnish light or power service in a given area to its stockholders or members

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

Section 1 Section four hundred eighteen of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1053) entitled "An act relating to the regulation of public utilities defining

as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractual relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violation of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" is hereby amended to read as follows

Section 418 Construction and Installation of Facilities Limitations (a) If a bona fide cooperative [association] corporation has been organized to furnish light or power service to its stockholders or members only on a nonprofit basis and has filed with the commission a map of the territory to be served by such association and a statement verified by oath or affirmation showing that a majority of the prospective customers in the area are included in the project no public utility shall begin the construction or installation of any new plant or system or the construction or installation of any extension improvement or addition to its existing plant or system for furnishing light or power service within said territory until the expiration of six months from the date of the filing of such map and statement In the event such association has entered into a loan agreement with any Federal agency for the financing of its proposed system and has given written notice thereof to the commission no public utility shall begin any such construction or installation within said territory until the expiration of twelve months from the date of said loan agreement or maps indicating the area or areas in which the operation of said corporation are intended to be conducted it shall be unlawful for any public utility after receipt of any notice as hereinafter provided of the filing of said map or maps to construct any electric distribution lines within said area or areas or to solicit customers for electric service therein or in any manner to conflict interfere or compete with the proposed system of said corporation

until after the expiration of three months from the date of said filing of said map or maps

(b) Whenever a bona fide cooperative corporation has been organized to furnish light or power service to its stockholders or members only on a nonprofit basis and has filed with the commission a map or maps indicating the area or areas in which the operation of said corporation are intended to be conducted together with a statement verified by oath or affirmation to the effect that a majority of the potential users of electric energy not then receiving central station electric service in said area or areas in which the operations of said corporations are intended to be conducted have signified in writing their willingness to take service from the proposed system of said corporation it shall be unlawful for any public utility after receipt of notice as hereinafter provided of the filing of said map or maps and statement to construct any electric distribution lines within said area or areas or to solicit customers for electric service therein or in any manner to conflict interfere or compete with the proposed system of said corporation until after the expiration of six months from the date of said filing of said map or maps and statement

(c) In the event that said corporation within said six months' period shall enter into any loan agreement with any Federal agency for the financing of its proposed electric system and shall file a written notice thereof with the commission together with a copy of said loan agreement no such public utility after receipt of notice of such loan agreement shall construct any electric distribution lines within said area or areas or solicit customers for electric service therein until after the expiration of twelve months from the date of filing said notice of said loan agreement

(d) It shall be the duty of the commission to give notice in writing of the filing of said map or maps as set forth in subsection (a) hereof or the filing of said map or maps and statement as set forth in subsection (b) hereof or said loan agreement as set forth in subsection (c) hereof to each public utility having any electric transmission or distribution lines or systems within any area shown on said maps where said corporation intends to operate its proposed system. There shall be attached to said notices blue print copies of said maps a copy of said statement if such statement has been filed with the commission and a copy of the notice of said loan agreement in the event that such an agreement shall have been entered into Sufficient copies for the purpose of such notices shall be furnished to the commission by and at the expense of the said corporation The said corporation may give the notices required by subsections (a) (b) and (c) hereof and such notices shall be effectual for the purposes of this section notwithstanding any failure of the commission to give the notices herein provided for Any notice shall be deemed to have been given within the requirements of this section when it has been deposited in the mails with postage prepaid and addressed to the principal office of any said public utility

Section 2 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. McINTOSH. Mr. Speaker, on February 17th of this year the Members of this House pledged themselves to cooperate with the farmers of the State of Pennsylvania in their efforts to obtain rural electrification. This bill was designed as a fulfillment of that pledge. The bill is an amendment to section 418 of the Public Utility Act which sets up certain limitations when a cooperative operates in the same area as the Public Utilities. The bill changes the present section 418 by changing the

periods of limitations on the utilities and by changing the limitations themselves. Under the present section 418 there are two periods of limitations. The first period of limitation is when a cooperative files a joint statement that a majority of the potential users of electricity in that area have filed with the cooperative a map. Then the utility is barred for a period of six months from beginning construction in that area. The second limitation under the present section 418 is that when a cooperative obtains a loan from a Federal agency to further the purposes of the cooperative then the public utility is barred from beginning construction in that area for a period of twelve months.

This proposed bill sets up a third period of limitation, namely that when a cooperative files a map designating the area in which they are going to operate, the public utility is limited in its operation in that area. The limitations, as I have said, have also been changed. Under the present act the limitation was that the public utility could not begin construction. It is apparent that in the State of Pennsylvania as in the other states which have similar acts a utility comes in and constructs the lines and their contention, which may be legally correct, is that they are not beginning construction, but they are simply extending the old construction. This bill says they shall not construct; it covers extension of construction or any other type of construction.

The other limitation which is put into this proposed amendment is that the utility shall not compete with the cooperatives in any manner. That is, for instance, soliciting of customers during the periods of the limitations. The reason for this limitation is this, it has become apparent in the states that have cooperatives, once a cooperative is in its formative stage and it looks like it is going to be a going concern, it has been the practice that a public utility would go out and solicit the customers and construct what are called spite lines, and the construction of the spite lines raises the cost of the erection of the wires to the cooperative to such an extent that it is impracticable for the cooperative to continue. Of course, the solicitation of the cooperative's customers necessarily curtails the extent of the cooperative's activities. It is a matter of record which was brought out at public hearings on this question, that many people have testified that once they have signed up with these cooperatives the agent of the utilities would come around and tell them that the cooperative will not be a going concern, that is, it will fold up, and these people should sign up with the utility. If they fail to sign up with the utility then, they never will get rural electrification.

Mr. Speaker, this bill is designed to effectuate the purpose of the pledge that was taken in this House, and I predict if this bill becomes a law it will effectuate that purpose, namely, it will facilitate the extension of rural electrification in rural Pennsylvania.

I, therefore, ask the Members of this House to support this bill.

Mr. BAUGHER. Mr. Speaker, I want to give a few reasons from a practical standpoint why this House Bill No. 1482, giving further protection to electric cooperatives under the Public Utility Law, should be made law in the State of Pennsylvania. Being from a farm area and representing Adams county where I have recently observed the development of an electric cooperative, I

want especially to urge the passage of this bill for the following reasons:

1. In 1936 the United States Congress passed the rural electrification administration act for the purpose of lending money at low interest rates for the building of rural electric lines which had been neglected by utility companies for one reason or another. In 1930, at the time of the passage of this act, one out of every ten farmers in the United States was privileged to receive electric service. Today, better than one out of every four farm homes receives the benefits of electric service. It cannot be seriously disputed that the R. E. A. has been responsible for this great advance. The building of these lines is done principally throughout the United States by electric cooperative corporations. Some of the credit for this advance must and does go to local State laws which make the incorporation and operation of cooperatives less complicated than ordinary corporations. Pennsylvania passed such an act in 1937 called the "Electric Cooperative Corporation Act." In 1937 the Pennsylvania Legislature passed as part of the public utility law, section 418 which protects these cooperatives against deliberate efforts of utilities to break up cooperative projects at their commencement. It is that section 418 to which this House Bill No. 1482 is a proposed amendment.

2. For the information of the House, I should like to say that there are in Pennsylvania thirteen electric cooperatives serving members in approximately thirty-one or thirty-two counties of the State. These Pennsylvania cooperatives have already constructed approximately 7500 miles of line. According to the best figures available, these Pennsylvania cooperatives have been largely responsible in increasing the percentage of farm homes receiving electricity from 23 per cent in 1935 to approximately 52 per cent in 1940. It is therefore clear that in Pennsylvania we have a number of these cooperatives performing an essential service for which they should receive all due consideration and protection from the law.

3. These cooperatives definitely need more protection than is afforded by section 418 of the present public utility law. To give an example, on January 30, 1941, the cooperative which has its headquarters in Adams county and has lines built in Cumberland county encountered serious difficulties with a utility in Cumberland county, especially in the area around Big Spring or Springfield, south of Newville. The cooperative developed a project in that area and was about to file maps with the Public Utility Commission under the present section 418 of the public utility law when the utility suddenly rushed construction through the cooperative project area and especially in Big Spring. As many of you may recall from reading the newspapers, approximately forty farmers and members of this cooperative banded together and prevented the utility from building into Big Spring in order to protect their project; because where a telephone line is on one side of the road and a power company line on the other side, little room is left for a cooperative line unless it passes entirely through the fields of the farmers. According to my best information, this "Battle of Shovels," as it has been called, was entirely the responsibility of the utility because its proposed line would be serving practically no one in the Big Spring or in the surrounding territory. The cooperative had everyone on

its side and did not want the utility line to come through. The power company obtained its right of way partly by condemning properties and obtained other rights of way by falsely telling many farmers that the cooperative was not intending to come through Big Spring. This is an example of the methods used by utilities in Pennsylvania to defeat these cooperative projects. A careful reading of House Bill No. 1482 will make this rushed and unadjusted construction on the part of power companies impossible because the cooperative can file maps sooner with the Public Utility Commission and thereby prevent these battles. In Adams county which I represent, the utility there made several attempts to grab the best cooperative areas by rushing construction even though the people did not want service from the company because they had signed with the cooperative. I am advised that in many other parts of Pennsylvania, power companies attempt by the same and other methods to prevent the spread of cooperative lines.

4. Mr. Speaker and Members of the House, I want to point out that these cooperatives are undoubtedly performing an essential service. I know and have been told of a number of cases where well-to-do farmers have attempted for a number of years to encourage the power company to build electric lines to them. These lines were not built because a too high building charge was demanded by the power company. In some cases, it may be under \$100.00 and in many cases the sum exceeds the sum of \$100 or amounts to several hundred dollars. In addition to these building charges, the power companies are in the practice of asking the farmers to guarantee high monthly minimum payments. I know of some cases where \$6, \$10, \$12 and \$15 and more a month have been asked. Even prosperous farmers cannot afford to meet these terms. The purpose of the rural electrification administration act is to make possible service to these farmers at cost and without profit to anyone because these cooperatives are non-profit cooperatives. Practically all the people being served by these cooperatives are cases where the utilities wanted sums of money out of the reach of these people to pay. It is possible, however, to serve such farmers by cooperative non-profit projects. I strongly feel that we should take this opportunity for furthering the rural electrification development by passing this House Bill No. 1482 in order not only to make farm homes more livable but to provide power and other service to rural people which electricity can more conveniently make possible. In short, we owe it to the more unfortunate rural people of this state to pass House Bill No. 1482. I might add, in conclusion, that in the interest of National Defense this legislature should pass House Bill No. 1482 in order that the United States be as far advanced in electric service and coverage as are such nations as Germany and Switzerland which are approximately 100 per cent electrified, while today we are only approximately 25 per cent electrified.

I want to urge every Member of the House to vote for House Bill No. 1482 because I am firmly convinced that it is one of the most important questions to be considered in this session of the legislation. Rural electrification means a great deal to the people of Adams county and I know it will mean a great deal to all the citizens of the Commonwealth. I ask every Member to give this bill a favorable vote.

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—124

Achterman,	Finestone,	Lovett,	Prosen.
Allmond,	Finnerty,	Malloy,	Rausch,
Baker,	Flynn,	Marks,	Readinger
Balthaser,	French,	Maxwell,	Reese, R. E.
Baughner,	Gallagher,	McClanaghan,	Regan,
Bentzel,	Gerard,	McClister,	Reynolds,
Boney,	Goodwin,	McDermott,	Rooney,
Breth,	Greenwood,	McFall,	Rose, S.
Brown,	Gross,	McGrath,	Eosenfeld,
Brunner, P. A.,	Gyskewicz,	McIntosh,	Rush,
Burns,	Gyger,	McLanahan,	Sarraf,
Burris,	Haberlen,	McMurdy,	Scanlon,
Chervenak,	Hall,	Melchiorre,	Schwab,
Chudoff,	Hamilton,	Modell,	Shaffer,
Cochran,	Harkins,	Monks,	Shaw,
Cohen, M. H.,	Harmuth,	Mooney,	Stank,
Cohen R. E.,	Harris,	Moran,	Tate,
Cordier,	Heatherington,	Mcul,	Thompson, E. F.,
Corrigan,	Kelm,	Muir,	Vincent,
Croop,	Hersch,	Nagel,	Vogt,
Cullen,	Kirsch,	Nunemacher,	Voldow,
Dalrymple,	Holland,	O'Brien,	Watkins,
Dennisson,	Kuntley,	O'Connor,	Weiss,
DiGenova,	Jones, P. N.,	O'Mullen,	Welsh, M. J.,
Dix,	Kolankiewicz,	O'Neill,	Wilkinson,
Dolon,	Komorofski,	Owens,	Williams,
D'Ortona,	Krise,	Petrosky,	Woodring,
Duffy,	Leonard,	Pettit,	Wright,
Early,	Lesko,	Polaski,	Yester,
Elliott,	Levy,	Polen,	Young,
Falkenstein,	Longo,	Powers,	Kilroy.

Speaker.

NAYS—16

Auker.	Rhea.	Taylor.	Van Allsburg,
Habbyshaw,	Riley,	Thompson, R. L.,	Weingartner,
Haines,	Royer,	Trout,	Wood, N.,
McKinney,	Stockham,	Turner,	Woodside,

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. 1716, as follows:

An Act to further amend sections three and ten of the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 284) entitled as amended "An act imposing a State tax payable by those herein defined as manufacturers and by others on malt or brewed beverages used sold transported or delivered within the Commonwealth prescribing the method and manner of evidencing the payment and collection of such tax conferring powers and imposing duties on the Department of Revenue and those using or engaged in the sale at retail or wholesale or in the transportation of malt or brewed beverages taxable hereunder and providing penalties" by prescribing malt beverage tax rates for certain original containers or standard fractions thereof fixing a minimum quantity of malt or brewed beverages which may be sold in cases cartons or boxes and providing for refunds of tax for malt or brewed beverages sold to commissaries ship's stores and voluntary unincorporated organizations of the Army or of the Navy personnel operating under regulations promulgated by the Secretary of War or the Secretary of the Navy

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

Section 1 Sections three and ten of the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 284) entitled as amended "An act imposing

a State tax payable as those herein defined as manufacturers and by others on malt or brewed beverages used sold transported or delivered within the Commonwealth prescribing the method and manner of evidencing the payment and collection of such tax conferring powers and imposing duties on the Department of Revenue and those using or engaged in the sale at retail or wholesale or in the transportation of malt or brewed beverages taxable hereunder and providing penalties" as last amended by the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (P. L. 527) are hereby further amended to read as follows

Section 3 (a) Each manufacturer shall be subject to pay to the Commonwealth the taxes imposed by this section upon all malt or brewed beverages manufactured in this Commonwealth when prepared for market and every person who ships or transports malt or brewed beverages into this Commonwealth for sale delivery or storage in this Commonwealth shall pay to the Commonwealth the taxes imposed in this section before such beverages are transported within this Commonwealth. Such taxes shall be at the rate of one-third cent (1/3c) per half pint of eight (8) fluid ounces or fraction thereof and in larger quantities at the rate of one-half (1/2c) per pint of sixteen (16) fluid ounces or fraction thereof.

