

The board of school directors of any school district shall have power and authority to lease any part of their respective school building, equipment, and premises, or any vacant building, for any educational purpose. Such leases shall be subject to the terms and regulations which may be adopted by the board of school directors, and except in districts of the first class, shall be further subject to the approval of the State Council of Education.

The board of public education or the board of school directors of any school district shall have power and authority to lease any of their respective school buildings or athletic fields to any reputable organization or group of persons for charitable purposes, subject to such charges as the board shall consider proper to reimburse it for any costs resulting from the leasing of such school buildings or athletic fields. At the time of such leasing, any such board may require a bond, in an amount that it may deem proper, with responsible sureties or securities, and a statement of the charitable purposes for which such lease is requested.

Section 2. This act shall take effect immediately.

Act effective immediately.

APPROVED—The 7th day of October, A. D. 1955.

GEORGE M. LEADER

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No. 188

AN ACT

Amending the act of June one, one thousand nine hundred forty-five (Pamphlet Laws 1242), entitled "An act relating to roads, streets, highways and bridges; amending, revising, consolidating and changing the laws administered by the Secretary of Highways and by the Department of Highways relating thereto", further regulating streets in cities of the second class and the powers, duties and obligations of such cities and the Commonwealth with regard thereto.

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

State Highway Law.

Section 1. The heading of subdivision (c) of Article V and the first paragraph of section five hundred twenty-one, act of June one, one thousand nine hundred forty-five (Pamphlet Laws 1242), known as the "State Highway Law," are amended to read:

Heading of subdivision (c), Article V and first paragraph section 521, act of June 1, 1945, P. L. 1242, amended.

(c) Streets in [Second,] Second A and Third Class Cities.

Section 521. Restrictions and Limitations Upon Powers and Obligations of State.—The designation or taking over of any street of any city of the [second,]

second A or third class as a State highway by any act of Assembly is not intended, and shall not be construed:

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Section 523, act of June 1, 1945, P. L. 1242, amended June 20, 1947, P. L. 679, further amended.

Section 2. Section five hundred twenty-three, of the act amended June twenty, one thousand nine hundred forty-seven (Pamphlet Laws 679), is amended to read:

Section 523. Width, Lines, Grades and Location.—The department shall not change the width, lines, or grades of the streets taken over under the provisions of any act of Assembly, or any section thereof, without the consent of the city, evidenced by an ordinance duly passed in accordance with laws applicable thereto. In the event of any change of width, lines or grades, in accordance with the provisions of this section, the city shall be responsible for the payment of any damages which may be occasioned thereby, such damages to be ascertained and paid in accordance with the laws applicable thereto: Provided, however, That nothing contained herein shall prevent the county or the Commonwealth, or both, from contributing to or sharing in the payment of the damages occasioned by any such change of width, lines or grades of a street under the terms of an agreement entered into by the interested parties. For such purposes counties shall have power to expend county moneys or moneys allocated to the county by the Commonwealth for expenditure for highway purposes, and the Department of Highways shall have power to expend moneys from the Motor License Fund.

Whenever it shall appear to the secretary that any part or portion of a State highway route in a city of the [second class.] second class A, or third class, as now or hereafter defined or described, is dangerous or inconvenient to the traveling public in its present location, either by reason of width, grade, length, curves, or other conditions, or that the expense to the Commonwealth in the construction or maintenance thereof could be materially lessened by a change of location, the secretary may, with the consent of the Governor and of the city expressed by ordinance or resolution, change the location of such State highway route, including the terminal points thereof, to pass over existing streets or new streets, laid out and opened by the city, in such manner as, in his discretion, may seem best in order to correct such danger or inconvenience, or lessen the cost to the Commonwealth. A plan showing the new location, approved by the Governor and the mayor of the city, shall be recorded in the office of the recorder of deeds, in the county in which such city shall be located.

Section 3. The title of subdivision (d) of Article V, the first paragraph of section 541, and sections 545 and 549 of the act are amended to read:

(d) Streets in First and Second Class Cities.

