

No. 1  
AN ACT

## SB 680

To promote the general welfare and stimulate the economy of the Commonwealth by requiring that all public bodies, including the Commonwealth, its political subdivisions, and all authorities, include in all contracts for construction, reconstruction, alteration, repair, improvement or maintenance of improvements of a permanent or temporary nature, a provision that if any steel products are to be used in the performance of the contract only steel products produced in the United States shall be used, and imposing liability for violation of this act.

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

Section 1. This act shall be known and may be cited as "The Steel Products Procurement Act of 1967."

Section 2. This act shall be deemed to be an exercise of the police powers of the Commonwealth for the protection of the health, safety and general welfare of the people of the Commonwealth.

Section 3. It is hereby determined by the General Assembly of Pennsylvania and declared as a matter of legislative findings that:

(1) The Commonwealth of Pennsylvania is one of the leading states in the United States in the production of steel.

(2) The production of steel products constitutes a major industry of the Commonwealth and, as such, provides the jobs and family incomes of hundreds of thousands of the people of this Commonwealth and, in turn, millions of persons in the United States.

(3) The taxes paid to the Commonwealth and its political subdivisions by employers and employes engaged in the production and sale of steel products are one of the largest single sources of public revenues in this Commonwealth.

(4) It has, for many years, been the policy of the Commonwealth to aid and support the development and expansion of industry in this Commonwealth in order to foster the economic well-being of the Commonwealth and its people.

(5) The economy and general welfare of the Commonwealth and its people, as well as the economy, general welfare and national security of the United States, are inseparably related to the preservation and development of the steel industry in the Commonwealth and in the other states of the United States.

The Pennsylvania General Assembly therefore declares it to be the policy of the Commonwealth of Pennsylvania that all public officers and agencies should, at all times, aid and promote the development of the steel industry of the United States in order to stimulate and improve the economic well-being of the Commonwealth and its people.

Section 4. Every public agency shall require that every contract document for the construction, reconstruction, alteration, repair, improvement or maintenance of public works contain a provision that, if any steel products are to be used or supplied in the performance of the contract, only steel products as herein defined shall be used or supplied in the performance of the contract or any subcontracts thereunder.

Section 5. No public agency shall authorize, provide for or make any payments to any person under any contract containing the provision required by section 4 hereof unless the public agency is satisfied that such person has fully complied with such provision. Any such payments made to any person by any public agency which should not have been made as a result of this section 5 shall be recoverable by either such public agency or the Attorney General of Pennsylvania upon suit filed in the court of common pleas of any county in which such contract was executed or in whole or in part performed.

Section 6. The following words, as used in this act, shall have the following meanings:

(1) "Person" shall mean natural persons as well as corporations, partnerships, business units and associations.

(2) "Public agency" shall mean (i) the Commonwealth and its departments, boards, commissions and agencies, (ii) counties, cities, boroughs, townships, school districts, and any other governmental unit or district, (iii) the General State Authority, the State Public School Building Authority, the State Highway and Bridge Authority, and any other authority now in existence or hereafter created or organized by the Commonwealth, (iv) all municipal or school or other authorities now in existence or hereafter created or organized by any county, city, borough, township or school district or combination thereof, and (v) any and all other public bodies, authorities, officers, agencies or instrumentalities, whether exercising a governmental or proprietary function.

(3) "Public works" shall mean any structure, building, highway, waterway, street, bridge, transit system, airport or other betterment, work or improvement whether of a permanent or temporary nature and whether for governmental or proprietary use.

(4) "Steel products" shall mean products rolled, formed, shaped, drawn, extruded, forged, cast, fabricated or otherwise similarly processed, or processed by a combination of two or more of such operations, from steel made in the United States by the open hearth, basic oxygen, electric furnace, Bessemer or other steel making process.

(5) "United States" means the United States of America and includes all territory, continental or insular, subject to the jurisdiction of the United States.

Section 7. This act is intended as remedial legislation designed to promote the general welfare and stimulate the economy of the Commonwealth and its people and each and every provision hereof is intended to receive a liberal construction such as will best effectuate

that purpose and no provision is intended to receive a strict or limited construction.

Section 8. All acts or parts of acts are repealed in so far as they are inconsistent herewith.

Section 9. This act shall take effect September 1, 1967.

August 10, 1967

To the Honorable, the Senate

of the Commonwealth of Pennsylvania:

I return herewith, without my approval, Senate Bill No. 680, Printer's No. 718, entitled "An Act to promote the general welfare and stimulate the economy of the Commonwealth by requiring that all public bodies, including the Commonwealth, its political subdivisions, and all authorities, include in all contracts for construction, reconstruction, alteration, repair, improvement or maintenance of improvements of a permanent or temporary nature, a provision that if any steel products are to be used in the performance of the contract only steel products produced in the United States shall be used, and imposing liability for violation of this act."

The bill directs that every contract document entered into by a public agency for the construction, reconstruction, alteration, repair, improvement or maintenance of public works contain a provision requiring that any steel products used or supplied in the performance thereof be produced in the United States. "Public agency" is defined as the Commonwealth, its political subdivisions and all state, municipal or other authorities and all other public bodies, officers and agencies of any kind whatever.

The effect of this bill would be to create a barrier between Pennsylvania and all nations, regardless of whether a nation does or does not discriminate against the importation of American-made steel.

If approved in its present form, this legislation might well militate against the best interests of the very industries it seeks to protect. It would invite retaliatory action by nations not presently barring such imports, and in those nations that do, it may well lengthen the list to include Pennsylvania products not now proscribed.

Steel is one of Pennsylvania's most important products and many Pennsylvanians rely on its manufacture for their livelihood.

At the same time other industries in Pennsylvania do an export business in excess of \$1 billion annually and many other Pennsylvanians depend on this business for their livelihood.