The tax rates per [barrel] original container or standard fraction thereof are as follows

Standard Fraction	Malt Beverages Tax Rate	Volume
1 barrel	\$1.24	31 gal
1/2 barrel	.62	15 1/2 gal
1/3 barrel	.42	10 1/3 gal
1/4 barrel	.31	7 3/4 gal
1/6 barrel	.21	5 1/6 gal
1/8 barrel	.16	3 7/8 gal
1 gallon	.04	
1/2 gallon	.02	
1 quart	.01	
1 pint	.005	
1/2 pint	.0033	

(b) In the event that any state territory or country shall impose upon malt or brewed beverages which have been manufactured in Pennsylvania a higher tax or fee than is imposed upon malt or brewed beverages manufactured within such state territory or country every person who ships or transports from such state territory or country malt or brewed beverages manufactured therein into this Commonwealth for sale delivery or storage in this Commonwealth shall pay thereon to the Commonwealth before such beverages are transported within this Commonwealth in addition to the tax imposed by this section a tax equal to such excess tax or fee which is imposed in such state territory or country on Pennsylvania-manufactured malt or brewed beverages. Such additional tax shall be levied assessed and collected in the same manner as the other taxes imposed by this act.

(c) Manufacturers and all persons who bring malt or brewed beverages into the Commonwealth shall be liable to the Commonwealth as taxpayers for the payment of the taxes imposed by this act.

No manufacturer nor any person who brings malt or brewed beverages into the Commonwealth shall sell any malt or brewed beverages packed in any case carton or box unless such case carton or box shall contain not less than two hundred eighty-eight (288) fluid ounces.

Section 10 (a) In case any malt or brewed beverages upon which stamps or crowns have been placed by a manufacturer have been sold or shipped by him to a licensed or regular dealer in such malt or brewed beverages in another state such manufacturer in this Commonwealth shall be entitled to a refund of the actual amount of tax paid by him upon condition that the seller in this Commonwealth shall make affidavit that the malt or brewed beverages were so sold and shipped and that he shall furnish from the purchaser an affidavit or in cases where the total purchase price is five dollars (\$5.00) or less a written certificate in lieu of an affidavit from the purchaser or upon satisfactory proof that such affidavit or certificate cannot be obtained other evidence satisfactory to the de-

partment that he has received such malt or brewed beverages for sale or consumption outside the Commonwealth and the amount of stamps or crowns thereon together with the name and address of the purchaser [whereupon the department shall with the approval of the Board of Finance and Revenue issue to the seller in this Commonwealth stamps or crowns of sufficient value to cover the refund].

(b) In case any malt or brewed beverages upon which stamps or crowns have been placed by a manufacturer have been sold to commissaries ship's stores or voluntary unincorporated organizations of the Army or of the Navy personnel operating under regulations promulgated by the Secretary of War or the Secretary of the Navy such manufacturer shall be entitled to a refund of the actual amount of tax paid by him upon condition that he shall make affidavit and furnish proof that the malt or brewed beverages were so sold.

(c) In case any malt or brewed beverages upon which stamps or crowns have been placed by an out of state manufacturer and subsequently sold by an importing distributor to commissaries ship's stores or voluntary unincorporated organizations of the Army or of the Navy personnel operating under regulations promulgated by the Secretary of War or the Secretary of the Navy such manufacturer shall be entitled to a refund of the actual amount of tax paid by him upon condition that he shall make affidavit and furnish proof that the malt or brewed beverages were so sold.

(d) In case any malt or brewed beverages upon which stamps or crowns have been placed by a manufacturer have been destroyed by him under the supervision of the Treasury Department of the United States of America he shall be entitled to a refund of the actual amount of tax paid by him upon condition that he shall make affidavit that such malt or brewed beverages were so destroyed and shall also furnish the department with a certificate executed by the representative of the Treasury Department of the United States of America who witnessed the destruction of such malt or brewed beverages to the effect that the said destruction has taken place and shall also furnish such other proof as the department shall require [whereupon]

In each of the above cases the department shall with the approval of the Board of Finance and Revenue issue to the manufacturer stamps or crowns of sufficient value to cover the refund.

The procedure for refund in any case shall be completed by the Department of Revenue and the Board of Finance and Revenue within sixty days after the proper affidavits have been filed with the department.

Section 2 The provisions of 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—200

Achterman,	French,	Marks,	Rosenfeld,
Almond,	Gallagher,	Maxwell,	Royce,
Auker,	Gerard,	McClanaghan,	Rush,
Baker,	Gillan,	McClester,	Sarge,
Balthaser,	Gillette,	McDermott,	Sarrat,
Baughner,	Goodwin,	McDowell,	Scanlon,
Bentzel,	Greenwood,	McFall,	Schwab,
Boles,	Gross,	McGrath,	Serrill,
Boney,	Gryskewicz,	McIntosh,	Shaffer,
Boorse,	Gyger,	McKinney,	Shaw,
Bower,	Habyschaw,	McLanahan,	Simons,
Bradley,	Haberlen,	McLane,	Snyder,
Breth,	Haines,	McMillen,	Sollenberger,
Brown,	Hall,	McSurdy,	Sorg,
Brunner, C H.,	Hamilton,	Teichlorre,	Stambaugh,
Brunner, P A.,	Hare,	Mihm,	Stank,
Burns,	Harkins,	Modell,	Stine,
Burris,	Harmuth,	Monks,	Stockham,

Cadwalader,	Harris,	Mooney,	Tarr,
Chervenak,	Heatherington,	Moran,	Tate,
Chudoff,	Helm,	Moul,	Taylor,
Cochran,	Hering,	Muir,	Thompson, E. F.,
Cohen, M. M.,	Herman,	Munley,	Thompson, R. L.,
Cohen, R. E.,	Hersch,	Nagel,	Trout,
Cook,	Hewitt,	Nunemacher,	Turner,
Cooper,	Hirsch,	O'Brien,	Van Allsburg,
Cordier,	Holland,	O'Connor,	Verona,
Corrigan,	Huntley,	O'Dare,	Vincent,
Croop,	Imbrie,	O'Mullen,	Vogt,
Cullen,	James,	O'Neill,	Voldow,
Dairymple,	Jefferson,	Owens,	Voorhees,
Dennison,	Jones, G. E.,	Petrosky,	Wagner,
DiGenova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Kenehan,	Polaski,	Weingartner,
Dolon,	Kline,	Polen,	Weiss,
D'Ortona,	Knoble,	Powers,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Prosen,	Wilkinson,
Early,	Komorowski,	Rank,	Williams,
Eckels,	Krise,	Rausch,	Winner,
Elder,	Lee, T. H.,	Readinger,	Wolf,
Elliott,	Lelsey,	Reagan,	Wood, L. H.,
Ely,	Leonard,	Reese, D. P.,	Wood, N.,
Falkenstein,	Lesko,	Reese, R. E.,	Woodring,
Finestone,	Levy,	Regan,	Woodside,
Finnerty,	Leydic,	Reynolds,	Wright,
Fiss,	Lichtenwalter,	Rhea,	Yeakel,
Fleming,	Longo,	Riley,	Yester,
Fletcher,	Lovett,	Rooney,	Young,
Flynn,	Lyons,	Rose, S.,	Kilroy,
Foot,	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.

BILL PASSED OVER

There being no objection House Bill No. 1558, Printer's No. 791, was passed over at the request of Mr. MEL-CHIORRE.

BILLS ON THIRD READING

Agreeably to order.

The House proceeded to the third reading and consideration of House Bill No. 991, as follows:

An Act to add section 435 to the act approved June second one thousand nine hundred fifteen (P. L. 736) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" providing that hospitals institutions physicians surgeons and others furnishing medical dental or nursing services hospital treatment artificial appliances medicines and supplies for which the employer is liable shall be deemed parties in interest to present claims and to enforce awards in Workmen's Compensation proceedings

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

Section 2 That the act of June second one thousand nine hundred and fifteen (P. L. 736) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" is hereby amended by adding thereto section 435 to read as follows

Section 435 Any hospital institution physician surgeon or other person who has furnished surgical medical dental or nursing services hospital treatment artificial

appliances medicines or supplies for which the employer is made liable under the provisions of this act shall be deemed a party in interest and have standing with the consent of the claimant before the board or any referee designated by the board and the courts of this Commonwealth to present a claim for remuneration for such services hospital treatment artificial appliances medicines and supplies and have the same heard and determined and shall be entitled to receive an award for such remunerations Any such claimant shall be entitled to enforce any such award in the same manner as claimants of compensation are entitled to enforce awards of compensation

Section 2 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—200

Achterman,	French.	Marks,	Rosenfeld,
Allmond,	Gallagher,	Maxwell,	Royer,
Auker,	Gerard,	McClanaghan,	Rush,
Baker,	Gillan,	McClester,	Sarge,
Balthaser,	Gillette,	McDermott,	Sarraf,
Baughner,	Goodwin,	McDowell,	Scanlon,
Bentzel,	Greenwood,	McFall,	Schwab,
Botes,	Gross,	McGrath,	Serrill,
Boney,	Gryskewicz,	McIntosh,	Shaffer,
Boorse,	Gyger,	McKinney,	Shaw,
Bower,	Habbyshaw,	McLanahan,	Simons,
Bradley,	Haberlen,	McLane,	Snyder,
Breth,	Haines,	McMillen,	Sollenberger,
Brown,	Hall,	McSurdy,	Sorg,
Brunner, C. H.,	Hamilton,	Melchiorre,	Stambaugh,
Brunner, P. A.,	Hare,	Mihm,	Stank,
Burns,	Harkins,	Modell,	Stine,
Burriss,	Harmuth,	Monks,	Stockham,
Cadwalader,	Harris,	Mooney,	Tarr,
Chervenak,	Heatherington,	Moran,	Tate,
Chudoff,	Helm,	Moul,	Taylor,
Cochran,	Hering,	Muir,	Thompson, E. F.,
Cohen, M. M.,	Herman,	Munley,	Thompson, R. L.,
Cohen, R. E.,	Hersch,	Nagel,	Trout,
Cook,	Hewitt,	Nunemacher,	Turner,
Cooper,	Hirsch,	O'Brien,	Van Allsburg,
Cordier,	Holland,	O'Connor,	Verona,
Corrigan,	Huntley,	O'Dare,	Vincent,
Croop,	Imbrie,	O'Mullen,	Vogt,
Cullen,	James,	O'Neill,	Voldow,
Dairymple,	Jefferson,	Owens,	Voorhees,
Dennison,	Jones, G. E.,	Petrosky,	Wagner,
DiGenova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Kenehan,	Polaski,	Weingartner,
Dolon,	Kline,	Polen,	Weiss,
D'Ortona,	Knoble,	Powers,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Prosen,	Wilkinson,
Early,	Komorowski,	Rank,	Williams,
Eckels,	Krise,	Rausch,	Winner,
Elder,	Lee, T. H.,	Readinger,	Wolf,
Elliott,	Lelsey,	Reagan,	Wood, L. H.,
Ely,	Leonard,	Reese, D. P.,	Wood, N.,
Falkenstein,	Lesko,	Reese, R. E.,	Woodring,
Finestone,	Levy,	Regan,	Woodside,
Finnerty,	Leydic,	Reynolds,	Wright,
Fiss,	Lichtenwalter,	Rhea,	Yeakel,
Fleming,	Longo,	Riley,	Yester,
Fletcher,	Lovett,	Rooney,	Young,
Flynn,	Lyons,	Rose, S.,	Kilroy, Speaker
Foot,	Malloy,	Rose, W. E.,	

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. 989, as follows:

An Act to amend section four hundred and eighteen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by allowing certain exemptions to be waived in favor of labor unions

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

Section 1 Section four hundred and eighteen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" as added by the act approved the twenty-sixth day of April one thousand nine hundred and twenty-nine (P. L. 785) is hereby amended to read as follows

Section 418 Exemption from Execution No policy of group insurance nor the proceeds thereof when paid to any employe or employes thereunder shall be liable to attachment garnishment or other process or to be seized taken appropriated or applied by any legal or equitable process or operation of law to pay any debt or liability of such employe or his beneficiary or any other person who may have a right thereunder either before or after payment nor shall the proceeds thereof when not made payable to a named beneficiary constitute a part of the estate of the employe for the payment of his debts Notwithstanding the foregoing provision of this section and of clause (3) of subsection (b) of section four hundred and fifteen of this act a person insured under a group policy issued to a labor union may designate the union as beneficiary or assign his insurance certificate or the rights to the benefits or proceeds of such insurance to the union as pledgee only for the purpose of securing any bona fide advances of moneys made by the union to the person insured

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—200

Achterman,	French,	Marks,	Rosenfeld,
Allmond,	Gallagher,	Maxwell,	Royer,
Auker,	Gerard,	McClanaghan,	Rush,
Baker,	Gillan,	McClester,	Sarge,
Balthaser,	Gillette,	McDermott,	Sarraf,
Baughner,	Goodwin,	McDowell,	Scanlon,
Bentzel,	Greenwood,	McFall,	Schwab,
Boles,	Gross,	McGrath,	Serrill,
Boney,	Gryskewicz,	McIntosh,	Shaffer,
Boorse,	Gyger,	McKinney,	Shaw,
Bower,	Habbyshaw,	McLanahan,	Simons,
Bradley,	Haberlen,	McLane,	Snyder,

Breth,	Haines,	McMillen,	Sollenberger,
Brown,	Hall,	McSurdy,	Sorg,
Brunner, C. H.,	Hamilton,	Meichlorre,	Stambaugh,
Brunner, P. A.,	Hare,	Mihm,	Stank,
Burns,	Harkins,	Modell,	Stine,
Burris,	Harmuth,	Monks,	Stockham,
Cadwalader,	Harris,	Mooney,	Tarr,
Chervenak,	Heatherington,	Moran,	Tate,
Chudoff,	Helm,	Moul,	Taylor,
Cochran,	Hering,	Muir,	Thompson, E. F.,
Cohen, M. M.,	Herman,	Munley,	Thompson, R. L.,
Cohen, R. E.,	Hersch,	Nagel,	Trout,
Cook,	Ewitt,	Nunemacher,	Turner,
Cooper,	Hirsch,	O'Brien,	Van Allsburg,
Cordier,	Holland,	O'Connor,	Verona,
Corrigan,	Huntley,	O'Dare,	Vincent,
Croop,	Imbrie,	O'Mullen,	Vogt,
Cullen,	James,	O'Neill,	Voldow,
Dalrymple,	Jefferson,	Owens,	Voorhees,
Dennison,	Jones, G. E.,	Petrosky,	Wagner,
D'Genova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Kenehan,	Polaski,	Welngartner,
Dolon,	Kline,	Polen,	Weiss,
D'Ortona,	Knoble,	Powers,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Prosen,	Wilkinson,
Early,	Komorowski,	Rank,	Williams,
Eckels,	Krise,	Rausch,	Winner,
Elder,	Lee, T. H.,	Readinger,	Wolf,
Elliot,	Lelsey,	Reagan,	Wood, L. H.,
Ely,	Leonard,	Reese, D. P.,	Wood, N.,
Falkensteln,	Lesko,	Reese, R. E.,	Woodring,
Finestone,	Levy,	Regan,	Woodside,
Finnerty,	Leydie,	Reynolds,	Wright,
Fiss,	Lichtenwalter,	Rhea,	Yeakel,
Fleming,	Longo,	Riley,	Yester,
Fletcher,	Lovett,	Rooney,	Young,
Flynn,	Lyons,	Rose, S.,	Kilroy,
Four,	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.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 722, as follows:

