

It is the intent of this act that all scrip, bonds, certificates, and evidences of indebtedness, made taxable under this section, are not taxable under the third section of this act, and that only such scrip, bonds, certificates, and evidences of indebtedness, which cannot be made taxable under this section, are to be taxed under the third section of this act.

Act effective immediately.

Section 2. This act shall take effect immediately.

APPROVED—The 14th day of August, A. D. 1963.

WILLIAM W. SCRANTON

No. 438

AN ACT

Amending the act of April 9, 1929 (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," creating the State Highway Commission in the Department of Highways and prescribing its powers and duties.

The Administrative Code of 1929.

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

Section 202, act of April 9, 1929, P. L. 177, amended by adding a new clause.

Section 1. Section 202, act of April 9, 1929 (P. L. 177), known as "The Administrative Code of 1929," is amended by adding, immediately before the last paragraph thereof, a new clause to read:

Section 202. Departmental Administrative Boards, Commissions, and Offices.—The following boards, commissions, and offices, are hereby placed and made departmental administrative boards, commissions or offices, as the case may be, in the respective administrative departments mentioned in the preceding section, as follows:

* * * *

*In the Department of Highways.
State Highway Commission.*

All of the foregoing departmental administrative boards and commissions shall be organized or reorganized as provided in this act.

Section 2. The act is amended by adding, after section 467, a new section to read:

Act amended by adding a new section 468.

Section 468. State Highway Commission.—(a) There is hereby created a State Highway Commission which shall consist of seven members, one of whom shall be the Secretary of Highways, ex officio, who shall be the chairman of the commission. The chairmen of the Committee on Highways of the Senate and of the House of Representatives, respectively, shall be ex officio members of the commission.

(b) The Governor shall nominate and by and with the advice and consent of two-thirds of all the members of the Senate, appoint the four remaining members of the commission, not more than three of whom shall be members of the same political party. Two of the initially appointed members of the commission shall continue in office for terms of two years; one for terms of four years, one for terms of six years from the date of their appointment. The term of each initially appointed member shall be designated by the Governor at the time of appointment but their successors shall each be appointed for terms of six years, except that any person appointed to fill a vacancy shall serve only for the unexpired term. Any member of the commission may be appointed to succeed himself. All members shall serve for their appointed terms and until their successors shall have been appointed and qualified. The Governor shall fill any vacancy not later than ninety days after such vacancy occurs.

(c) The appointed members of the commission shall be reputable citizens of the Commonwealth, of mature judgment and broad business experience and shall not hold any other position as an employe of the Commonwealth.

(d) No appointed member of the commission, during his term of office shall directly or indirectly own, have any financial interest in, be associated with, or receive any fee, commission, compensation or anything of value from any person, firm, partnership, business association or corporation which supplies materials or services of any nature except services of an informational or advisory nature rendered as a public service and without profit to the Department of Highways.

(e) Each member of the commission shall be deemed to have been appointed to represent the interests of the Commonwealth at large and shall not be deemed to be the representative of any region or district whatsoever.

(f) The members of the commission shall be entitled to receive fifty dollars (\$50) per diem for each day actually spent in the performance of his duties and shall be entitled to reimbursement for travel.

Section 2002 of act, amended by adding a new clause (e).

Section 3. Section 2002 of the act is amended by adding, after clause (d), a new clause to read:

Section 2002. State and State-aid Highways.—The Department of Highways shall have the power, and its duty shall be:

* * * * *

(e) To prepare and submit by May 1, 1964, and every year thereafter prior to the first day of May, to the State Highway Commission for its consideration, a construction program which it recommends to be undertaken by the Department of Highways during the six calendar years next ensuing. Each year thereafter, the Department of Highways, taking into consideration the recommendations of the State Highway Commission, shall review, revise, adjust and extend its construction program for one year.

Copies of construction programs shall be supplied to the members of the General Assembly and shall be open to the public for inspection and shall be made available to interested persons. The priority of improvement shall be based upon relative need and sufficiency ratings maintained by the department.

Article XX. of act, amended by adding a new section 2011.

Section 4. Article XX. of the act is amended by adding, at the end thereof, a new section to read:

Section 2011. State Highway Commission.—(a) The commission shall hold regular meetings throughout the State, as may be determined and announced, which meetings shall be open to the public at all times. The first appointed members shall meet at the State Capitol during the first week of January, 1964, or as soon thereafter as possible, to organize as the State Highway Commission. At the first annual meeting and annually thereafter the commission shall elect a secretary who shall be a member of said commission.

(b) The commission may hold public hearings at its discretion or it may designate one or more of its members to hold such public hearings for the purpose of securing all pertinent information it may deem necessary and to comply with the provisions of Title 23, U. S. Code, "The Federal Interstate Highway Law of 1956," and amendments thereto.

At any hearing or meeting before the commission on the approval or disapproval of the selection of any State highway route, comparative estimates may be presented of the effects of the use of alternative routes. Estimates

based on similar assumptions may be presented of the effect that the selection of any alternative route would have upon economic or social values, including, but not limited to, property values, State and local public facilities and local highway traffic. The commission shall compile and submit to the Governor and the Secretary of Highways for their consideration the information acquired at such hearings.

(c) The commission shall have the power, and its duties shall be, to gather and study all available information, data, statistics and reports, relating to the need for highway construction or reconstruction in the Commonwealth to determine on the basis of available information, data, statistics and reports, the highways which should be constructed or reconstructed and the recommended order of priority in which such highways should be constructed or reconstructed and to certify from time to time the results of such determination to the Governor, to the General Assembly and to the Secretary of Highways, for their consideration.

(d) The commission shall recommend to the General Assembly a system of classification of highways based upon information supplied by the Department of Highways and data acquired as a result of its own study or investigation from hearings and otherwise. The commission shall submit and recommend to the General Assembly such highway classification together with a plan for the development and improvement thereof with priorities based upon studies of needs and sufficiency ratings.

(e) The commission shall promulgate regulations not inconsistent with provisions of this section for the execution of the powers and duties herein delegated to them.

(f) The commission shall semi-annually advise and make recommendations to the Governor, the General Assembly and the Secretary of Highways to aid the department in maintaining a construction program on a basis of uniformity and continuity.

Section 5. Nothing contained herein shall affect the administrative powers, duties, prerogatives or responsibilities of the Secretary of Highways, except as specifically set forth in this act.

Applicability.

Section 6. This act shall take effect May 1, 1964, except that the members of the commission may be named and meet in advance of that date in order that they may become familiar with the responsibilities of the commission, but they shall not exercise any of the powers set forth herein until the effective date of this act.

Effective date:
preliminary
meetings.

APPROVED—The 14th day of August, A. D. 1963.

WILLIAM W. SCRANTON