In addition, we are making great efforts now to expand our trade to vast new markets that are opening around the world. Now is the time for states and nations to tear down those barriers that prevent the free enterprise system from working freely in world trade.

Senate Bill No. 680 erects an impenetrable, exclusionary barrier that would contradict our stated purpose to encourage trade and encourage additional and diverse industrial growth.

I do not quarrel with the intent of supporters of this legislation,

which is to protect our steel industry from those nations that have erected seen or unseen barriers.

But I do quarrel with the direction of the legislation. Exclusionary legislation is justified and its enactment may become imperative where it is made necessary to counter the acts of other states or nations in discriminating against or entirely excluding Pennsylvania products.

This should be the thrust of legislation that aims at protecting Pennsylvania products from discrimination in the foreign market.

That, indeed, is the thrust of the present Pennsylvania law which is directed at discrimination against Pennsylvania products in other states.

The Administrative Code (Act of April 9, 1929, P. L. 177, § 523, as amended, 71 P. S. § 203), provides that: "It shall be unlawful for any administrative department, board, or commission to specify for or permit to be used in or on any public building or other work erected, constructed, or repaired at the expense of the Commonwealth, or to purchase, any supplies, equipment, or materials manufactured in any state which prohibits the specification for or use in or on its public buildings or other works or the purchase of supplies, equipment, or materials not manufactured in such state."

The Administrative Code does not establish or condone discrimination. On the contrary, its objective is directed against discrimination.

While the Code, without more, provides protection against discrimination by states of this nation against Pennsylvania such protection is limited to projects undertaken by the agencies of the Commonwealth alone. It does not reach the political subdivisions.

To insure that such protection against discrimination at all levels of government is clear and absolute, I have directed the preparation of and will support legislation at this session which will impose similar restrictions upon every political subdivision of the Commonwealth.

In addition, while the word "state" in the above section of the Code has been interpreted to include "foreign nation," I also propose that this be clarified by immediate legislative action.

Senate Bill No. 680 is objectionable on other grounds. One is that, by reason of its broad scope, it may possibly be violative of the Federal Constitution, as an intrusion upon the authority of Congress to regulate foreign commerce.

I believe the approach I am recommending here charts a safe constitutional course, while, at the same time, it eliminates the bases on which the other objections have been grounded.

For these reasons, the bill is not approved.

RAYMOND P. SHAFER

No. 2  
AN ACT

HB 1617

Amending the act of June 26, 1931 (P. L. 1379), entitled "An act creating in counties of the third class a board for the assessment and revision of taxes; providing for the appointment of the members of such board by the county commissioners; providing for their salaries, payable by the county; abolishing existing boards; defining the powers and duties of such board; regulating the assessment of persons, property, and occupations for county, borough, town, township, school, and poor purposes; authorizing the appointment of subordinate assessors, a solicitor, engineers, and clerks; providing for their compensation, payable by such counties; abolishing the office of ward, borough, and township assessors, so far as the making of assessments and valuations for taxation is concerned; and providing for the acceptance of this act by cities," requiring persons who acquire tax exempt real property to notify the board of such fact unless the deed is recorded within thirty days and imposing penalties.

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

Section 1. The act of June 26, 1931 (P. L. 1379), entitled "An act creating in counties of the third class a board for the assessment and revision of taxes; providing for the appointment of the members of such board by the county commissioners; providing for their salaries, payable by the county; abolishing existing boards; defining the powers and duties of such board; regulating the assessment of persons, property, and occupations for county, borough, town, township, school, and poor purposes; authorizing the appointment of subordinate assessors, a solicitor, engineers, and clerks; providing for their compensation, payable by such counties; abolishing the office of ward, borough, and township assessors, so far as the making of assessments and valuations for taxation is concerned; and providing for the acceptance of this act by cities," is amended by adding after section 7, a new section to read:

**Section 7.1.—(a) Any person acquiring any real property which was exempt from taxation to the grantor shall, if no deed evidencing the conveyance is recorded within thirty days from the date of delivery, notify the board of the conveyance.**

**(b) Any person who shall fail to so notify the board shall upon summary conviction thereof be sentenced to pay a fine not exceeding twenty-five dollars.**

**(c) Prosecution may be initiated by the board or any taxing body within one year after discovery of the conveyance, without regard to the date of the conveyance.**

November 27, 1967

To the Honorable, the House of Representatives  
of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill No. 1617, Printer's No. 2293, entitled "An Act amending the act of June 26, 1931 (P. L. 1379), entitled 'An act creating in counties of the third class a board for the assessment and revision of taxes; providing for the appointment of the members of such board by the county commissioners; providing for their salaries, payable by the county; abolishing existing boards; defining the powers and duties of such board; regulating the assessment of persons, property, and occupations for county, borough, town, township, school, and poor purposes; authorizing the appointment of subordinate assessors, a solicitor, engineers, and clerks; providing for their compensation, payable by such counties; abolishing the office of ward, borough, and township assessors, so far as the making of assessments and valuations for taxation is concerned; and providing for the acceptance of this act by cities,' requiring persons who acquire tax exempt real property to notify the board of such fact unless the deed is recorded within thirty days and imposing penalties."

This bill would make it a criminal offense (summary conviction) for anyone acquiring real property in counties of the third class which was exempt from taxation to the grantor, to fail to notify the board for the assessment and revision of taxes within thirty days from the date of delivery of the conveyance, if no deed has been recorded within that period of time.

A person so acquiring such real property who shall fail to so notify the board shall upon summary conviction be sentenced to pay a fine not exceeding \$25. Prosecution may be initiated by the board or by any taxing body within one year after discovery of the conveyance, without regard to the date of the conveyance.