An Act to further amend section twenty-one of the act approved the fourteenth day of June one thousand nine hundred and twenty-three (P. L. 710), entitled "An act allowing and regulating boxing sparring and wrestling matches and exhibitions establishing a State Athletic Commission making an appropriation therefor and appropriating moneys received from monument and memorial purposes and prescribing penalties" by imposing a tax on the privilege of attending such spectacles and repealing former tax

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

Section 1 Section twenty-one of the act approved the fourteenth day of June one thousand nine hundred and twenty-three (P. L. 710), entitled "An act allowing and regulating boxing sparring and wrestling matches and exhibitions establishing a State Athletic Commission making an appropriation therefor and appropriating moneys received from monument and memorial purposes and prescribing penalties" as last amended by the act approved the fifth day of June one thousand nine hundred and thirty-seven (P. L. 1698), is hereby further amended to read as follows

Section 21 Payment to State [Every promoter partnership corporation or person holding any boxing sparring or wrestling match or exhibition under this act for which an admission is charged and received shall pay to the Commonwealth five per centum of the total gross receipts exclusive of any Federal taxes paid thereon] A State tax is hereby imposed upon the privilege to attend any boxing sparring or wrestling match or exhibition

under this act for which an admission is charged or received at the rate of one cent (1c) for each twenty cents (20c) or fraction thereof of the established price charged the general public or a limited or selected group thereof by every promoter partnership corporation or person producing such privilege which shall be paid by the person acquiring such privilege This tax shall be collected by such promoter partnership corporation or person and shall be paid over to the Commonwealth of Pennsylvania All political subdivisions are hereby specifically prohibited from levying any such tax and any such tax now existing by virtue of any ordinance or otherwise is hereby specifically repealed and declared inoperative Such payment shall be made within seventy-two hours after the holding of the contest [and shall include payment on the face value of all tickets used including complimentary tickets and tickets] All moneys received from such taxes shall be paid to the State Treasurer through the Department of Revenue

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—198

- | | | | |
|-----------------|-----------------|------------------|------------------|
| Achterman, | Gallagher, | Maxwell, | Rosenfeld, |
| Allmond, | Gerard, | McClanaghan, | Royer, |
| Baker, | Gillan, | McClester, | Rush, |
| Balthaser, | Gillette, | McDermott, | Sarge, |
| Baughner, | Goodwin, | McDowell, | Sarrat, |
| Bertzel, | Greenwood, | McFall, | Scanlon, |
| Boles, | Gross, | McGrath, | Schwab, |
| Boney, | Gryskewicz, | McIntosh, | Serrill, |
| Boorse, | Gyger, | McKinney, | Shaffer, |
| Bower, | Habbyshaw, | McLanahan, | Shaw, |
| Bradley, | Haberlen, | McLane, | Simons, |
| Breth, | Haines, | McMillen, | Snyder, |
| Brown, | Hall, | McSurdy, | Sollenberger, |
| Erunner, C. H., | Hamilton, | Melchiorre, | Sorg, |
| Brunner, P. A., | Hare, | Mihm, | Stambaugh, |
| Burns, | Harkins, | Modell, | Stank, |
| Burris, | Harmuth, | Monks, | Stine, |
| Cadwalader, | Harris, | Moeney, | Stockham, |
| Chervenak, | Heatherrington, | Moran, | Tarr, |
| Chudoff, | Helm, | Moul, | Tate, |
| Cochran, | Hering, | Muir, | Taylor, |
| Cohen, M. M., | Herman, | Munley, | Thompson, E. F., |
| Cohen R. E., | Hersch, | Nagel, | Thompson, R. L., |
| Cook, | Hewitt, | Nunemacher, | Trout, |
| Cooper, | Hirsch, | O'Brien, | Turner, |
| Cordier, | Holland, | O'Connor, | Verona, |
| Corrigan, | Huntley, | O'Dare, | Vincent, |
| Croop, | Imbrie, | O'Mullen, | Vegt, |
| Cullen, | James, | O'Neill, | Voldow, |
| Dairymple, | Jefferson, | Owens, | Voorhees, |
| Dennison, | Jones, G. E., | Petrosky, | Wagner, |
| DiGenova, | Jones, P. N., | Pettit, | Watkins, |
| Dix, | Kepehan, | Polaski, | Weingartner, |
| Dolon, | Kline, | Polen, | Wels, |
| D'Ortona, | Knoble, | Powers, | Welsh, M. J., |
| Duffy, | Kolaniewicz, | Prosen, | Wilkinson, |
| Early, | Komorowski, | Rank, | Williams, |
| Eckels, | Krise, | Rausch, | Winner, |
| Elder, | Lee, T. H., | Readinger, | Wolf, |
| Elliott, | Lelsey, | Reagan, | Wood, I. H., |
| Ely, | Leonard, | Reese, David P., | Wood, N., |
| Falkenstein, | Lesko, | Reese, R. E., | Woodring, |
| Finestone, | Levy, | Regan, | Woodside, |
| Finnerty, | Leydic, | Reynolds, | Wright, |
| Fiss, | Lichtenwalter, | Rhea, | Yeakel, |
| Fleming, | Longo, | Riley, | Yester, |
| Fletcher, | Lovett, | Roone, | Young, |
| Flynn, | Lyons, | Rose, S., | Kilroy, |
| Foor, | Malloy, | Rose, W. E., | Speaker |
| French, | Marks, | | |

NAYS—2

- | | |
|--------|---------------|
| Auker, | Van Allsburg, |
|--------|---------------|

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. 1191, as follows:

An Act to further amend clause one of section three of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employees exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by further extending the time for present employees as defined in the act to elect to be covered by the retirement system and providing for payments by and to the funds in such cases

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

Section 1 Clause one of section three of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employees exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as last amended by the act approved the twelfth day of June one thousand nine hundred and thirty-nine (P. L. 232) is hereby further amended to read as follows

Section 3 An employees' retirement association is hereby organized the membership of which shall consist of the following

1. All present employees including employees in the Pennsylvania Institution for the Instruction of the Blind Overbrook Philadelphia Pennsylvania the Western Pennsylvania Institution for the Blind Pittsburgh, Pennsylvania the Pennsylvania Institution for the Deaf and Dumb Mount Airy Philadelphia Pennsylvania and the Western Pennsylvania Institution for the Instruction of the Deaf and Dumb Wilkensburg Pennsylvania except those specifically excluded by paragraph three of this section who by written application to the Superintendent of Public Instruction shall elect before the first day of July nineteen hundred and [forty] forty-two to be covered by the retirement system Provided That such employe shall at the time of making such application pay into the School Employees' Retirement Fund to the credit of the employees' annuity savings account as provided for in paragraph number six of section eight of this act an amount equal to one-fourth of what would have been at that date the contributions from the salary of such employe had the election to be covered by the retirement system been made prior to the first day of July nineteen hundred and nineteen The balance shall be payable in three annual installments beginning one year after the payment of the first installment Any such employes so electing to be covered by the retirement system shall be entitled to all the rights allowances and benefits provided for all members Provided That the installment payments provided for herein are properly made

Any allowances or benefits becoming payable to such members before all such installments are paid shall first be credited to such member on account of such unpaid installments whether or not any such installment payment is due and payable

Section 2 The provisions of 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—200

- Achterman, Allmond, Auker, Baker, Balthaser, Baugher, Bentzel, Boies, Boney, Boorse, Bower, Bradley, Breth, Brown, Brunner, C. H., Brunner, P. A., Burns, Burris, Cadwalader, Chervenak, Chudoff, Cochran, Cohen, M. M., Cohen, R. E., Cook, Cooper, Cordier, Corrigan, Croop, Cullen, Dalrymple, Dennison, DiGenova, Dix, Dolon, D'Ortona, Duffy, Early, Eckels, Elder, Elliott, Ely, Falkenstein, Finestone, Finnerty, Fiss, Fleming, Fletcher, Flynn, Poor, French, Gallagher, Gerard, Gillan, Gillette, Goodwin, Greenwood, Gross, Gryskewicz, Gyger, Habbyshaw, Haberien, Hainers, Hall, Hamilton, Hare, Harkins, Harkuth, Harris, Heathersington, Helm, Hering, Herman, Hersch, Hewitt, Hirsch, Holland, Huntley, Imbrie, James, Jefferson, Jones, G. E., Jones, P. N., Kenehan, Kline, Knoble, Kolankiewicz, Komorowski, Krise, Lee, T. H., Lelsey, Leonard, Lesko, Levy, Leydic, Lichtenwalter, Longo, Lovett, Lyons, Malloy, Marks, Maxwell, McClanaghan, McClester, McDermott, McDowell, McFall, McGrath, McIntosh, McKinney, McLanahan, McLane, McMillen, McSurdy, Melchiorre, Mihm, Modell, Monks, Mooney, Moran, Moul, Muir, Munley, Nagel, Nunemacher, O'Brien, O'Connor, O'Dare, O'Mullen, O'Neill, Owens, Petrosky, Pettit, Polaski, Polen, Powers, Prosen, Rank, Rausch, Readinger, Reagan, Reese, D. P., Reese, R. E., Regan, Reynolds, Rhea, Riley, Rooney, Rose, S., Rose, W. E., Rosenfeld, Royer, Rush, Sarge, Sarraf, Scanlon, Schwab, Serrill, Shaffer, Shaw, Simons, Snyder, Solienberger, Sorg, Stambaugh, Stank, Stine, Stockham, Tarr, Tate, Taylor, Thompson, E. F., Thompson, R. L., Trout, Turner, VanAllsburg, Verona, Vincent, Vogt, Voldow, Voorhees, Wagner, Watkins, Weingartner, Weiss, Welsh, M. J., Wilkinson, Williams, Winner, Wolf, Wood, L. H., Wood, N., Woodring, Woodside, Wright, Yeakel, Yester, Young, Kilroy, Speaker

county printing and to repeal all acts and parts of acts inconsistent with the provisions of this act

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

Section 1 The commissioners of any county of the fourth fifth and sixth classes may by proper resolution require that printing firms who are desirous of presenting bids for county printing shall be required to establish consideration as responsible bidders as follows

(a) That the printing shall be done within the county

(b) That the printing firms shall file with the chief clerk of the county commissioners a sworn statement to the effect that employes in the employ of the firm or firms which are to produce such printing are receiving the prevailing wage rate and are working under conditions prevalent in that locality in which the work is produced

(c) That a collective bargaining agreement shall be in effect between an employer and employes who are represented by a responsible organization which is in no way influenced or controlled by the management

(d) That in case any dispute arises as to what is the prevailing rate of wages for such work applicable to the contract which cannot be adjusted by the county commissioners the matter shall be referred to the county salary board and its decision thereon shall be conclusive

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

Section 3 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

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—200

- Achterman, Allmond, Auker, Baker, Balthaser, Baugher, Bentzel, Boies, Boney, Boorse, Bower, Bradley, Breth, Brown, Brunner, C. H., Brunner, P. A., Burns, Burris, Cadwalader, Chervenak, Chudoff, Cochran, Cohen, M. M., Cohen, R. E., Cook, Cooper, Cordier, Corrigan, Croop, Cullen, Dalrymple, Dennison, DiGenova, Dix, Dolon, D'Ortona, Duffy, Early, Eckels, Elder, Elliott, Ely, Falkenstein, Finestone, Finnerty, Fiss, Fleming, Fletcher, Flynn, Poor, Foor, French, Gallagher, Gerard, Gillan, Gillette, Goodwin, Greenwood, Gross, Gryskewicz, Gyger, Habbyshaw, Haberien, Hainers, Hall, Hamilton, Hare, Harkins, Harkuth, Harris, Heathersington, Helm, Hering, Herman, Hersch, Hewitt, Hirsch, Holland, Huntley, Imbrie, James, Jefferson, Jones, G. E., Jones, P. N., Kenehan, Kline, Knoble, Kolankiewicz, Komorowski, Krise, Lee, T. H., Lelsey, Leonard, Lesko, Levy, Malloy, Marks, Maxwell, McClanaghan, McClester, McDermott, McDowell, McFall, McGrath, McIntosh, McKinney, McLanahan, McLane, McMillen, McSurdy, Melchiorre, Mihm, Modell, Monks, Mooney, Moran, Moul, Muir, Munley, Nagel, Nunemacher, O'Brien, O'Connor, O'Dare, O'Mullen, O'Neill, Owens, Petrosky, Pettit, Polaski, Polen, Powers, Prosen, Rank, Rausch, Readinger, Reagan, Reese, D. P., Reese, R. E., Regan, Rose, W. E., Rosenfeld, Royer, Rush, Sarge, Sarraf, Scanlon, Schwab, Serrill, Shaffer, Shaw, Simons, Snyder, Solienberger, Sorg, Stambaugh, Stank, Stine, Stockham, Tarr, Tate, Taylor, Thompson, E. F., Thompson, R. L., Trout, Turner, Van Allsburg, Verona, Vincent, Vogt, Voldow, Voorhees, Wagner, Watkins, Weingartner, Weiss, Welsh, M. J., Wilkinson, Williams, Winner, Wolf, Wood, L. H., Wood, N., Woodring, Woodside

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. 1679, as follows:

An Act to enable the county commissioners of counties of the fourth fifth and sixth classes to establish by resolution the requirements of responsible bidders for

Finnerty,	Leydic,	Reynolds,	Wright,
Fiss,	Lichtenwalter,	Rhea,	Yeakel,
Fleming,	Longo,	Riley,	Yester,
Fletcher,	Lovett,	Rooney,	Young,
Flynn,	Lyons,	Rose, S.,	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. 1522, as follows:

An Act to further amend sections two hundred five and seven hundred eleven 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 creating a Motor Police Trial Board setting forth its powers and duties and regulating the conduct hours of work and compensation of members of the Pennsylvania Motor Police

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

Section 1 Sections two hundred five and seven hundred eleven 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 commissions and officers fixing the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant-Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by the act approved the twenty-ninth day of June one thousand nine hundred thirty-seven (P. L. 2436) are hereby further amended to read as follows

Section 205 Pennsylvania Motor Police The Pennsylvania Motor Police shall consist of a Commissioner a Deputy Commissioner the State police force and the State Highway Patrol as now authorized by law which are hereby consolidated into one force to be known as the Motor Police Force and such chiefs statisticians clerks experts and other assistants as the commissioner with the approval

of the Governor shall deem necessary for the work of the force

The Commissioner of the Pennsylvania Motor Police shall receive a salary at the rate of eight thousand dollars per annum

The Deputy Commissioner of the Pennsylvania Motor Police shall be appointed by the Commissioner of Pennsylvania Motor Police with the approval of the Governor and shall receive a salary at the rate of seven thousand five hundred dollars per annum

The Motor Police Force shall consist of such number of officers and men and shall be organized in such manner as the Commissioner of Pennsylvania Motor Police with the approval of the Governor shall from time to time determine Provided however That the number of officers and men shall not exceed in the aggregate at any time one thousand six hundred persons

The members of the Motor Police Force and the chiefs statisticians clerks experts and other assistants engaged in the work of the Pennsylvania Motor Police shall be appointed by the commissioner and shall receive such compensation as shall be fixed by the commissioner with the approval of the Governor which compensation shall however conform to the standards established by the Executive Board except that the sum of fifty dollars (\$50.00) shall be allowed each member of the Pennsylvania Motor Police to cover expenses for meals which the said member may incur at any restaurant he may desire while on active duty