Section 541. Restrictions and Limitations upon Powers and Obligations of State.—The designation or taking over of any street of any city of the first or second class as a State highway by any act of Assembly is not intended and shall not be construed—

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Section 545. Taking, Opening, Relocation, Widening, Change of Grade; Damages.—The secretary, with the approval of the Governor, and any such city of the first or second class is hereby authorized to enter into agreements for the taking, opening, relocation, widening or change of grade by the Commonwealth of any State highway or section thereof within the limits of such city. Such agreements may provide, inter alia, for the payment by the city of all or part of the property damages resulting by reason of the taking, opening, relocation, widening or change of grade by the Commonwealth of such highway or section thereof.

The amount of damages payable for such taking, opening, relocation, widening or change of grade by the Commonwealth shall be ascertained in accordance with Article III of this act relating to the payment of damages for the taking, opening, relocation, widening or change of grade of State highway routes. Each city of the first or second class is hereby appointed and constituted the agent of the Commonwealth in the taking, opening, relocation, widening or change of grade of any such highway or section thereof within its limits and in the determination of property damages payable therefor under the provisions of this subdivision of this article. The city as agent for, and on behalf of, the Commonwealth shall determine by amicable settlement, legal proceedings or otherwise all claims for damages in accordance with the procedure established by law for the determination of damages resulting from the exercise of eminent domain by cities of the first or second class. No agreement for the settlement of any claim for damages shall become effective until approved by the secretary, and the secretary shall at the expense of the Commonwealth have the right to be represented by counsel and witnesses in any judicial proceedings to ascertain the damages payable, but all other expenses of such judicial proceedings, exclusive of damages, shall be paid by the city. The damages resulting from such taking, opening, relocation, widening or change of grade of any such street or section thereof, when finally ascertained, whether by settlement, award, judgment or other-

Title of subdivision (d), Article V, first paragraph of section 541, and sections 545 and 549, act of June 1, 1945, P. L. 1242, amended.

wise, shall be paid out of moneys in the Motor License Fund, and all sums, if any due by such city as its share thereof under any such an agreement with the Commonwealth, shall be paid by such city to the Commonwealth and shall be credited in the Motor License Fund.

Section 549. Cities Authorized to Incur Indebtedness.—Cities of the first *and second* class are hereby authorized to incur or to increase their indebtedness by the issue and sale of obligations of the city, in the manner and subject to the limitations provided by law, for the purpose of assisting in the improving, constructing, reconstructing or resurfacing any of the streets, or sections thereof, the improvement of which is authorized in accordance with the provisions of this subdivision of this article.

APPROVED—The 7th day of October, A. D. 1955.

GEORGE M. LEADER

No. 189

AN ACT

Amending the act of July eight, one thousand nine hundred forty-one (Pamphlet Laws 298), entitled "An act authorizing the creation of, and providing for, and regulating the maintenance and operation of a county employes' retirement system in counties of the fourth class, imposing certain charges on counties, and fixing penalties", changing the definition of "Average salary", the membership of the board, and the options allowed upon retirement; regulating the manner of paying money out of the retirement fund; making provisions, in certain cases retroactive, for contributors who are qualified for but die before retirement; and providing for voluntary retirement after twenty-five years service.

"Fourth class County Retirement Law."

Definition of "Average salary" in section 2 and section 3, act of July 8, 1941, P. L. 298, amended May 28, 1943, P. L. 789, further amended.

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

Section 1. The definition of "Average salary" in section two and section three of the act of July eight, one thousand nine hundred forty-one (Pamphlet Laws 298), known as the "Fourth Class County Retirement Law," amended May twenty-eight, one thousand nine hundred forty-three (Pamphlet Laws 789), are amended to read:

Section 2. Definitions.—The following words and phrases as used in this act shall be construed to have the following meanings:

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"Average salary," the average annual salary received by a contributor for the five *highest* years of service