The proposed amendment is objectionable in that it classes acts or omissions as criminal offenses when the fact of criminal liability is obscure and not reasonably ascertainable by persons who may be subject to the criminal provisions. The proposed amendment is subject to objection for several other compelling reasons: (1) It is improper legislative policy for a statute to provide that an act or omission is a criminal offense or not, according to the classification of the political subdivision involved. It is improper classification of offenses that such act or omission be criminal conduct only in counties of the third class, and not in counties of other classes. No reason for restricting this criminal sanction to such counties is apparent, if such sanction is desirable; (2) The bill has no provision requiring the grantor to inform the grantee of the tax exempt status of the property. This is another form of unwise discrimination, between the grantor and the grantee. The latter indeed may not know of the tax status of the property, whereas the grantor is usually fully aware of its tax status.

Presumably the intent of the statute is to provide some mechanism for notifying the board when the use of tax exempt property changes. But the means adopted to solve this problem are not suitable to the end desired: for in general it is the use of property, not its title, which determines whether or not it is tax exempt. In cases of installment sales of land, the transfer of title is deferred, but the use of the land may well change at the time of execution of the contract and the entry of the purchaser into possession. The reason for the tax exemption may well terminate years before the delivery of the deed. This aspect of the proposal does not appear to have been considered.

For these reasons, the bill is not approved.

RAYMOND P. SHAFER

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No. 3

AN ACT

HB 1365

Amending the act of June 1, 1959 (P. L. 392), entitled "An act relating to the retirement of State employes; amending, revising, consolidating and changing the laws relating thereto," authorizing assignment of rights to a Federal credit union as security for a loan to any person entitled to such rights.

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

Section 1. Section 803, of the act of June 1, 1959 (P. L. 392), known as the "State Employes' Retirement Code of 1959," amended July 29, 1965 (P. L. 264), is amended to read:

Section 803. Exemption from Execution.—The right of a person to a member's annuity, a State annuity, or retirement allowance, to the return of contributions, any benefit or right accrued or accruing to any person under the provisions of this act, and the moneys in the fund, are hereby exempt from any State or municipal tax, and exempt from levy and sale, garnishment, attachment or any other process whatsoever, and shall be unassignable, except as in this act specifically otherwise provided, and with the further exception that the assignment of any or all such rights as security for a loan and interest and/or fines thereon the principal of such loan not to exceed seven hundred and fifty dollars (\$750.00), the interest on which loan shall not exceed [six (6) percent per annum discounted] ***the maximum rate permitted by law***, by a person to a credit union now or hereafter organized and incorporated under the laws of the Commonwealth, ***or to a Federal credit union now or hereafter organized and existing under the laws of the United States and having its home office within the Commonwealth***, the ***common bond of mem-***

bership of [which] *such* credit union *or Federal credit union* is [limited solely to] *based upon being* officers [and] *or* employes of the Commonwealth, shall be valid.

If any or all such rights of a person have been assigned as security for a loan from a credit union *or Federal credit union* as herein authorized, the amount of the loan and any fine or interest due thereon shall be paid by the retirement board to the credit union *or Federal credit union*, (1) if the person obtaining the loan shall have been in default in required payments for a period of not less than two years, or (2) at such time as the Department of Banking shall require the credit union to charge the amount of the loan against the reserve fund of such credit union *or the Federal credit union is required by the laws of the United States or applicable rules or regulations thereunder to charge the amount of the loan against the reserve fund of such Federal credit union*. Any person who shall have pledged such rights as security for a loan from a credit union *or Federal credit union* and, on whose behalf the retirement board shall have made any payment by reason of that person's default, may not thereafter pledge or assign such rights to a credit union *or Federal credit union*.

December 14, 1967

To the Honorable, the House of Representatives  
of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill No. 1365, Printer's No. 1567, entitled "An Act amending the act of June 1, 1959 (P. L. 392), entitled 'An act relating to the retirement of State employes; amending, revising, consolidating and changing the laws relating thereto,' authorizing assignment of rights to a Federal credit union as security for a loan to any person entitled to such rights."

The bill would amend the State Employes' Retirement Code of June 1, 1959, P. L. 392, to authorize the Assignment to a Federal credit union of a member's contributions as security for a loan not to exceed \$750.

A "Federal credit union" is defined as a cooperative association organized for the purposes of promoting thrift and creating a source of credit for its members. These entities are supervised by the Bureau of Federal Credit Unions of the Department of Health, Education and Welfare.

The purpose of the State Employes' Retirement System is to provide financial security to State employes after termination of their state service. In order to carry out this policy, the rights of a member to his contributions are protected from any impairment, whether it be by levy, garnishment, attachment or any other process whatsoever. However, State employes are accorded the privilege of encumbering their contributions to the extent of \$750 by assigning them to a credit union, which is organized under the laws of the Commonwealth, if membership thereto is limited solely to officers and employes of the State.



This legislation would permit any Federal credit union, which has State officers and employes as members thereof, to accept assignments of members' contributions as security for loans and to charge interest thereon to the maximum permitted by the Federal Credit Union Act instead of 6% per annum discounted, as now provided by law. This could impose additional financing costs to State employes and reduce their equity in their contributions. Furthermore, Federal credit unions are subject to the laws of the United States with the result that the Department of Banking has no jurisdiction to supervise their activities to ensure that the interests of State employes are not placed in jeopardy.

The present program is efficiently administered by the State Employes' Retirement Board in cooperation with the Pennsylvania State Employes' Credit Union, which is organized under State law and which already has adequate and complete facilities to service State employes throughout the Commonwealth who desire loans and make assignments of their contributions as security therefor. The Pennsylvania State Employes' Credit Union has sound financial resources to maintain this program and the expected influx of Federal credit unions could only serve to undermine this effort. In addition, the State Employes' Retirement Board would be burdened with additional administrative costs and duties imposed on it because of the expected proliferation, thereby impairing its efficiency. Accordingly, we fail to see any demonstrated need for this legislation.