Provided however That no member of the Pennsylvania Motor Police shall be required to work more than twelve hours in any one day and such hours of work shall be continuous and not staggered The last two hours of any work day shall be devoted by the members of the Pennsylvania Motor Police to the preparation and dictation of their daily reports to clerks typists or other amanuenses furnished and employed by the Pennsylvania Motor Police

And provided further That no member of the Pennsylvania Motor Police shall be required to perform any maintenance work or janitorial service in or about any barracks station or stables belonging to or leased by the Pennsylvania Motor Police

Section 711 Commissioner of Pennsylvania Motor Police and Motor Police Trial Board The Commissioner of Pennsylvania Motor Police shall be the head and executive officer of the Pennsylvania Motor Police He shall provide for the members of the Motor Police Force suitable uniforms arms equipment and where it is deemed necessary horses or motor vehicles and make rules and regulations subject to the approval of the Governor prescribing qualifications prerequisite to or retention of membership in the force There is hereby created a Motor Police Trial Board consisting of the Lieutenant-Governor the Auditor General and State Treasurer who shall formulate rules and regulations for the enlistment training discipline and conduct of the members of the force for the selection and promotion of such members on the basis of merit for the filing and hearing of charges against such members and such other rules and regulations as are deemed necessary for the control and regulation of the Motor Police Force The commissioner shall maintain a training school to be known as the Pennsylvania Motor Police Training School for the proper instruction of members of the Motor Police Force which shall be situated at such place or places as the commissioner with the approval of the Governor may determine It shall also be the duty of the commissioner to establish local headquarters in various places so as best to distribute the force through the various sections of the Commonwealth where they will be most efficient in carrying out the purposes of this or any other act to preserve the peace prevent and detect crime and to police the highways

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—200

Achterman,	Foor,	Malloy,	Rose, W. E.
Allmond,	French,	Marks,	Rosenfeld,
Auker,	Gallagher,	Maxwell,	Royer,
Baker,	Gerard,	McClanaghan,	Rush,
Balthaser,	Gillan,	McClester,	Sarge,
Baughner,	Gillette,	McDermott,	Sarraf,
Bentzel,	Goodwin,	McDowell,	Scanlon,
Boles,	Greenwood,	McFall,	Schwab,
Boney,	Gross,	McGrath,	Serrill,
Boorse,	Gryskewicz,	McIntosh,	Shaffer,
Bower,	Gyger,	McKinney,	Shaw,
Bradley,	Habbyshaw,	McClanaghan,	Simons,
Breth,	Haberlen,	McLane,	Snyder,
Brown,	Haines,	McMillen,	Sollenberger,
Brunner, C. H.,	Hall,	McSurdy,	Sorg,
Brunner, P. A.,	Hamilton,	Melchiorre,	Stambaugh,
Burns,	Hare,	Mihm,	Stank,
Burris,	Harkins,	Modell,	Stine,
Cadwalader,	Harmuth,	Monks,	Stockham,
Chervenak,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Helm,	Moul,	Taylor,
Cohen, M. M.,	Hering,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Munley,	Thompson, R. L.,
Cook,	Hersch,	Nagel,	Trout,
Cooper,	Hewitt,	Nunemacher,	Turner,
Cordier,	Hirsch,	O'Brien,	Van Allsburg,
Corrigan,	Holland,	O'Connor,	Verona,
Croop,	Huntley,	O'Dare,	Vincent,
Cullen,	Imbrie,	O'Mullen,	Vogt,
Dalrymple,	James,	O'Neill,	Voldow,
Dennison,	Jefferson,	Owens,	Voorhees,
DiGenova,	Jones, G. E.,	Petrosky,	Wagner,
Dix,	Jones, P. N.,	Pettit,	Watkins,
Dolon,	Kenehan,	Polaski,	Weingartner,
D'Ortona,	Kline,	Polen,	Weiss,
Duffy,	Knoble,	Powers,	Welsh, M. J.,
Early,	Kolankiewicz,	Prosen,	Wilkinson,
Eckels,	Komorofski,	Rank,	Williams,
Elder,	Krise,	Rausch,	Winner,
Elliott,	Lee, T. H.,	Readinger,	Wolf,
Ely,	Leisey,	Reagan,	Wood, N.,
Falkenstein,	Leonard,	Reese, D. P.,	Wood, L. H.,
Finestone,	Lesko,	Reese, R. E.,	Woodring,
Finnerty,	Levy,	Regan,	Woodside,
Fiss,	Leydic,	Reynolds,	Wright,
Fleming,	Lichtenwalter,	Rhea,	Yeakel,
Fletcher,	Longo,	Riley,	Yester,
Flynn,	Lovett,	Rooney,	Young,
	Lyons,	Rose, S.,	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. 1462, entitled:

An Act to regulate the locating drilling casing filling and abandoning of natural gas and petroleum wells on property underlaid with workable coal beds having for its object the protection of life and property by preventing intrusion of oil and gas therefrom into coal mines in territory containing workable coal beds and conferring powers and imposing duties upon the Department of Mines and providing penalties

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. BURNS. Mr. Speaker, I move that this bill be recommitted to the Committee on Mines and Mining for the purpose of further study.

The motion was agreed to.

RESIGNATION FROM CONFERENCE COMMITTEE
ON HOUSE BILL No. 616

The SPEAKER read the following communication:

Mr. Speaker: 6/7/41.

I find that I am unable to meet with the members of the Conference Committee on H. B. 616, and therefore ask to be relieved of my duties with respect thereto and that a substitute member be appointed.

Respectfully,
RUEBEN E. COHEN.

APPOINTMENT TO CONFERENCE COMMITTEE ON
HOUSE BILL No. 616

The SPEAKER. If there is no objection the gentleman (Mr. Reuben E. Cohen) will be relieved from duty on the Conference Committee on House Bill No. 616. The Chair hears none and appoints the gentleman from Philadelphia, Mr. Finestone, as a member of said committee.

RESOLUTION

RECALLING HOUSE BILL No. 1022 FROM THE
GOVERNOR

Mr. HEATHERINGTON offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 10, 1941.

Resolved (if the Senate concur), That House Bill No. 1022, Printer's No. 640, entitled "An act to amend section thirteen and to further amend section eighteen of the act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 522) entitled as amended 'An act relating to dogs and the protection of live stock poultry and game birds raised in captivity from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock poultry and game birds by dogs and for live stock killed by or dying from rabies and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and providing penalties' permitting certain dogs to be brought into the Commonwealth for hunting purposes by holders of non-resident hunting licenses without securing a Pennsylvania dog license where the home states of such non-residents afford a similar exemption to residents of Pennsylvania," be recalled from the Governor for the purpose of amendment.

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

BILL ON THIRD READING

Agreeably to order,

The Bill having been called up from the postponed calendar by Mr. PETROSKY.

The House resumed the consideration on third reading of House Bill No. 814, entitled:

An Act regulating the payment of wages or compensa-

tion for labor or service in certain private employments; establishing regular pay days; imposing certain 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.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. PETROSKY. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, line 5 of title, by striking out the words "and district attorneys"

Amend title, page 1, lines 7 and 8 of title, by striking out the words "and district attorneys"

Amend Sec. 2, page 2, line 16 to 22, by striking out the following: "the employer shall pay for serv—" in line 16, all of lines 17 to 21, both inclusive, and the words "the third day of the following month" in line 22 and inserting in lieu thereof: "all wages earned in any pay period shall be paid within seven days after the expiration of said pay period."

Amend Sec. 3, page 3, lines 9 to 11, by striking out the following: "or hear the place of work where" in line 9, and all of lines 10 and 11, and inserting in lieu thereof: "the employer's place of business."

Amend Sec. 3, page 3, lines 12 to 18, both inclusive, by striking out all of said lines.

Amend Sec. 3, page 3, line 19, by striking out the letter "(c)" and inserting in lieu thereof: "(b)".

Amend Sec. 3, page 3, line 20, by striking out the words "or abstract"

Amend Sec. 3, page 3, line 22, by striking out the word "such" and inserting in lieu thereof: "set forth in section eleven hereof."

Amend Sec. 4, page 4, lines 1 to 12, both inclusive, by striking out all of said lines.

Amend Sec. 4, page 4, lines 16 to 20, by striking out the following: "not later than seventy-two" in line 16, and all of lines 17 to 20, both inclusive, and inserting in lieu thereof: "at the next regular pay day of his employer"

Amend Sec. 7, page 5, lines 18 to 28, both inclusive, by striking out all of said lines.

Amend Sec. 7, page 6, lines 1 and 2, by striking out both of said lines.

Amend Sec. 3, page 3, line 20, by striking out the words "8" and inserting in lieu thereof: "7"

Amend Sec. 3, page 6, line 9, by striking out the letter "(a)"

Amend Sec. 8, page 6, lines 18 and 19, by striking out the words "or any indirect employer" as defined in section seven"

Amend Sec. 8, page 6, lines 19 and 20, by striking out the words "in his opinion the claim is just and valid" and inserting in lieu thereof: "he finds upon investigation that the provisions of this act have been violated"

Amend Sec. 8, page 6, lines 21 to 28, both inclusive, by striking out all of said lines.

Amend Sec. 9, page 7, line 1, by striking out the figure "9" and inserting in lieu thereof: "8"

Amend Sec. 9, page 7, lines 21 to 28, both inclusive, by striking out all of said lines

Amend Sec. 9, page 8, lines 1 to 10, both inclusive, by striking out all of said lines.

Amend Sec. 10, page 8, line 11, by striking out the figure "10" and inserting in lieu thereof: "9"

Amend Sec. 11, page 8, line 20, by striking out the figure "11" and inserting in lieu thereof: "10"

Amend Sec. 11, page 9, line 3, by inserting after the word "thereof" the following: "in summary proceedings"

Amend Sec. 11, page 9, line 5, by striking out the word "fifty" and inserting in lieu thereof: "three hundred"

Amend Sec. 11, page 9, line 7, by striking out the words "or by both such fine and imprisonment"

Amend Sec. 11, page 9, lines 8 to 26, both inclusive, by striking out all of said lines.

Amend Sec. 12, page 9, line 27, by striking out the figure "12" and inserting in lieu thereof: "11"

Amend Sec. 12, page 10, lines 6 to 8, by striking out the following: "without being bound by any of the" in line 6, all of line 7, and the part-word "signments" in line 8.

Amend Sec. 12, page 10, lines 14 to 17, by striking out the following: "The Secretary of the Department" in line 14, and all of lines 15 to 17, both inclusive.

Amend Sec. 13, page 10, line 18, by striking out the figure "13" and inserting in lieu thereof: "12"

Amend Sec. 13, page 11, lines 21 to 25, both inclusive, by striking out all of said lines.

Amend Sec. 13, page 11, line 26, by inserting at the beginning of said line, the following: "(d)"

Amend Sec. 14, page 12, line 6, by striking out the figure "14" and inserting in lieu thereof: "13"

Amend Sec. 15, page 12, line 19, by striking out the figure "15" and inserting in lieu thereof: "14"

Amend Sec. 16, page 12, line 24, by striking out the figure "16" and inserting in lieu thereof: "15"

Amend Sec. 17, page 12, line 26, by striking out the figure "17" and inserting in lieu thereof: "16."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The amendments were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILL AND MESSAGE TAKEN FROM TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that House Bill No. 230, together with the message from the Senate, which was laid on the table may 29, 1941, be taken from the table.

The motion was agreed to.

The message was read by the Clerk as follows:

SENATE MESSAGE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 230, entitled:

An Act to reenact and amend the title and the act approved the twenty-second day of June one thousand nine hundred thirty-five (P. L. 414) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as previously reenacted and amended by continuing the State personal property tax and the emergency rate of

tax on scrip bonds certificates and evidences of indebtedness assumed or on which interest is paid by corporations for a further limited period of time exempting casualty insurance corporations not having capital stock and relieving life insurance corporations from the duty of reporting and paying tax under section seventeen of said act.

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.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 230

The SPEAKER. The Chair appoints as a Committee of Conference on said bill Messrs. ACHTERMAN, READ-INGER and WINNER.

Ordered, That the Clerk inform the Senate accordingly.

BILL AND MESSAGE TAKEN FROM TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that House Bill No. 234, together with the message from the Senate, which was laid on the table May 29, 1941, be taken from the table.

The motion was agreed to.

The message was read by the Clerk as follows:

SENATE MESSAGE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 234, entitled:

An Act to further amend section one of the act, approved the fifteenth day of July, one thousand eight hundred ninety-seven (P. L. 292), entitled "An act to provide revenue by taxation," by increasing the rate of tax for a further limited period of time.

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.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 234

The SPEAKER. The Chair appoints as a Committee of Conference on said bill Messrs. ACHTERMAN, READ-INGER and WINNER.

Ordered, That the Clerk inform the Senate accordingly.

BILL AND MESSAGE TAKEN FROM TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that House Bill No. 663, together with the message from the Senate, which was laid on the table May 29, 1941, be taken from the table.

The motion was agreed to.

The message was read by the Clerk as follows:

SENATE MESSAGE

The Clerk of the Senate being introduced, informed

that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 663, entitled:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June, one thousand nine hundred forty-one; evidenced by tax anticipation notes secured by and payable from current revenues, levied, assessed, collectable, and accruing during such two fiscal years; defining the powers and duties of the Governor, the Auditor General, and the State Treasurer in relation thereto; providing for the payment of interest on and the repayment of such loans; and making an appropriation.

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.

On the question,

Will the House agree to the motion?

Mr. WOODSIDE. Mr. Speaker, in all of the transfer bills passed during the Special Session of 1940 this House, under the control of the Republicans, along with the Senate and the Governor, pledged to return, during this month of June, the money borrowed from the special funds. During this Session, this House, under the control of the Democrats, along with the Senate and the Governor, pledged the return, during this month of June, of the money borrowed from the special funds. This was a solemn pledge made to the motorists, the firemen, the counties and the municipalities of this Commonwealth. It was made with full knowledge by all parties that in order to carry out this pledge it would be necessary to sell Tax Anticipation Notes and to pass the necessary legislation to enable the Commonwealth to sell these Notes. This is a procedure which is not new, having been adopted by the prior administration and having been carried out by this administration.

The Republican Party has made and is continuing to make every effort to keep this solemn pledge. On March 3 on behalf of the Administration the gentleman, from McKean, Mr. McDowell, introduced House Bill 663. In spite of the fact that I warned the Chairman of the Ways and Means Committee, to which it had been referred, and the Democratic Floor Leader, of the importance of this legislation, it was not finally released from the Committee until May 21st, nor passed by this House until May 22nd. By that time a substantial delay in the selling of the Tax Anticipation Notes was already brought about. The plan of the Administration to accept bids on June 2nd was no longer possible of execution.

The Senate acted upon the bill promptly, having passed it finally on May 28th, only three days after it was received by them. When the bill was before the House it was amended by the Democrats so that the estimated revenues were set forth as \$426,000,000. I pointed out at that time how that amendment would jeopardize the sale of these Notes, and the matter was corrected in the Senate.

The House has failed to concur in the amendments made in the Senate and no action is now being taken. If final action on the bill is not taken today it will be physically impossible to float the Tax Anticipation Notes in time to repay the special funds during the month of

June. It has been suggested that the bill be amended so that it will set forth as the revenues provided, at least \$373,000,000, which is the lower estimate of the taxes already enacted into law. Such amendments I understand has proven satisfactory to the bankers and would enable the sale of the Notes.