For these reasons, the bill is not approved.

RAYMOND P. SHAFER

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No. 4

AN ACT

SB 441

Amending the act of June 1, 1959 (P. L. 392), entitled "An act relating to the retirement of State employes; amending, revising, consolidating and changing the laws relating thereto," changing certain definitions; providing for contributions and computation of benefits and imposing duties upon certain employes.

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

Section 1. Clauses (14), (15) and (19) of section 102, act of June 1, 1959 (P. L. 392), known as the "State Employes' Retirement Code of 1959," clause (14) amended September 28, 1961 (P. L. 1723), clause (15) amended April 28, 1961 (P. L. 156) and clause (19) amended August 27, 1963 (P. L. 1233), are amended to read:

Section 102. Definitions.—The following words and phrases as used in this act, unless a different meaning is plainly required by the context, shall have the following meanings:

\* \* \*

(14) “Superannuation retirement age” shall mean sixty (60) years of age, except as to [members of the General Assembly,] officers and employes of the Pennsylvania State Police and enforcement officers for whom superannuation retirement age shall mean fifty (50) years of age *and members of the General Assembly for whom superannuation retirement age shall mean age fifty (50) or the age at which the contributor completes twenty (20) years of credited service as a member of the General Assembly, whichever is earlier.*

(15) “Compensation” shall mean, (i) in the case of State employes other than [members of the General Assembly and] officers and employes of the Pennsylvania State Police, all compensation received, including all overtime or other extra compensation and maintenance allowances but excluding refunds for expenses incidental to employment, *and in the case of members of the General Assembly, excluding expense and contingency allowances,* (ii) [in the case of members of the General Assembly, six thousand dollars (\$6,000) and in the case of a constitutional officer of the General Assembly, his salary as a member of the General Assembly and any additional compensation provided by law for regular, special and extraordinary sessions of the General Assembly exclusive of expense and contingency allowances, (iii)] in the case of officers and employes of the Pennsylvania State Police, all compensation received exclusive of maintenance allowances and expenses.

\* \* \*

(19) “Final average salary” shall mean, except as provided in section 401, (1.1), (i) in the case of State employes other than members of the General Assembly, officers and employes of the Pennsylvania State Police and contributors with credit for multiple service, the highest average annual compensation received by a contributor as a State employe during any five (5) nonoverlapping periods of twelve (12) consecutive months of contributory service, (ii) in case of members of the General Assembly, [who have not served as constitutional officers of the General Assembly, six thousand dollars (\$6,000), and in the case of members of the General Assembly, who have served as constitutional officers of the General Assembly,] the highest annual average compensation received during any [five (5)] *two (2)* non-overlapping periods of twelve (12) consecutive months of contributory service, (iii) in the case of officers and employes of the Pennsylvania State police, the average annual compensation earned by a contributor before any deductions have been made and exclusive of maintenance allowances and expenses for the highest five (5) years of service preceding retirement, or in the event a member has not served five (5) years, the total compensation earned divided by the number of years served.

In the case of any contributor with credit for multiple service, final average salary shall mean the highest average annual compensation received by a contributor as a State employe or a school employe during any five (5) nonoverlapping periods of twelve (12) consecutive months of contributory service.

\* \* \*

Section 2. Clause (d.3) of subsection (1) of section 202 of the act, added July 29, 1965 (P. L. 264), is amended to read:

Section 202. Classes of Membership.—

(1) Membership in the retirement system shall be comprised of the following classes:

\* \* \*

(d.3) Class d-3 shall consist of all members of the General Assembly who have elected according to the provisions of section 506, subsection (13), prior to [December 1, 1965] *the ninetieth day following the effective date of this amendatory act*, to become members of class d-3 and for each of whom all legislative service shall be credited as service rendered as a member of class d-3 and all members of the General Assembly who have elected according to the provisions of section 506, subsection (13), on or after [December 1, 1965] *the ninetieth day following the effective date of this amendatory act*, to become members of class d-3 for each of whom only legislative service rendered subsequent to the effective date of such election shall be credited as service rendered as a member of class d-3.

\* \* \*

Section 3. Clause (d.3) of subsection (1) of section 401 of the act, added July 29, 1965 (P. L. 264), is amended to read:

Section 401. Superannuation Retirement Allowances.—

(1) Upon retirement at or after superannuation retirement age, a contributor who is a member of the single or dual coverage group whose entire service shall have been in one class of membership and who has made application in accordance with the provisions of Article V. section 506 subsection (1), shall receive a superannuation retirement allowance in accordance with the following provisions:

\* \* \*

(d.3) The superannuation retirement allowance of a member of Class D-3 shall consist of a member's annuity which shall be equal to the actuarial equivalent of his accumulated deductions and a State annuity which shall consist of:

(i) A basic component of three and three-quarters one hundredths ( $3\frac{3}{4}/100$ ) of final average salary for each year of credited service as a member of the General Assembly.

(ii) An equalizing component equal to the amount, if any, by which the member's annuity is less than the State annuity attributable to contributory service.

(iii) A prior service component of three and three-quarters one hundredths ( $3\frac{3}{4}/100$ ) of final average salary for each year of prior service as a member of the General Assembly.

Except in the case of any member who has served as a constitutional officer of the General Assembly, *a majority leader, a minority leader, a majority whip, a minority whip, a majority caucus chairman, a minority caucus chairman, a majority caucus secretary and a minority caucus secretary*, the total superannuation retirement allowance payable to a member of Class D-3, after election of an option as provided in section 404, shall not exceed twelve thousand dollars (\$12,000) per year.