The Senate, the Governor and the Minority of this House favor the amendment, but the Democratic leaders of the House will not act. As a result the Democratic Members of this House are wilfully and deliberately violating their solemn pledge to return these funds during the month of June, and by the abuse of their power as a Majority in this House, are preventing the Republican Party from carrying out this pledge to return the money borrowed from the special funds.

It seems inconceivable that the Democratic Members of this House will insist upon wilfully and deliberately violating this solemn pledge, and will continue to prevent the repayment of these special funds and continue to deprive the firemen, the motorists, the counties and the municipalities from the funds to which they are entitled.

It must be remembered that the failure to pass the Tax Anticipation Note bill not only delays the payment of all special funds but is also delaying the payment of all the deficiency appropriations, including the forest fire fighters and the distressed school districts, and it is delaying the payment to hospitals, to First, Second and Third Class School Districts and to state aided educational institutions.

The people can only conclude that the Democratic leaders are attempting to deliberately wreck the State of Pennsylvania, with the hope that the blame will be placed on the Administration. I do not believe that the people will be fooled.

Mr. ACHTERMAN. Mr. Speaker, this particular measure after conferences has perhaps impressed me more completely of the uncertainty in which the Republican Administration has placed its sponsors and urged the passage of measures before this House. I have not forgotten that only a short time ago the minority leader of this House insisted that the figures which would appear in this bill must be accurate in nature. Since then I find that accuracy is not so greatly needed. I find also that apparently the most important phase of figures in the bill is the fact that the amount of tax legislation that is passed is going to be sufficient to pay back the particular loans floated. However, for some reason or other, for obstinate reasons, or for the purpose of making political capital or for some other reason unknown to myself, the Republican majority in the Senate insisted on substituting figures of their own. I say, Mr. Speaker, if anyone is responsible for the delay at the present time that responsibility rests solely with the Republican Senate. The sole responsibility, Mr. Speaker, the Republican Senate must assume in its present failure to give to the people of Pennsylvania the tax reductions that the Democratic Party is urging.

We have, Mr. Speaker, two indictments. One in which they, for facetious reasons, are causing a failure of the repayment of these borrowings at the present time. Secondly, the constant and wilful refusal to give to the people of Pennsylvania some measure of relief in taxation.

Mr. WOODSIDE. Mr. Speaker, I think there are two

things which the gentleman from Monroe said that ought to be answered. One is the question concerning the amount of estimates of revenue that ought to go into the bill. The gentleman is throwing dust at that and he knows it. As a matter of fact the estimates which were originally contained in the bill, as I pointed out at the time when the bill was on third reading, were the only official estimates available and were the estimates which at that time should have been included. Now, in inserting the amount in here, it is again using the only official estimate, disregarding, of course, the taxes which have not been provided for by law. That matter, as I have pointed out to the gentleman on the other side, was taken up with the bankers and the bankers agreed it would be satisfactory to buy these tax anticipation notes if the bill was amended as it was in the Senate.

Another thing the gentleman said, that the Senate of Pennsylvania must be responsible for the delay in the sale of the tax anticipation notes and in the passage of this bill. Mr. Speaker, this bill was in the possession of the Senate from the first day of the Session to this very hour, three days. Three days, this bill was in the possession of the Senate from the first day that this session opened until this very moment. Yet, Mr. Speaker, the gentleman on the other side has the audacity to say to the people of Pennsylvania that the Senate is responsible for the delay. I think that fact alone indicates to the people of Pennsylvania the deliberate effort on the part of the majority of this House to keep this legislature from carrying out their promise to the firemen, motorists and to the other people from whom the funds were borrowed.

I say to the majority on the other side that this responsibility to the people of Pennsylvania must rest on their shoulders.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 663

The SPEAKER. The Chair appoints as a Committee of Conference on said bill Messrs. ACHTERMAN, READINGER and WINNER.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 507

The Clerk of the Senate being introduced, informed that the Senate insists on its non-concurrence in the amendments made and insisted upon by the House of Representatives to Senate Bill No. 507, entitled:

An Act to apportion the State into congressional districts.

And has appointed Messrs. WADE, TAYLOR and MUNDY, 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 said bill.

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

House insist upon its amendments non-concurred in by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 507

The SPEAKER. The Chair appoints as a committee of Conference on said bill, Messrs. TATE, SHAFFER and BREATHERICK.

Ordered, That the Clerk inform the Senate accordingly.

PERMISSION TO ADDRESS HOUSE

Mr. TURNER asked and obtained unanimous consent to address the House.

Mr. Speaker, I had intended to address the House this afternoon on a delay which the Democratic majority had occasioned on certain legislation, and for which I do not think they can escape the responsibility. I realize, however, that we have some important things that we want to do later on and the hour is late. I refer to the failure of the Democratic majority to release from Committee bills pertaining to sabotage, subversive and un-American teachings in our schools.

Therefore, Mr. Speaker, instead of making extended remarks, I am going to ask that my remarks be received and placed in the Journal.

The SPEAKER. The Chair hears no objection and the gentleman's remarks will be extended in the Journal of the House.

EXTENDED REMARKS OF MR. TURNER

Today the United States of America, your country and mine, faces a great crisis. The hour demands patriotic devotion and loyal sacrifice.

To meet this grave situation, to protect our system of free government and to insure to our posterity the liberties which we inherited, we must have a united front.

We are not a united people. There are not only subversive elements in our midst, who have been sent from without to disorganize, delay and confuse our people, but also within our own ranks are misguided and selfish groups who would set up controversies to break our unity, and cause industrial strife to hamper our preparedness.

I did not vote for Franklin D. Roosevelt for President. But he is now my Command-in-Chief. He has and will have my loyal support.

I did not agree with the course he pursued in the period leading up to the outbreak of war. However, that is in the past. My country is now endangered. This is no time to argue as to who started the fire. Our duty is to answer the alarm as a compact unit, with the spirit of teamwork.

The first need of the hour is the production of fighting equipment and engines. We cannot brook delay. What will it profit industry if it gains a dollar only to lose its plants, as they have in Europe? What will it profit labor if it increases wages now only to sink into slavery as they have in Europe? What will it profit our people to lose their country and their liberties while they debate the method to pursue for defense?

Unity cannot be fostered or maintained with illegal strikes. Protection cannot be secured when labor suits its

machines. Defense must fail if the stoppage of work in vital industries is to continue.

This is not a question of the right of labor to strike. It is a question of the right of any man or group of men to set their personal feelings and beliefs above national security.

We too must play our part in promoting national defense and national unity.

This legislature has now been in session over five months. Bills of importance to national defense, national unity, and the preservation of our democratic way of life are buried in Democratically controlled Committees of the House.

In the face of my beliefs that my Democratic colleagues are patriotic Americans, the record shows that the Democratic Party, which is in control of the House, has gone on a "legislative sit-down strike" to prevent the turning of the machinery to pass bills as to sabotage, to prohibit the Communist Party from securing a place upon the ballot, to protect the future citizens of America from the teachings of foreign isms, destructive of the American system of government, and to remove subversive teaching and textbooks from our schools.

In the bills introduced during this session was one having to do with sabotage. The Attorney General of the United States called a conference in Washington last summer, out of which came a group of bills which he requested the Commissions on Interstate Cooperation and the Commissioners on Interstate Crime to present to the respective legislatures and to secure their passage.

Leaders of labor have told me that they are opposed to this measure. They believe that it has in it some elements that may be used against the rights which labor has in recent years secured. They also claim that there has not been and is not likely to be any sabotage.

My answer to those men must be that so long as the Attorney General of the United States, the chief law officers of our Commander-in-Chief, does not withdraw his request for its passage, it is our duty to ignore the requests of any group and to pass this legislation which was carefully drawn by experienced and talented members of the bar.

Against the protest that there has not been and is not likely to be sabotage, I point to the wrecking of foreign ships by their crews, and to the large number of big fires which have occurred in unprecedented number within the last few weeks. I offer this notwithstanding the assertion of the F. B. I. that there was no evidence of sabotage. Such large fires in such great numbers in such short space of time do not occur without cause. The papers this morning carry an account of a fire in a large plant in the South where they are working on defense orders. The President of this concern says it was undoubtedly sabotage.

At large in this country are over 8,000 foreigners who have been ordered deported but who have not as yet actually been sent from the country. Most of those are people with criminal records and many of them have been known as agitators against our government.

House Bill 452 was introduced on February 18th by the gentleman from Montgomery, Mr. Brunner and referred to the Committee on Judiciary Special the same day, and it still rests there.

An identical bill was introduced in the Senate on April 2nd (Senate Bill 491), was passed on May 28th by a vote of

30-17. It was referred to the Committee on Judiciary Special in this House on May 29th, and still rests there.

The Governor in his budget message recommended an appropriation of \$100,000 to the Attorney General for the purpose of investigating and preventing treasonable, seditious and subversive activities against the United States or this Commonwealth. This was likewise recommended by the Pennsylvania Bar Association at its mid-winter conference. On February 18th, House Bill 408 was introduced by the gentleman from Lancaster, Mr. Royer, carrying this appropriation. It was referred to the Committee on Appropriations the same day, and it still rests there.

There was introduced in the Senate on February 11th Senate Bill 172, prohibiting the Communist Party from securing a place upon the ballot. This bill was passed by the Senate on April 8th by a vote of 48-1, and was referred to the House Committee on Elections, on April 10th, where it still rests.

On February 12th, I introduced House Bill 396 amending the Teachers Tenure Act to permit the dismissal of teachers for un-American and subversive teaching. This bill was referred to the Committee on Education on February 17th, and it still rests in that committee.

On the 7th of April, Senator Miller, of Luzerne County, introduced Senate Bill 518, which was passed by the Senate on April 21st by a vote of 48-1. This bill amends the Teachers Tenure Act to include as additional causes for dismissal un-American and subversive activity and membership in a political party prohibited by law. This bill was on the 22nd day of April referred to the Committee on Education, and it still rests there.

It is not important to the maintenance of unity and safety in our communities to have teachers who are sabotaging and boycotting the American way of life and national unity, excluded from our public schools?

Should subversive activities be tolerated and paid for from public funds?

All isms feed as parasites on the youthful and unsuspecting mind. Subversive teaching should be uprooted and eliminated from our schools, and that can only be done by permitting the school boards to discharge teachers who do so.

Just think of it! The American Federation of Labor takes the initiative to revoke the charter of one of its unions in Philadelphia because of subversive activities, because of Communistic leanings, because of an ism that is diametrically opposed to Americanism.

This is not a union of steam fitters, but a union of teachers.

If labor leaders cannot stomach them, why should legislators refuse to give school boards the right to eliminate such teachers from the schools when the acts provide for proper appeal to the courts if this is used improperly?

What is the matter with the school administration in Philadelphia? For almost six years patriotic organizations have been calling the attention of the officials in that city to the prevalence of Communistic and subversive elements in the ranks of its teachers.

The American Federation of Labor could prove that a Union in which some of the teachers were members was infested with Communistic leadership, and yet those responsible for the administration of the system had made no move. Not only is a portion of the teaching staff infected, but I have been reliably informed that employes

of the Department of Public Assistance in that city likewise follow the same sort of leadership.

Again I ask how can we draft the youth of America to prepare to defend our liberties if we allow the seed of disunion, disorganization, and disintegration to be sown among the civilian population, while you who have the instruments at hand with which to disinfect it, fail to do your part.

Is the Democratic leadership so fearful of those pressure groups that it dare not submit this legislation to the membership? Does the Democratic leadership, like Secretary of Labor Perkins, have such a tender feeling for these insects that it would rather risk the destruction of our government by them than to stamp them out?

For America to remain free, she must be strong. To be strong, she must stamp out every agency that would undermine the faith of our people in its government and throw monkey-wrenches into the defense machinery.

The Supreme Court of the United States, the great Unions which represent labor, and public opinion have outlawed sit-down strikes. Will the Democratic leadership now outlaw this legislative sit-down strike?

PERMISSION TO ADDRESS HOUSE

Mr. ACHTERMAN asked and obtained unanimous consent to address the House.

Mr. Speaker, yesterday the special committee of the House and Senate that was appointed by our respective bodies for the purpose of investigating the truth or falsity of certain allegations made by Senator Cavalcante of Fayette County on the floor of the Senate, reported back to this House that Senator Cavalcante had refused and neglected to comply with the request of the Committee as well as to obey the subpoena to appear before the Committee for the purpose of giving testimony. That Committee then asked this House for further instructions.

In pursuance to that thought, and in pursuance to that request I feel that it is mandatory upon this House to give free expression to its thought in relation to the procedure to be followed at the present time. Were the man who refused to obey the subpoena a member of this House, I would say without hesitancy that it was the duty of this House to proceed to the end of enforcing its subpoena. It so happens that in the instant case the member who refused to appear before the Committee is a member of the Senate and consequently I believe and I think the members of this House believe, that it becomes a paramount duty on the part of the Senate to see that senator Cavalcante is duly brought before the Senate to the end that he be made to comply with the subpoena, or upon his failure to do so that proper and fitting punishment be meted out to him.

Mr. Speaker, there is ample law upon the books, sufficient precedents to warrant that particular action. Added to that there are several cases decided by the Supreme Court as well as the authority of this House and the Senate, that the immunity the Senator claims is not available to him, because immunity as a Senator, or as a member of the House for that matter, is confined to only a limited and very restricted field. I believe, Mr. Speaker, therefore, that it is the duty of this House to urge upon the Senate that they, the Senate, proceed immediately and expeditiously to the end that the man who made the charges be brought before the Committee and, Mr. Speaker, I ask consent of the House at this time to present a resolution and I move, Mr. Speaker, for its immediate adoption.

RESOLUTION

INVESTIGATION OF CHARGES MADE IN SENATE

Mr. ACHTERMAN offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, considered and adopted:

In the House of Representatives, June 10, 1941.

Whereas, on June 5, pursuant to a resolution adopted by the Senate and House of Representatives, a joint committee was appointed to investigate certain charges made on the floor of the Senate by Senator Anthony Cavalcante; and

Whereas, on June 9, 1941, the committee made the following report, which contained inter alia:

"Inasmuch as the gentleman from Fayette, Mr. Cavalcante, the originator of the charges that a criminal conspiracy to unlawfully affect legislation exists in the General Assembly now in regular session, has failed, neglected, and refused to attend the several meetings of the Joint Committee, which meetings were duly publicized and to the latter of which the said Senator was lawfully subpoenaed;" and

Whereas, in so doing he has ignored and refused to recognize the process of the General Assembly; and

Whereas, in concluding its report, the said joint committee stated:

"The said Joint Committee now reports to the Senate and to the House of Representatives that it will await further instruction and advice of the said respective bodies;" and

Whereas, The above mentioned Anthony Cavalcante is a member of the Senate from Fayette County, and subject to the laws of the Commonwealth of Pennsylvania and the rules of the Senate governing members of that body; now therefore be it

Resolved, (if the Senate concur), That the Senate take immediately such action as shall be necessary to bring the aforesaid Anthony Cavalcante before the bar of the Senate and there instruct him to answer the processes of the said Joint Committee or for such other action as the Senate may prescribe in accordance with the Constitution and the laws of this Commonwealth.

On the question,

Will the House adopt the resolution?

Mr. WOODSIDE. Mr. Speaker, we have been following the practice of not objecting to giving unanimous consent for the consideration of resolutions, particularly those that were presented by the majority floor leader, and I did not want to object to the immediate consideration of this resolution. However, we have here a matter of extreme importance as it relates to the procedure of the House and the Senate in a very important matter. It seems to me to be asked to vote on a resolution of this kind without any further consideration is asking almost too much of the Members of this House.

As I understand it, the Committee appointed to make the investigation reported back and requested further instructions. Now, as I understand the gentleman from Monroe, this resolution is in answer to their request for further instructions, but the resolution is not directed to the members of the Committee, and as I understand, it does not give them any further instructions. Instead we have here in this resolution a suggestion by the House, or a recommendation by this House as to what action the Senate shall take in this matter. It seems to me to be a rather unusual proceedings for one body of the legislature to direct and suggest to another body of the legislature what action the other body of the legislature should

take. I realize, Mr. Speaker, we are in a rather peculiar situation here. We have here a joint committee appointed by a concurrent resolution of both the House and the Senate. I do not know what the technical rights of the committee are in reference to subpoenaing a Member of the Senate. I am not able to debate here at this time the power the House might have over the senator in this case. It would seem to me however from a hasty reading of the section of the constitution which seems to be involved that probably the House of Representatives has no right whatsoever concerning the control of punishment for a senator's failure to answer a subpoena, or for failure to answer all questions which may be put to him in connection with statements he made on the floor of the Senate. I may be wrong about that but offhand that is my opinion in the matter.

It also seems to me that this is a matter that under the constitution is solely in the hands of the Senate, and that the Senator will be compelled to account to the Senate of Pennsylvania for the things he has said.

Therefore, Mr. Speaker, it seems rather strange for the House to tell the Senate what action they shall take in this matter. I did not have an opportunity to read this resolution until it was introduced, I have not been able to study the matter thoroughly, I admit it is a very technical one and it seems to me to be one that ought to receive the earnest consideration of all the Members of the House. For that reason it would be only fair to lay this resolution on the table, for a short time at least, to give the Members an opportunity to consider it. I would suggest that it be laid upon the table until tomorrow to give the Members of the House an opportunity to thoroughly consider this matter and determine whether it is the best procedure under all the circumstances. I do not think in any way the investigation by this committee should be interfered with; I believe it should be carried out, but I do feel that it is important to this House in establishing a procedure which may be followed in the future to do it the right way, the way the Constitution provides, the way the rules of this House provide and the way that is best in an orderly governmental manner.

Therefore, Mr. Speaker, I am going to suggest to the gentleman on the other side that he permit this resolution to be laid on the table until tomorrow so that all of the Members of this body may have an opportunity to carefully read it and consider the various technical angles involved.

Mr. ACHTERMAN. Mr. Speaker, may I state for the information of the minority leader and the Members of the House that the committee itself was appointed by the two houses and has the power to issue subpoenas, but it does not have the power to enforce them. I believe that an examination of the Constitution and the rules under which this House and the Senate both operate and the authorities stated in Jefferson's Manual will clearly and definitely disclose that the place for the enforcement of the subpoena in the instant case is in the Senate.

It has been stated by the gentleman that this is an extraordinary proceeding on the part of this House in reply to the request of the committee for further instructions. True, we might have said to the committee, "You present a motion or resolution to the Senate,—to the Senate members," but we feel that this is an extraordinary case. It must not be forgotten that Senator

Cavalcante made direct accusations against a specific Member of this House. That Member has a right to have his name cleared, and Senator Cavalcante has no right to refuse to go before the Committee and disclose what information he may have as to that particular Member of this House. If he was talking loosely we have a right to know; if he has information that the man has done what he claims he did, then certainly it is the duty of this House to proceed. Senator Cavalcante has no right to refuse the subpoena of the committee in a matter of as great importance as this, and this House cannot sit idly by and permit the Senate to conduct itself in the manner it did last evening. For what purpose? It is difficult to say. It is quite evident, however, that they had no desire to have the Senator testify.

I might say Mr. Speaker, that the integrity of this House has been attacked. This House should move in so far as it can move, and it should petition, so far as it can petition, the Senate, that it, the Senate, lend its help, every help, every aid, so that the matter can be thoroughly investigated, and no individual Senator or group of Senators has the right to deny that request. They have no right, Mr. Speaker, to say to the people of Pennsylvania, "We will protect this Senator who has made the accusations and allow members to sit in the House and Senate who, if the information were handed out, would be denied their seats," or be in a position to say, "Here is a Senator who in an irresponsible moment, without any thought of what he was doing to the reputation of an honorable and honest man, with no thought of anyone else but himself, made those statements in the Senate which can not help but be roundly condemned."

Under those conditions, I feel that this House should not delay, that the honor and integrity of this House are of paramount importance and that we should move promptly for their protection.

Mr. WOODSIDE. Mr. Speaker, there are many things which the gentleman on the other side has said with which I agree. I think his statement that the matter of punishment is entirely within the hands of the Senate is a correct statement of the law; at least that has been my understanding of it. I agree with the gentleman further that any charges made against any Member of this House, as there apparently was, ought to be thoroughly investigated and that the Member of this House has the right to insist upon a thorough investigation. I do not say this in opposition to this resolution necessarily, because frankly after careful consideration of all the angles of the matter, it might be that we would be very anxious to support this very resolution. I cannot say that, but it occurs to me at the present time, however, that the procedure is rather strange to have the House tell the Senate exactly how to proceed in this matter. It seems to me that that is what is being done.

There is another matter that immediately arises in my mind. The gentleman says that the House has a right to suggest to the Senate. Maybe we do have a right to pass a resolution suggesting to the Senate that it is the consensus of opinion of this House that such a thing ought to be done. I think inasmuch as one of our Members is involved and specifically named in connection with the charges, that probably the House might properly pass some sort of a resolution making some recommendation to the Senate. I do not say that is true or not true. It seems to me it is a matter that may be worthy of serious con-

sideration; but as I understand this resolution, it is a concurrent resolution, and we have the still stranger situation of the House and the Senate passing a resolution directing the Senate what to do in this particular matter.

The whole thing seems to me to be not thoroughly thought out. That is the reason I am not asking anybody to vote against this resolution, but I am merely asking the gentleman on the other side to give us a little time to consider the resolution, time to look into some of the questions of procedure involved and to give the matter careful consideration. I am not speaking against the resolution, I am only asking, due to the fact that it is a strange procedure, and we do not have any previous cases of this kind to my recollection, that therefore we ought to be careful that we are proceeding in the right manner, and we ought to have time to give it consideration.

MOTION TO LAY ON TABLE.

Mr. WOODSIDE. Mr. Speaker, I move to lay the resolution on the table, and I ask the gentleman on the other side whether he will kindly go along on this motion.

POINT OF ORDER

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

The SPEAKER. The gentleman from Allegheny will state his point of order.

Mr. Brown. Mr. Speaker, it is permissible to ask the maker of the motion to withdraw his motion for a brief moment?

The SPEAKER. Will the gentleman from Dauphin withdraw his motion?

Mr. WOODSIDE. I shall, Mr. Speaker.

The SPEAKER. The gentleman from Dauphin withdraws his motion.

Mr. BROWN. Mr. Speaker, this is an important resolution and a most extraordinary procedure. I think we ought to be right, or as nearly right as we can possibly be, in a matter of this kind. There are doubts in the minds of some of us as to the procedure that has been followed thus far. Of course, when we act under pressure and act hastily in matters that are as basic as this one is we are liable to make mistakes, although we intend to do the proper thing. The thought that occurred to me when hearing the resolution read, and of course I had to catch it hastily as the clerk read it, was that the resolution is not in proper form because it is a concurrent resolution in which we are asking the Senate to do something, and then we must get their consent before they can concur in the resolution.

Mr. Speaker. I desire to interrogate the gentleman from Monroe, Mr. Achterman the majority floor leader.

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

Mr. ACHTERMAN. I shall, Mr. Speaker.

Mr. BROWN. Mr. Speaker, this, as I understand it, is a concurrent resolution; is that correct?

Mr. ACHTERMAN. That is correct, Mr. Speaker.

Mr. BROWN. Mr. Speaker, does not the gentleman from Monroe feel that the request we make would be proper and in better form if it were a resolution of the House rather than a concurrent resolution?

Mr. ACHTERMAN. Not necessarily so, Mr. Speaker. I have no doubt that a resolution adopted by the House

that is not concurrent would be proper, but to say that is the only proper course would be begging the point. If we had not had the extraordinary proceeding that occurred on the Senate floor last night I would say that undoubtedly a resolution from this House would have been the better course to pursue, but it became so evident to me and I think to everyone who listened, that the Senate is not as desirous of proceeding with the investigation as it once was. I feel, Mr. Speaker, under those conditions that we should have an expression from the Senate, and that expression can best be procured through a concurrent resolution.

Mr. BROWN. Mr. Speaker, would the gentleman from Monroe be willing to amend this resolution so that it would be a House resolution rather than a concurrent resolution? Of course, I ask that for this reason, we are not all familiar with what happened on the floor of the Senate last night and I do see where it is of any major concern to have a request coming from this House. I do not think we have any right to put in a resolution of this kind asking the Senate to bind itself to something which they have already failed to do, if I understand the remarks of the gentleman from Monroe, Mr. Achterman.

Mr. ACHTERMAN. Mr. Speaker, I cannot agree with the suggestion of the gentleman from Allegheny to amend this resolution to make it only a House resolution. Perhaps the excuse of the Senate might be that there was some doubt as to the method of procedure against the Senator when he refused to testify and ignored the subpoena. However, the method is clear and there should be no doubt about it. They have had now about twenty-four hours to consider the fiasco of last evening and I think this particular resolution in concurrent form is going to crystalize the subject in the Senate. I believe a House resolution alone would be received and spread upon the minutes and that would be the end of it.

Mr. BROWN. Mr. Speaker, will the gentleman tell me whether or not I am correct in saying that the gist of this resolution is that the House is asking the Senate to utilize all of its Constitutional powers to compel the attendance of Senator Cavalcante at the meeting of the Joint Committee, is that correct?

Mr. ACHTERMAN. Mr. Speaker, that is concretely correct, yes.

Mr. BROWN. Mr. Speaker, is that the only purpose of the resolution?

Mr. ACHTERMAN. That is the purpose, to place the Senate on notice that this House feel it is the Senate's duty to proceed, and the additional reason they exercise their constitutional rights and powers.

Mr. BROWN. Mr. Speaker, I thank the gentleman from Monroe.

It may be that haste is necessary in this matter. I imagine the majority floor leader has had more chance to study this question than any of us. I do not think any of us knew that such a resolution was going to be presented. It seems to me this procedure is not the proper one at this time. If I understand this resolution, we are asking the Senate to utilize its powers, and I presume that means the powers given to it under Article 2, section 11 of the Constitution, which provides that each House shall be the judge of the conduct of each of its members. It does seem to me from a first reading and from a very hasty perusal of the resolution that the better procedure would be that we simply ask the Senate

to utilize its powers, rather than have the Senate join in a resolution powers which I do not think we can join in a joint resolution. I may be wrong, but I think we ought to be right in this matter. If there is any question about it, we should be sure we are right. In a question so unusual as this one, our procedure which may be a precedent, should be established with caution, and after all the knowledge that can be brought to the question has been brought into view.

Mr. Speaker, whether or not the gentleman from Monroe will agree to lay the resolution on the table or amend the resolution is a question solely with him, but I think we ought to have some little opportunity to see whether or not our procedure is right and unless that opportunity is granted I for one intend to vote against the resolution.

Mr. WOODSIDE. Mr. Speaker, I move that the resolution be laid upon the table.

On the question,

Will the House agree to the motion?

Mr. WOODSIDE. Mr. Speaker, may I say with reference to remarks of the gentleman from Allegheny, Mr. Brown, not only as to the time that we should have to consider a resolution of this kind, but also in reference to the fact that we had to gather what was in the resolution from merely hearing it read, I think indicates all the more reason why in fairness to all the Members, this resolution should be laid upon the table temporarily.

I feel I have had an advantage over the other Members of this House, because the majority floor leader very kindly and graciously gave me a copy of the resolution and I and two or three around me in the corner here had an opportunity to follow it as it was read by the Clerk, but the rest of the Members of the House on both sides have not had an opportunity to examine it. I am sure many of them would be interested; many of them might have some constructive suggestions concerning the proper procedure. For that reason it seems to me, in fairness to the Members on both sides, the gentleman should not object to the motion to lay on the table until tomorrow.

Mr. ACHTERMAN. Mr. Speaker, both speakers in asking that the resolution be laid upon the table, apparently have lost sight of the fact that this is purely an expression of thought on the part of the House to the Senate. It represents in no manner a proceeding by the House against the Senator who failed to comply with the subpoena. It is our expression to the Senate solely. The question as to whether we can or cannot express ourselves to the end that we ask the Senate to proceed properly and expeditiously, does that need consideration? Does it need consideration that the honor and integrity of this House should be protected? I am at a loss to understand what the gentleman means. In fact that is all this resolution is doing; it is saying to the Senate, "proceed promptly to investigate these charges." If men are stating things they have no right to say, we want to know it. If men have been charged falsely, then they should be cleared. No one should be permitted to tear down someone's name. This resolution is not a proceeding against the Senator, but is only an expression on the part of the House to the Senate. The question whether this proceeding is in order or not certainly does not enter into the problem at all. It is solely in the form of adopting a resolution asking the Senate to act. Under those conditions I cannot agree with the motion of the

gentleman from Dauphin, nor can I accede to the remarks of the gentleman from Allegheny.

Mr. WOODSIDE. Mr. Speaker, I do not wish to prolong this debate, but at the same time it seems to me after what the gentleman from Allegheny, Mr. Brown, has said he thought was in the resolution, what the gentleman from Monroe, Mr. Achterman, himself says is in the resolution, and what appears to me from reading it is in the resolution, appear to be three different things, and that is all the more reason, I believe, why it seems to be important at this time to lay this resolution on the table.

PARLIAMENTARY INQUIRY

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

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

Mr. WOODSIDE. Mr. Speaker, if the motion should be carried to lay the resolution on the table, would the resolution be printed for the use of the Members tomorrow?

The SPEAKER. If the resolution is laid on the table it would not have been referred to a committee under the rules and it could be printed by the direction of the House only.

Mr. WOODSIDE. Mr. Speaker, it seems to me by all means the resolution should be printed, and if my motion to lay it on the table prevails, I certainly will follow it up with a motion to have the resolution printed, because I do not think it would be of much advantage to lay it on the table if the resolution were not printed.

I shall not attempt to repeat what the gentleman from Monroe said, but I think if you would put side by side what actually is in the resolution and his explanation of what the resolution contains, you will find they are not exactly in accord. I do not mean he is attempting to misrepresent the intent of the resolution, but his understanding of what is in it and what appears to me to be in it are entirely two different things. I do not think any of us can have an exact knowledge of what is in the resolution unless we have an opportunity to take it, read it and study it. For that reason I think this resolution ought to be laid on the table, and a motion ought to be made and carried by this House to have it printed so that in the morning all the Members of this House may have the printed resolution before them to pass upon it.

On the question recurring,

Will the House agree to the motion?

It was not agreed to.

On the question recurring,

Will the House adopt the resolution?

It was adopted.