\* \* \*

Section 4. Clause (b.4) of subsection (2) and clause (b) of subsection (2.1) of section 402 of the act, amended July 29, 1965 (P. L. 264), are amended to read:

Section 402. Withdrawal Benefits.—\* \* \*

(2) Upon discontinuance of service before reaching superannuation retirement age, a contributor who is a member of the single or dual coverage group and whose entire service shall have been in one class of membership, if qualified in accordance with the following provisions, may elect to receive a withdrawal allowance computed for his class of membership as follows:

\* \* \*

(b.4) Except as provided in paragraph (b.3) of this subsection, the withdrawal allowance of a member of class d-3, who discontinued his legislative service, voluntarily or involuntarily, after having completed [eight (8)] **six (6)** years of such service, shall consist of:

(i) A member's annuity which shall be the actuarial equivalent at the date of receipt of benefits of his accumulated deductions, and

(ii) A State Annuity having a value equal to the present value of a State Annuity beginning at superannuation retirement age calculated in accordance with the provisions of section 401 subsection (1) paragraph (d.3).

\* \* \*

(2.1) A contributor, other than a member of class f, who is a member of the single or dual coverage group, who has credit for multiple service, whose service is discontinued voluntarily or involuntarily before attaining eligibility for superannuation retirement and who applies for a withdrawal allowance, shall receive a voluntary or involuntary withdrawal allowance in accordance with the following provisions:

\* \* \*

(b) For each year of credited service a contributor shall be entitled according to class of membership to voluntary or involuntary withdrawal credits determined by reference to the following table:

Class of Membership (1)	Number of Withdrawal Credits for Each Year of Service	
	Voluntary Withdrawal Credits (2)	Involuntary Withdrawal Credits (3)
State Employees Retirement System		
A	4	10
B	4	10
C	4	10
D	10	10
D-1	10	10
D-2	10	10
D-3	[12.5] 16 2/3	[12.5] 16 2/3
E	5	10
E-1	5	10
F	0	0
Public School Employees' Retirement System		
T-A	4	10
T-B	0	0

In determining eligibility for a voluntary withdrawal allowance only accumulated voluntary withdrawal credits determined with reference to columns (1) and (2) shall be added and in determining eligibility for an involuntary withdrawal allowance only accumulated involuntary withdrawal credits determined with reference to columns (1) and (3) shall be added. In the case of a member of Class E or Class E-1 who serves on the Supreme or Superior Court, any service as a member of the General Assembly completed prior to January 1, 1947, shall be credited for the purpose of accumulating voluntary withdrawal credits as service as a member of Class D.

\* \* \*

Section 5. Subsection (13) of section 506 of the act, added July 29, 1965 (P. L. 264), is amended to read:

Section 506. Duties of State Employees.—

\* \* \*

(13) Any member or member-elect of the General Assembly as of [December 1, 1964] **December 1, 1966**, who desires to become a member of Class D-3, shall so elect by written notice filed with the retirement board prior to [December 1, 1965] ***the ninetieth day following the effective date of this amendatory act***, and shall agree in such notice to make contributions at the rate specified in section 301 subsection (1) paragraph (d.3) retroactive to [December 1, 1964] **December 1, 1966**. Any member of the General Assembly elected

subsequent to [December 1, 1964] December 1, 1966, who was not a member or member-elect of the General Assembly on [December 1, 1964] December 1, 1966 and who desires to become a member of Class D-3, shall so elect by written notice prior to December 1 of the year following his election to the General Assembly, and shall agree in such notice to make contributions at the rate specified in section 301 subsection (1) paragraph (d.3) retroactive to December 1 of the year of his most recent election to the General Assembly.

Section 6. This act shall take effect immediately.

January 4, 1968

To the Honorable, the Senate

of the Commonwealth of Pennsylvania:

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 441, Printer's No. 1581, entitled "An Act amending the act of June 1, 1959 (P. L. 392), entitled 'An act relating to the retirement of State employes; amending, revising, consolidating and changing the laws relating thereto,' changing certain definitions; providing for contributions and computation of benefits and imposing duties upon certain employes."

The bill generally liberalizes the provisions relating to Class D-3 for members of the General Assembly. The bill changes the definition of superannuation retirement age. The bill also changes the determination of final average salary for members of the General Assembly.

The bill would reopen the membership in Class D-3 to members of the General Assembly who elect to join this class prior to the 90th day following its enactment.

Certain aspects of the bill are unconscionable and contrary to tenets of sound retirement and good government, such as the provisions which eliminate an upper dollar limit for certain members. This amendment would permit the payment of retirement benefits in excess of twice the final salaries of some legislators.

For reasons such as this, the bill is not approved.

RAYMOND P. SHAFER

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No. 5

AN ACT

HB 1327

Amending the act of June 21, 1939 (P. L. 626), entitled "An act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class; creating and prescribing the powers and

duties of a Board of Property Assessment, Appeals and Reviews; imposing duties on certain county and city officers; abolishing the board for the assessment and revision of taxes in such counties; and prescribing penalties," excluding from taxation for a limited period of time, certain improvements to real estate.

Whereas, Encouragement to the owners of real estate to make improvements stimulates the economy by increasing sales of materials that go into the improvements and increasing the employment of persons producing, selling, delivering, using and working with such materials.

Whereas, The increase in purchases would add tax revenues in the form of sales and use tax payments.