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

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 124:

An Act to amend the title and the act approved the twenty-eighth day of April one thousand nine hundred and 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 limitations 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 adding the term "handler" as a synonym for the term "milk dealer" defining the terms "handle" and "handler" extending the provisions of the act to those who handle milk by bailment brokerage consignment or purchase authorizing special agents or examiners to conduct hearings on behalf of the commission enabling certain officers employes and agents to administer oaths providing the method and effect of service of certain orders and the posting of rules regulations and certain orders enabling employes of the commission to photograph photostat mark or stamp for identification books and papers that they have inspected providing for action with milk control agencies of other states and of the United States in holding hearings and promulgating and enforcing orders requiring milk dealers or handlers to be licensed stating grounds for refusal suspension revocation of licenses or the right to apply for a license or for refusal to transfer licenses stating the effect of service by registered mail when the addressee refuses to accept or receive such mail enlarging requirements of milk dealer or handlers to file bonds to secure payment to producers and certain milk dealers or handlers prescribing the effective date and term of such bonds and providing for their release providing for the increase or decrease of the amounts of bonds prescribing the effect of orders and findings of fact of the commission relating to licenses in suits on bonds providing for payment to those entitled thereto of moneys in the hands of the commission owing to milk dealers or handlers or producers increasing the scope of regulation of subdealers making certain information available to cooperatives and producers' groups clarifying the requisites of orders fixing prices for milk providing for the competency of certain statistical testimony and data providing that all provisions of price-fixing orders shall be presumed valid and placing the burden of proving invalidity or partial invalidity of any order defining violations of orders of the commission fixing prices making milk dealers or handlers responsible for acts of directors officers agents or other persons acting for or on behalf of them giving certain additional rights to cooperatives and producers' and farmers' unions or organizations of producers of milk further regulating and imposing duties on milk dealers or handlers setting up a price fixing procedure restricting powers of the Governor prescribing procedure on appeal from orders of the commission further defining and prescribing penalties defenses rights and remedies and providing for the payment of

funds in the hands of the commission owing to producers and handlers

HOUSE BILL No. 382.

An Act authorizing political subdivisions to appropriate money for participation in Federal Surplus Commodities Stamp plans to borrow money and issue bonds for said purpose providing for payment of such appropriations into a special fund in the State Treasury appropriating the money in such fund and authorizing the purchase of necessary insurance

Whereupon,

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

SENATE MESSAGES

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 230

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurring in by the House of Representatives, to House Bill No. 230, entitled:

An Act to reenact and amend the title and the act approved the twenty-second day of June, one thousand nine hundred thirty-five (P. L. 414), entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation." as previously reenacted and amended by continuing the State personal property tax and the emergency rate of tax on scrip bonds certificates and evidences of indebtedness assumed or on which interest is paid by corporations for a further limited period of time exempting casualty insurance corporations not having capital stock and relieving life insurance corporations from the duty of reporting and paying tax under section seventeen of said act.

And has appointed Messrs. Heyburn, Edmonds and Shapiro a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two houses in relation to said bill.

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 234

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurring in by the House of Representatives, to House Bill No. 234, entitled:

An Act to further amend section one of the act approved the fifteenth day of July one thousand eight hundred ninety-seven (P. L. 292) entitled "An act to provide revenue by taxation" by increasing the rate of tax for a further limited period of time.

And has appointed Messrs. Heyburn, Edmonds and Shapiro a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two houses in relation to said bill.

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 663

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurring in by the House of Representatives, to House Bill No. 663, entitled:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June one thousand nine hundred forty-one evidenced by tax anticipation notes secured by and payable from current revenues levied assessed collectible and accruing during such two fiscal years defining the powers and duties of the Governor the Auditor General and the State Treasurer in relation thereto providing for the payment of interest on and the repayment of such loans and making an appropriation.

And has appointed Messrs. Heyburn, Edmonds, and Shapiro, a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two houses in relation to said bill.

BILLS INTRODUCED AND REFERRED

By Messrs. BAKER and LEONARD.

HOUSE BILL No. 1833.

An Act to amend section five of the act, approved the twenty-ninth day of September, one thousand nine hundred thirty-eight (P. L. 53), entitled "An act relating to institutions of counties, cities, and institution districts for the care, maintenance and treatment of mental patients; providing for the transfer of such institutions to the Commonwealth; providing for the management and operation or closing and abandonment thereof, and the maintenance of mental patients therein, including the collection of maintenance in certain cases; providing for the retransfer of certain property to institution districts under certain circumstances; conferring and imposing upon the Governor, the Department of Welfare, the courts of common pleas and counties, cities and institution districts certain powers and duties; prohibiting cities, counties and institution districts from maintaining and operating institutions, in whole or in part for the care and treatment of mental patients; and repealing inconsistent laws," by further prescribing certain rights of employes and officers of institutions acquired by the Commonwealth.

Referred to the Committee on Counties.

By Mr. McLANAHAN.

HOUSE BILL No. 1834.

An Act requiring labels giving certain information as to the contents, to be affixed to every container used for the sale of fermented malt or brewed beverages; and prescribing penalties.

Referred to the Committee on Liquor Control.

By Messrs. LLOYD H. WOOD and STANK.

HOUSE BILL No. 1835.

An Act creating a Highway Traffic Advisory Committee to the War Department of the United States of America; providing for its appointment; prescribing its powers and duties; and authorizing the use by the committee of the employes, equipment, supplies and facilities of certain State agencies.

Referred to the Committee on Highways.

By Messrs. MODELL and DALRYMPLE.

HOUSE BILL No. 1836.

An Act prohibiting State and local governmental officers, agents and agencies from accepting, filing and approving certain plans and specifications for buildings, works and improvements, and from issuing or granting permits pursuant thereto unless such plans and specifications are signed by a person legally qualified to prepare the same.

Referred to the Committee on State Government.

By Mr. MODELL.

HOUSE BILL No. 1837.

An Act to further amend clauses (6) and (7) of section two and section nine hundred eight of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act." changing the definitions of "Common Carrier by Motor Vehicle" and "Contract Carrier by Motor Vehicle;" and giving the Public Utility Commission the right to inspect and access to facilities and records of all persons and corporations subject to said act.

Referred to the Committee on Public Utilities.

By Messrs. HARKINS and BOIES.

HOUSE BILL No. 1838.

An Act making an appropriation to the Department of Highways for the purpose of making a survey of a certain State highway; and conferring certain powers upon the Department of Highways.

Referred to the Committee on Appropriations.

By Messrs. BAKER and LEONARD.

HOUSE BILL No. 1839.

An Act to further amend clauses nine and 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 employees retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employees; 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 employees serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," by extending the definitions of original and new employees to include certain State employees, and conferring certain rights and duties on such employees.

Referred to the Committee on State Government.

BILLS ON THIRD READING

Mr. STANK asked and obtained unanimous consent to call up out of order House Bill No. 1432, Printer's No. 848, on page 21 of today's Calendar, and House Bills Nos. 1705, Printer's No. 849, and 1431, Printer's No. 850, on page 22. of today's Calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1432, entitled:

An Act to further amend section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths 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 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 or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets 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 changing certain routes and adding certain new routes.

On the question,

Will the House agree to the bill on third reading?

Mr. GERARD. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend section 2, page 5, insert between lines 27 and 28 the following: "Beginning at a point on the line dividing Penn Township and the City of Pittsburgh, Allegheny County; thence over Allegheny River Boulevard to its intersection with Washington Boulevard in the City of Pittsburgh; thence over Washington Boulevard and Fifth Avenue Extension to the intersection of Penn Avenue and Fifth Avenue in the City of Pittsburgh; thence over Penn Avenue to its intersection with Dallas Avenue; being a distance of three miles more or less.

Beginning at a point at the intersection of Ohio Street Pittsburgh, Baldwin and Mifflin Townships; thence in a general northerly direction over East Street and Evergreen Road to the line dividing the City of Pittsburgh and Ross Township on State Highway Route No. 805; being 3.5 miles more or less in length.

Beginning at a point on the line dividing the City of Pittsburgh, Baldwin and Mifflin Townships; thence in a general northerly direction over Streets Run Road to an intersection with State Highway Route No. 376 in the City of Pittsburgh; being one mile more or less in length in the City of Pittsburgh.

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The amendments were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1705, entitled:

An Act to amend the act approved the fifth day of May one thousand nine hundred and twenty-seven (P. L. 787), entitled "An act establishing certain public roads as State highways and providing for their construction and maintenance at the expense of the Commonwealth," by changing certain routes and adding certain new routes

On the question,

Will the House agree to the bill on third reading?

Mr. GERARD. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Sec. 1, page 1, lines 1 and 2, by striking out the words "Route six hundred and seventy-eight" and inserting in lieu thereof: "The following routes".

Amend Sec. 1, page 2, line 1, by striking out the word "is" and inserting in lieu thereof: "are".

Amend Sec. 1, page 2, by inserting between lines 2 and 3, the following: "Route number six hundred and seventy-seven. Beginning at Hulton Improved Road at or near Oakmont Country Club, Allegheny County; thence in a northeasterly direction to the Logans Ferry Improved Road at or near the Logans Ferry Railroad Station; thence over Logans Ferry Improved Road to the line dividing Allegheny County and Westmoreland County.

Amend Sec. 2, page 3, by inserting between lines 17 and 18, the following:

Route 763. Beginning at the intersection of State Highway Route 72 and the Bakerstown and Culmerville Road at or near the village of Bakerstown, Allegheny County; thence extending in a general easterly direction over the improved Bakerstown and Culmerville Road and Millerstown and Culmerville Road to its intersection

with State Highway Route 388 at the village of Millers-town, Allegheny County.

Route 764. Beginning at the line dividing the Borough of Leetsdale in Leet Township in Allegheny County; thence in a general northeasterly direction over Big Sewickley Creek Road in Allegheny County and Beaver County; thence over State Highway Routes Application 3754 and 3755 to the Warrendale and Bayne Road; thence over the Warrendale and Bayne Road to its intersection with State Highway Route 246 in the village of Warrendale, Allegheny County.

Route 765. Beginning at the intersection of State Highway Route 76 and the Stoops Ferry and Shousetown Road; thence in a general northwesterly direction over the Stoops Ferry and Shousetown Road to the line dividing Allegheny County and Beaver County at State Highway Route Application 4247.

Route 766. Beginning at the intersection of State Highway Route 802 and Cochran Road in Allegheny County; thence in a general southeasterly direction over Cochran Road to its intersection with State Highway Route 803 in Allegheny County.

Route 767. Beginning at the intersection of State Highway Route 803 and Castle Shannon Boulevard; thence in a general southeasterly direction over Castle Shannon Boulevard to the line dividing Mt. Lebanon Township and Castle Shannon Borough in the vicinity of State Highway Route 247.

Route 768. Beginning at a point on State Highway Route 330 at the village of Miller's Grove, Allegheny County; thence in a general northeasterly direction over Streets Run Road to the line dividing Baldwin Township and the City of Pittsburgh.

Route 769. Beginning at a point at the intersection of State Highway Route 733 and the New England Road in Allegheny County; thence in a general northwesterly direction over the New England Road to an intersection with State Highway Route 02074.

Route 770. Beginning at the intersection of State Highway Route 120 and State Highway Route 377 in Allegheny County; thence in a general northerly direction over Moss Side Boulevard to the line dividing North Versailles Township and Wall Borough; commencing at the line dividing North Versailles Township and Wall Borough; thence in a general northeasterly direction over Moss Side Boulevard to its intersection with State Highway Route 630, Allegheny County.

Route 771. Beginning at the line dividing Penn Township and Verona Borough; thence in a general southerly and westerly direction over Allegheny River Boulevard to the line dividing Penn Township and the City of Pittsburgh, Allegheny County.

Route 772. Beginning at the line dividing the Borough of Elizabeth and Forward Township in Allegheny County; thence over the Elizabeth Road, Lock No. 3 and Elkhorn Road, and Elkhorn and Monongahela Road to the intersection of State Highway Route 181 and State Highway Route 394.

Amend Sec. 2, page 3, line 18, by striking out the figures "763" and inserting in lieu thereof: "773".

Amend Sec. 2, page 3, line 26, by striking out the figures "764" and inserting in lieu thereof: "774".

Amend Sec. 2, page 4, line 5, by striking out the figures "765" and inserting in lieu thereof: "775".

Amend Sec. 2, page 4, line 12, by striking out the figures "766" and inserting in lieu thereof: "776".

Amend Sec. 2, page 4, line 20, by striking out the figures "767" and inserting in lieu thereof: "777".

Amend Sec. 2, page 5, line 12, by striking out the figures "768" and inserting in lieu thereof: "778".

Amend Sec. 2, page 5, line 19, by striking out the figures "769" and inserting in lieu thereof: "779".

Amend Sec. 2, page 5, line 24, by striking out the figures "770" and inserting in lieu thereof: "780".

Amend Sec. 2, page 6, line 4, by striking out the figures "771" and inserting in lieu thereof: "781".

Amend Sec. 2, page 6, line 11, by striking out the figures "772" and inserting in lieu thereof: "782".

Amend Sec. 2, page 6, line 17, by striking out the figures "773" and inserting in lieu thereof: "783".

Amend Sec. 2, page 6, line 23, by striking out the figures "774" and inserting in lieu thereof: "784".

Amend Sec. 2, page 7, line 4, by striking out the figures "775" and inserting in lieu thereof: "785".

Amend Sec. 2, page 7, line 12, by striking out the figures "776" and inserting in lieu thereof: "786".

Amend Sec. 2, page 7, line 20, by striking out the figures "777" and inserting in lieu thereof: "787".

Amend Sec. 2, page 7, line 26, by striking out the figures "778" and inserting in lieu thereof: "788".

Amend Sec. 2, page 8, line 3, by striking out the figures "779" and inserting in lieu thereof: "789".

Amend Sec. 2, page 8, line 10, by striking out the figures "780" and inserting in lieu thereof: "790".

Amend Sec. 2, page 8, line 18, by striking out the figures "781" and inserting in lieu thereof: "791".

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The amendments were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1431, entitled:

A. Act to further amend section two of the act approved the first day of June one thousand nine hundred and thirty-three (P. L. 1172) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" by adding certain new routes

On the question,

Will the House agree to the bill on third reading?

Mr. GERARD. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend section 1, page 2, to insert between lines 12 and 13 the following: "Wall and Wilmerding Boroughs Beginning at a point at the intersection of Wall Avenue and Moss Side Boulevard in the Borough of Wall; thence in a general westerly direction over Wall Avenue to its intersection with the Wilmerding-East McKeesport Road in Wilmerding and Wall Boroughs; being a distance of 1½ miles"

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The amendments were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

PERMISSION TO ADDRESS HOUSE

Mr. SHAW asked and obtained unanimous consent to address the House.

Mr. Speaker, the chairman of a committee has certain very definite duties, among them being the duty of presenting to his committee the bills which are in his opinion the best which have been submitted. From the beginning of this session there have been introduced in this House and referred to the Committee on Welfare a number of bills covering the question of the bond that has been required to be signed by all of those needing assistance.

On February third there was introduced in this House, House Bill 174, sponsored by Messrs. Schwab and Malloy. On May first the Welfare Committee reported that bill out as committed. The bill was passed finally and sent to the Senate on the twelfth of May. I am now informed in a daily paper published in Scranton, Pennsylvania that the gentleman from Scranton, Mr. Regan, made rather serious accusations against the Chairman of the Welfare Committee, among them being the statement that the chairman of the Welfare Committee was keeping in that Committee bills which referred to the bond matter and was refusing to allow those bills to come out and, therefore was no friend of the poor.

May I call the attention of the Members of the House to the fact that House Bill 174, dealing with the bond matter, was passed on the twelfth of May and that on page 2132 of the Legislative Journal it is recorded that this bill passed finally by a vote of 193 to nothing, and that the gentleman from Lackawanna, Mr. Regan, who made the statement to the newspaper, is not recorded as voting. I thank you.

QUESTION OF PERSONAL PRIVILEGE

Mr. REGAN. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Lackawanna will state his question of personal privilege.

Mr. REGAN. Mr. Speaker, the chairman of the Welfare Committee has stated the duties of the Welfare Committee or any other committee that he may be chairman of, but he did not say that the members of the committee may have some rights too. He did not tell you that one member of the committee had many conferences with that same gentleman from Allegheny, Mr. Shaw, relative to such legislation. He did not dare reveal anything like that and I do not take back what I said in the newspaper by any means. There is no need for any resolution to be introduced on investigate what I said. If I am to be brought before the bar of this House to answer any charges that he may hurl relative to those accusations that I supposedly made, then I say, Mr. Speaker, that we both could be brought up there, and if there is any apology needed ther. I say very frankly as a man that there is only one apology I need to make, and that is being a member of the committee, I have revealed anything that happened in the committee. If I am wrong about that, I am more of a man than he is, and I apologize.

The SPEAKER. Personal reflections are out of order.

Mr. REGAN. That may be true but he won't cast any either, Mr. Speaker.

Mr. SHAW. Mr. Speaker, I desire to interrogate the gentleman from Lackawanna, Mr. Regan.

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

Mr. REGAN. Mr. Speaker, I certainly will not.

The SPEAKER. The gentleman from Lackawanna refuses to be interrogated.

Mr. SHAW. Well, Mr. Speaker, may I call your attention to the fact that all of the bills dealing with the bond matter that have been referred to the Welfare Committee, the gentleman from Lackawanna has not sponsored one of them. When I spoke with him today on the floor of the House with respect to the article appearing in his home town newspaper, he said that he didn't know that the bill had passed. The bill was passed on the twelfth day of May, as I stated, and the article or the information was given to his home paper presumably around the fourth or fifth of June. So I would suggest to the gentleman that possibly he might read the legislative history and be a trifle more conversant with the history of the bills before he makes wild accusations.

PERMISSION TO ADDRESS HOUSE

Mr. HOLLAND asked and obtained unanimous consent to address the House.

In four General Sessions and one Special Session of the Legislature I have introduced bills to correct an evil existing in local taxation of real estate—the exemption of Utility properties from real estate taxes. And, for the benefit of the new members who may not know the story behind this exemption, I want to cover briefly why this privilege is enjoyed by the Utilities of Pennsylvania.

The power to tax is the power of the Legislature. This exemption was not granted to the Utilities by the Legislature—but—it is enjoyed due to a decision made by the Supreme Court away back in 1825 when public utilities were individually owned and were not merely a "link" in the great holding chains of utilities that exist today. The Supreme Court stated:

"The power to tax includes the power to sell for non-payment of taxes and thus the property of a public corporation, without which it could not perform its duty to the public, could be sold piecemeal and the corporate purpose be defeated by divesting the title to certain portions of the real estate against which tax liens were filed."

Therefore, to offset this ruling of the Supreme Court it will be necessary for the State Legislature to pass a specific Act to tax the real estate of the Utilities.

This decision of the Supreme Court contradicts another decision made by the same Court in relation to tax exempt properties. The Court's remarks in this case are as follows:

"Taxes are not penalties, but are contributions which all inhabitants are expected to make and may be compelled to make for the support of the manifold activities of governmental protection. Such protection costs money. When any inhabitant fails to contribute his share of the costs of this protection some other inhabitant must contribute more than his fair share of that cost."

Now, before proceeding any farther, I want to impress upon the minds of the Members of this House that the State of Pennsylvania is the only State of the entire forty-eight which does not tax the real estate of the Utilities the same as all other real estate is taxed. House Bill No. 67, introduced by me the first day of this Session

merely puts Pennsylvania in step with all of her sister States.

According to a report made by the Secretary of Internal Affairs for the year 1937, \$230,641,066.00's worth of real estate owned by Public Utilities is exempt from paying their just share of real estate taxes. Now, in arguing why these properties should be taxed I am not going to use any of my own arguments, but am going to quote the words of men whose decisions are taken as authoritative.

I will start at home and will quote from the now present Budget Controller Dr. Logan—whose words of wisdom on taxation are accepted by the Republican members of this House. On page 16, of Dr. Logan's book on "Taxation of Real Property in Pennsylvania," he states:

"Utilities receive the same police, fire, sewage, highway, sanitary and other protection and services as other real estate in the same community. These local districts which render greater service to the Utilities than the State receive no contribution toward the maintenance of these services."

On page 17, Dr. Logan is very definite in pointing out that Pennsylvania is the only State where the Utilities do not share their burden of local taxation and he can be quoted as follows:

"The States included in the study have taken steps to reduce the burden of exemption. All these States tax the real property of Public Utilities for the defraying of local governmental expense. Such actual practice on the part of other states refutes the ruling of the Courts of Pennsylvania and the contention of the Utilities that to allow such properties to be assessed and taxed for local benefit would be opening the door to destruction of public service through tax sales by local governments for unpaid Utility taxes."

Again on page 16, of this same book, Dr. Logan states very emphatically his stand on this matter when he says:

"The exemption of the real estate of Public Utilities from local taxation shifts a heavy burden of taxation to other taxpayers."

Now, let us go to the arguments used by the Utilities themselves in the Public Hearings in Washington against the T.V.A. In reporting these Hearings, B. C. Forbes—the financial writer who owns and edits the "Forbes" magazine—states:

"One upshot apparently was unforeseen and ignored. Investor owned utilities pay local taxes today—while the government exempts its own projects from taxation."

Another statement of Mr. Forbes' is as follows:

"Deprived of tax receipts formerly paid by private utilities, many counties near the center of TVA operations are faced with outright fiscal disaster and even with the forced closing of schools in some areas."

The above statement can be used very nicely in Pennsylvania because if ever the same condition existed regarding our schools as described by Mr. Forbes, it exists right here. Our Elementary School teachers in Philadelphia and Pittsburgh, we admit, are underpaid and from all the tears shed in this House in the four Sessions I have been here for the plight of the 4th Class School Districts, I have yet to find the sympathy turned into dollars and cents for the teachers. I might add, that in Philadelphia and Pittsburgh this Bill would add a half a million dollars to the Boards' incomes.

Mr. Forbes further states:

"The State Government can take care of its needs for additional or replacement revenues through its power to tax, but County, School Districts, and municipal governments should not be left to shift for themselves. Their only recourse to meet the threatened loss of revenues would be further increases in the already excessive property tax. Taking taxes off electric utilities and placing added tax burdens on homes, farms, and all other property would be inequitable and wholly unjustified."

I do not know how I could improve upon the words of this tax expert, Mr. Forbes, when he states:

"Taking taxes off electric utilities and placing added tax burdens on homes, farms and all other property would be inequitable and wholly unjustified."

Now, to avoid the old hackneyed Utility argument that some communities have utility properties and others do not, let me tell you also that some communities have large department stores and others do not—some have large mills and others do not—some have coal mines and others do not but, to those who will put forth these arguments, let me ask you whether or not the exclusive neighborhoods of Philadelphia, the Sewickley Heights of Allegheny County, the Bonus Hills of Bethlehem, would permit a generating plant or a sub-station to be built in the midst of their community? I know a number of Members of this House are waiting to tell me about Springdale Borough. There the home owner pays the highest tax rate, than in any other municipality in Allegheny County because they must furnish police and fire protection, pay the cost of maintaining their streets as well as maintaining an adequate sewage system—but the Utility uses these in Springdale but shifts their share of the costs to the shoulders of every other real estate owner in Springdale. The salable value of homes in Springdale has depreciated due to the large Utility Station there and I might add radios in Springdale cannot be enjoyed.

In the beginning of this speech I quoted to you figures of over \$230,000,000.00's worth of real estate owned by Public Utilities. These figures were furnished by local Assessment Boards. However, for your information, the Utilities carry about three times this amount or \$654,300,000.00's worth—outside of railroad holdings or three times the Assessors' figures—on their books for "rate making" purposes, which looks like there's something wrong in Denmark.

I would like to make one more comparison for you. At a conference of the Public Service Companies of New Jersey, their tax expert protesting of the excessive taxes in New Jersey, stated:

"the State of New Jersey holdings in Public Utilities is 1/5th of the Utilities' holdings in Pennsylvania, but the Utilities in New Jersey pay twelve times as much in taxes in the State of New Jersey as they do in Pennsylvania."

And, the strange part of all is that the rates in New Jersey are lower than in Pennsylvania. I also want to point out to you that in the States where Gross Receipt taxes are paid to the States where the Utilities pay a real estate tax and where the Utilities pay a special Franchise Tax for the use of the streets—the rates are lower than in the State of Pennsylvania.

Philadelphia stands 50th in Utility Rates and Pittsburgh 46th. This, I believe, refutes any argument that can be put forth by any Utility Lobbyist or anyone representing

the Utilities and opposing the taxing of the real estate of the Public Utilities in Pennsylvania.

RESOLUTION

TO DISCHARGE COMMITTEE FROM FURTHER CONSIDERATION OF HOUSE BILL No. 67

Mr. HOLLAND. Mr. Speaker, I desire to offer the following resolution.

The resolution was read by the Clerk as follows:

In the House of Representatives, June 10, 1941.

Whereas, House Bill No. 67 entitled "To amend section two hundred and one of the act, approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "The General County Assessment Law' making the real estate of public service companies subject to taxation, and providing certain exceptions," was referred to the Committee on Public Utilities in the House of Representatives on January 28, 1941, and has not been acted upon by said Committee, therefore be it

Resolved, That the Committee on Public Utilities is hereby discharged from further consideration of House Bill No. 67 entitled "To amend section two hundred and one of the act, approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "The General County Assessment Law,' making the real estate of public service companies subject to taxation, and providing certain exceptions."

On the question,

Will the House adopt the resolution?

QUESTION OF INFORMATION

Mr. BROWN. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman from Allegheny will state his question of information.

Mr. BROWN. Mr. Speaker, I understood at the beginning of the session that the Chair intended to adjourn at four o'clock this afternoon or near that time, is that correct?

The SPEAKER. That was the desire of the Chair and that is what the Chair has been trying to do, finish the business of the House.

RESOLUTION LAID ON TABLE

Mr. BROWN. Mr. Speaker, I move that the resolution be laid on the table.

The motion was agreed to.

BILL ON SECOND READING

Mr. BROWN asked and obtained unanimous consent to call up out of order House Bill No. 1780, (Senate Bill No. 185), Printer's No. 377, on page 3 of today's Calendar, bills on second reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1780, (Senate Bill No. 185), entitled:

An Act to further amend section two of, and to add section two and one-tenth to, the act, approved the fourth day of April, one thousand nine hundred twenty-five (P. L. 127),

entitled "An act relating to adoption," further regulating adoption proceedings as to the consent of, and notice to be given to, parents of the person proposed to be adopted

The first section was read.

On the question,

Will the House agree to the section?

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

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 1, line 1, by striking out the word "Section" where it appears the second time in said line, and inserting in lieu thereof; "Sections one and."

Amend bill, page 1, by inserting after line 7, the following:

Section 1. Be it enacted, &c., That it shall be lawful for any adult [citizen of this Commonwealth residing therein,] person desirous of adopting any person, either a minor or an adult, as his or her heir or as one of his or her heirs, to present his or her petition to the orphans' court, or to a law judge thereof, of the county where he or she may be resident, or of the county in which the person to be adopted is a resident, declaring such desire and that he or she will perform all the duties of a parent to such person. Such petition shall also set forth the name, age, date, and place of birth of the person proposed to be adopted; the name, residence, and marital status of the adopting parent or parents; the name and place of residence of each of the natural parents or of the surviving parent or of any other person whose consent to the proposed adoption is necessary as hereinafter provided, and shall embody or have attached thereto the consents in writing of the person or persons whose consent to the proposed adoption is necessary as hereinafter provided.

The amendments were agreed to.

The section was agreed to as amended.

The second section was read and agreed to.

Mr. BROWN. Mr. Speaker, I desire to offer the following amendment, a new section.

The amendment was read by the Clerk as follows:

Amend bill, page 3, by inserting between lines 23 and 24, the following:

Section 3. Section three of said act is hereby amended to read as follows:

Section 3. Hearings. Upon presentation of any such petition as aforesaid a time for hearing thereon shall be fixed not less than ten days from said presentation, which said hearing may be before the said court or any law judge thereof at chambers, and may be adjourned from time to time if the nature of the case should so require. At said hearing the adopting parents or parent, the person proposed to be adopted, if in the opinion of the court, such persons' presence is deemed necessary, and all the persons whose consent is necessary hereunder must appear in person and be examined under oath by such court or judge, but the personal appearance of the natural parents or other persons whose consent is necessary hereunder may be dispensed with in the discretion of the court or judge hearing the petition, if such persons reside without the jurisdiction of the court, or if for any other reason the said court or judge deem it unnecessary, provided the duly executed consents of such persons in writing have been filed with the petition; and the said court or judge may in his discretion require the personal appearance of the natural parents of the child at a different time and separate and apart from that of the other parties in interest. The said court or judge shall also hear any other testimony as to the facts set forth in the

petition or necessary to inform the court as to the desirability of the proposed adoption, and may also make or cause to be made an investigation by some person or agency specifically designated by said court or judge to verify the statements of the petition and such other facts as will give the court full knowledge as to the desirability of the proposed adoption.

The amendment was agreed to.

The third section was read.

On the question,

Will the House agree to the section?

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

The amendment was read by the Clerk as follows:

Amend Sec. 3, page 3, line 24, by striking out the figure "3" and inserting in lieu thereof: "4".

The amendment was agreed to.

The section was agreed to as amended.

The title was read.

On the question,

Will the House agree to the title?

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

The amendments were read by the Clerk as follows:

Amend title, page 1, lines 1 and 2 of title, by striking out the following: "section two of and to add section two and one-tenth to".

Amend title, page 1, last line of title, by inserting after the word "adopted" the following: "as to who can be adopting parents and procedure at the adoption hearings".

The amendments were 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.

COMMITTEE MEETINGS

Appropriations, Wednesday, June 11 at 11:30 a. m., in Room 327.

Building and Loan, Wednesday, June 11 at 9 a. m., in Room 330.

Constitutional Amendments, Wednesday, June 11 at 11 a. m., in Room 325.

Education, Wednesday, June 11 at 10 a. m., in Room 326.

Highways, Wednesday, June 11 at 11 a. m., in Room 324.

Public Utilities, Wednesday, June 11 at 10 a. m., in Room 331.

Elections, Tuesday, June 10, immediately after the session in Room 323. Very important meeting.

ADJOURNMENT

Mr. McLANAHAN. Mr. Speaker, I move that this House do now adjourn until Wednesday, June 11, 1941, at 12 m.

The motion was agreed to, and (at 4:32 p. m.) the House adjourned.