Whereas, Improvements to real estate would prevent deteriorating of business districts and residential neighborhoods, thereby avoiding the excessive expenditure of tax moneys on urban renewal programs; therefore

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

Section 1. Section 13, act of June 21, 1939 (P. L. 626), entitled "An act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class; creating and prescribing the powers and duties of a Board of Property Assessment, Appeals and Review; imposing duties on certain county and city officers; abolishing the board for the assessment and revision of taxes in such counties; and prescribing penalties," amended September 16, 1961 (P. L. 1353), and August 14, 1963 (P. L. 911), is amended to read:

Section 13. The proper assessors shall, between the triennial assessments, revise any assessment or valuation according to right and equity by correcting errors and by adding thereto any property or subjects of taxation which may have been omitted or any new property or subjects of taxation which may have come into being since the last triennial assessment. Any property or subjects of taxation which may have been omitted shall be assessed and made subject to taxation for the period during which said property or subjects of taxation shall have been omitted but in no event to exceed the period of five calendar years preceding the year in which the property or subjects of taxation omitted is first added to the assessment roll. Any such assessments as are made pursuant to the provisions of this paragraph shall be subject to appeal in the same manner as other assessments made pursuant to this act. Taxes levied on any such assessment shall not be made subject to the payment of any interest and penalties otherwise provided by law, except as the same are computed from the date of assessment made pursuant to this section. No bona fide purchaser of any property or subject of taxation without knowledge that the property or subject of taxation was omitted

from assessment for purposes of taxation shall be subject to any taxation based upon the additional assessment made pursuant to this section.

They shall also add thereto the names of any persons who may have moved into such district and strike therefrom the names of any persons who have removed from such districts since the last triennial assessment.

The proper assessors shall also revise assessments and valuations between the triennial assessments by increasing or decreasing the same where the value of the property or subjects of taxation assessed or valued has changed by reason of any change of conditions thereon or adjacent thereto or in the vicinity thereof, or for the reason that the property assessed or valued has been subdivided or laid out into a plan of lots or other subdivisions, or for the reason that improvements have been placed thereon or added thereto, or for the reason that any public or other improvement has been made adjacent thereto or in the vicinity thereof, or for the reason that the assessor and the majority of the board decides that the assessor erred in the value which he placed on the property or subjects of taxation when making the triennial assessment, or where, for any other reason whatsoever, the value of the property has changed and it seems to the board necessary and equitable to make a change in the valuation thereof. The assessors shall also, between the triennial assessments in all cases where it is apparent that any assessment is not in accord with the generality or uniform standard of assessments, revise and correct the same by increasing or decreasing the same where the value of the property or subjects of taxation assessed do not conform to the generality or uniform standard of assessments.

No new residential building in the process of construction shall be valued or assessed for any purpose until the expiration of the calendar year immediately following the year in which the building permit was issued or until occupied or sold, whichever event earlier occurs, and no land assessed as acreage or unimproved property, which is subsequently laid out in residential lots and the plan of such lots is recorded, shall be assessed in excess of the total assessment of the land as acreage or unimproved property for a period of three years after the recording of such plan, or until such time as the lots are actually sold or improved with permanent construction of any new building occupied for residential purposes, whichever period is the shorter. Each such lot as sold shall be subject to reassessment beginning with the date of such sale, and new construction begun thereon shall be subject to reassessment as provided above.

***Any real estate improvement or improvements made in any county subject to this act except counties of the second class A over a period of five years, which shall be assessed against the real estate, shall not be made the subject of additional taxation against the real estate to the extent of the first five thousand dollars (\$5,000), of assessed valuation of the improvement. Such exclusion from taxation shall be permitted for only one period of***



*five years in regard to any parcel of real estate and shall be accomplished by exoneration of the real estate owner from payment of the tax upon the additional assessed valuation of the property for a period of not to exceed five years and not exceeding five thousand dollars (\$5,000) of assessed valuation of the real estate improvement. The amount of the assessed valuation of the improvement shall be determined by assessing the entire real estate including the improvement, and deducting therefrom the assessed valuation of the improvement not exceeding five thousand dollars (\$5,000), but in no event shall the net valuation be less than the assessed value of the real estate prior to the improvement. The Board of Property Assessment, Appeals and Review shall transmit to the tax collector and to the proper treasurer a certificate stating the amount of tax exonerated in order that the proper amount of tax may be collected. The issuance of such certificate shall have the effect of discharging the taxable from payment of the exonerated amount of taxes.*

All assessments required to be made by the proper assessors in the year between the triennial assessment shall be returned to the board not later than the first Monday of September of the year preceding the one for which it is made.

Section 2. This act shall take effect immediately.

January 17, 1968

To the Honorable, the House of Representatives  
of the Commonwealth of Pennsylvania:

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 1327, Printer's No. 2733, entitled "An Act amending the act of June 21, 1939 (P. L. 626), entitled 'An act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class; creating and prescribing the powers and duties of a Board of Property Assessment, Appeals and Reviews; imposing duties on certain county and city officers; abolishing the board for the assessment and revision of taxes in such counties; and prescribing penalties,' excluding from taxation for a limited period of time, certain improvements to real estate."

This bill would defer for a five year period the taxation in counties of the second class (Allegheny) of the first \$5,000 of assessed valuation of improvements upon real estate. The amount of the exclusion from taxation would be determined by assessing the real estate, including the improvements, and then deducting therefrom the assessed value of the improvements in an amount not exceeding \$5,000. In no event would the net valuation be less than the assessed value of the property before the improvement.

The preamble indicates that it is the purpose of the bill to encourage owners of real estate to make improvements, and thereby stimulate the economy by increasing sales of materials and employment

of persons, thus adding to tax revenues from sales and use taxes, and preventing deterioration of residential and business districts.

Assuming that, if enacted, this bill would accomplish the worthy purpose outlined, nevertheless it appears to violate the provisions of Article IX, Section 1 of the Pennsylvania Constitution, which require all taxes to be uniform.

In *McKnight Shopping Center v. Board of Property Assessment*, 417 Pa. 234, 240-241 (1965), the Supreme Court recently said, concerning Article IX, Section 1 of the Constitution:

“\* \* \* In applying this provision of our Constitution to the taxation of real estate, it is clear that \* \* \* the ratio of assessed value to market value adopted by the taxing authority \* \* \* must be applied equally and uniformly to all real estate within the jurisdiction of such authority. \* \* \* once the relevant factors are applied and market values are determined, the ratio of the assessed values to these market values must be uniform throughout the taxing district.  
\* \* \*”

Under this bill, owners of properties having the same assessed values would be paying different amounts of tax thereon, depending upon the recency of the improvements thereon.

The terms “exclusion” and “exoneration” in the bill would not cure the lack of uniformity. The exemptions in dollar amounts have long been held violative of the Uniformity Clause of The Pennsylvania Constitution; see *Cope's Estate*, 191 Pa. 1 (1899) (Exemption from Inheritance Tax); and *Kelley v. Kalodner*, 320 Pa. 180 (1935) (Exemptions from Personal Income Tax).

In addition to these constitutional objections, the bill is vague and ambiguous in failing to define the precise meaning of “improvement.”

For these reasons, the bill is not approved.

RAYMOND P. SHAFER

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No. 6

AN ACT

HB 1047

Amending the act of April 29, 1959 (P. L. 58), entitled “An act consolidating and revising the Vehicle Code, the Tractor Code, the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership, possession and use of vehicles and tractors,” further regulating suspension of operators’ licenses and learners’ permits.

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

Section 1. Clause (1) of subsection (b) of section 618, act of April

29, 1959 (P. L. 58), known as "The Vehicle Code," is amended to read:

Section 618. Suspension of Licenses or Operating Privileges.—

\* \* \*

(b) The secretary may suspend the operator's license or learner's permit of any person, after a hearing before the secretary or his representative, whenever the secretary finds upon sufficient evidence:

(1) That such person has [committed] *been convicted of* any offense for the conviction of which mandatory revocation of license is provided in this act;

\* \* \*

Section 2. This act shall take effect immediately.

January 19, 1968

To the Honorable, the House of Representatives  
of the Commonwealth of Pennsylvania:

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 1047, Printer's No. 1173, entitled "An Act amending the act of April 29, 1959 (P. L. 58), entitled 'An act consolidating and revising the Vehicle Code, the Tractor Code, the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership, possession and use of vehicles and tractors,' further regulating suspension of operators' licenses and learners' permits."

The Vehicle Code presently provides for the automatic revocation of an operator's license or learner's permit upon conviction of operating a motor vehicle while under the influence of intoxicating liquor or under the influence of any narcotic or habit forming drug, of any crime punishable as a felony under The Vehicle Code or in the commission of which a motor vehicle was used, failing to stop or render assistance or disclose identity when involved in an accident involving injury or death to any person or damage to property, or unlawful possession or sale of narcotics.

The law authorizes the Secretary to suspend such license or learner's permit either before or after the disposition of the criminal indictment. In such cases, the action of the Secretary is based upon his evaluation of the evidence rather than upon the verdict of a jury, which requires proof beyond a reasonable doubt.

This bill would limit the power of the Secretary of Revenue so as to empower him to suspend licenses by reason of the commission of any of the enumerated offenses only after a conviction of guilty. The effect thereof would provide immunity from any penalty for their wrongful acts to all persons charged with the said crimes unless and until a criminal prosecution results in a final verdict of guilty.

The purpose and intent of The Vehicle Code is to maintain a high standard of safety for the protection of the travelling public. The authority of the Secretary of Revenue to suspend operating privileges for infraction of the law is one of the most effective deterrents to

would-be violators. Any legislation which would nullify or dilute this authority would be contrary to the public interest and highly detrimental to public safety.

For these reasons, the bill is not approved.

RAYMOND P. SHAFER

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No. 7

AN ACT

HB 1578

Amending the act of May 1, 1929 (P. L. 1216), entitled "An act to define real estate brokers and real estate salesmen; and providing for the licensing, regulation, and supervision of resident and nonresident real estate brokers and real estate salesmen and their business," authorizing the commission to accept offers in compromise in lieu of suspension of licenses.

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

Section 1. Section 10, act of May 1, 1929 (P. L. 1216), known as the "Real Estate Brokers License Act of one thousand nine hundred and twenty-nine," is amended by adding at the end thereof a new subsection to read:

Section 10. \* \* \*

***(f) In any case where the commission shall determine that a suspension of any license issued under the provisions of this act is warranted, the commission, for the first offense, may accept from the licensee an offer in compromise as a penalty in lieu of such suspension, and shall thereupon refrain from issuing its order of suspension. The offer in compromise shall be twenty-five dollars (\$25.00) for each suspension. No offer in compromise may be accepted by the commission where the contemplated suspension is for a period in excess of three months or for a second or subsequent offense.***

Section 2. This act shall take effect immediately.

January 19, 1968

To the Honorable, the House of Representatives  
of the Commonwealth of Pennsylvania:

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill 1578, Printer's No. 2435, entitled "An Act amending the act of May 1, 1929 (P. L. 1216), entitled 'An act to define real estate brokers and real estate salesmen; and providing for the licensing, regulation and supervision of resident and non-resident real estate brokers and real estate salesmen and their

business,' authorizing the commission to accept offers in compromise in lieu of suspension of licenses."

This bill would authorize the Pennsylvania Real Estate Commission to accept a compromise money penalty in lieu of license suspension for improper conduct of a licensee. This would introduce a new type of penalty into the professional licensing field.

The proposed fine is purely nominal, i.e., \$25.00 for an offense which might otherwise carry a suspension of up to three months. This monetary penalty is entirely unrealistic.

My principal objection to the bill is that it would authorize professional licensing boards to compromise their most effective enforcement weapon which is the authority to suspend or revoke the privilege to practice the profession. The requirement of suspension of a license exercised by the licensee's peers in his profession is the most persuasive deterrent to improper conduct in the policing of the particular license field. This power to suspend should not be compromised by a monetary penalty. It certainly cannot be equated with a monetary penalty which is entirely inadequate and which would not serve to deter improper conduct in the profession.

Until the present time, no professional licensing board has been given the power to impose monetary penalties upon licensed members of a profession for misconduct. The imposition of a fine in compromise of a suspension of a professional license is not usually recognized as a proper exercise of an administrative function. As a rule, monetary responsibility for misconduct should be fixed and levied by the judiciary, under penal laws, and not by professional boards against members of their professions.

For these reasons, the bill is not approved.

RAYMOND P. SHAFER

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No. 8

AN ACT

HB 106

Amending the act of April 29, 1959 (P. L. 58), entitled "An act consolidating and revising the Vehicle Code, the Tractor Code, the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership, possession and use of vehicles and tractors," authorizing vehicles to bear or display certain illuminated signs, letters, numerals or figures.

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

Section 1. Section 804, act of April 29, 1959 (P. L. 58), known as "The Vehicle Code," amended September 24, 1965 (P. L. 540), is amended to read:

Section 804. **Illuminated Signs Prohibited.**—No vehicle, *other than a commercial motor vehicle, truck-tractor, trailer or semi-trailer* shall bear or display any illuminated signs, letters, numerals or figures of any kind whatsoever. [Except that a] *any lighted lamp, sign or illuminating device upon a commercial motor vehicle, truck-tractor, trailer or semi-trailer, other than head lamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps and school bus warning lamps, which projects a beam of light of an intensity greater than three hundred (300) candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five (75) feet from the vehicle.* A vehicle carrying passengers for hire, or a school bus, may bear [such] *an illuminated* sign, stating its use and destination: Provided, however, that a taxicab certificated by the Pennsylvania Public Utility Commission may carry on the rear or the top of the vehicle illuminated signs so placed as not to interfere with the vision of the driver through the rear window of the vehicle and extending not more than fourteen (14) inches above the roof of the vehicle and having a width no greater than eight (8) inches less than the width of the vehicle. The type of such illuminated signs must first be submitted to and approved by the Department of Revenue.

**Penalty.**—Any person violating any of the provisions of this section, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of ten dollars (\$10.00) and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than five (5) days.

Section 2. This act shall take effect immediately.

January 19, 1968

To the Honorable, the House of Representatives  
of the Commonwealth of Pennsylvania:

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 106, Printer's No. 2932, entitled "An Act amending the act of April 29, 1959 (P. L. 58), entitled 'An act consolidating and revising the Vehicle Code, the Tractor Code, the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership, possession and use of vehicles and tractors,' authorizing vehicles to bear or display certain illuminated signs, letters, numerals or figures."

The present law provides that no vehicles shall bear or display any illuminated signs, letters, numerals or figures of any kind whatsoever, except that a vehicle carrying passengers for hire, or a school bus, may bear such signs stating its use and destination, with the proviso that taxicabs may carry on the rear or top of the taxi, illuminated signs so placed as not to interfere with the vision of the driver through the rear window.

This bill would authorize the use of illuminated signs, letters, numerals or figures of any kind whatsoever on a commercial motor vehicle, truck-tractor, trailer or semi-trailer.

Our primary interest in the consideration of legislation of this type is its effect upon the maintenance of strict standards for the protection of the life and property of our citizens. In my opinion, the extension of the present law to permit the use of illuminated signs to the named vehicles would create conditions hazardous to the traveling public. Such signs are placed upon vehicles to be seen and read. The attention of an operator of a motor vehicle is necessarily diverted when he takes time to read such signs. Not only does such diversion of attention interfere with the proper operation of a motor vehicle, but it also seriously endangers person and property on and off the highway. Any condition which tends to distract the attention of the motorist from the great responsibility which he assumes in operating a motor vehicle should be discouraged and condemned. It is clear that instead of being served by permission to use such illuminated signs on motor vehicles public safety would be seriously jeopardized.

Aside from these serious objections, the bill is also objectionable because of its failure to define the meaning of the term "illuminated signs" or to include precise specifications with regard to dimension, type of construction, location or placement thereof on the vehicles in all cases except in that of taxicabs certified by the Pennsylvania Public Utility Commission. The legislation also is inconsistent and contrary to the efforts to standardize lighting and identification requirements of motor vehicles throughout the United States.

For these reasons, the bill is not approved.

RAYMOND P. SHAFER

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No. 9

AN ACT

SB 846

Amending the act of July 19, 1951 (P. L. 1134), entitled "An act authorizing deductions from the wages or salary of any Commonwealth employee for the purchase of United States Savings Bonds," authorizing Commonwealth employee payroll deductions for credit union shares.

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

Section 1. The title and section 1, act of July 19, 1951 (P. L. 1134), entitled "An act authorizing deductions from the wages or salary of any Commonwealth employee for the purchase of United States Savings Bonds," are amended to read:

## AN ACT

Authorizing deductions from the wages or salary of any Commonwealth employee for the purchase of United States Savings Bonds **and for credit union shares.**

Section 1. The State Treasurer, with the consent and approval of the Auditor General, may deduct from the wages or salary of any employee of this Commonwealth, such [amount] **amounts** as the employee shall authorize in writing filed with him **either** for the purchase for the employee of United States Savings Bonds **or for payment of credit union shares, or both.** He may make such rules and regulations governing the purchase of the bonds **or the payment of credit union shares** as he may deem necessary. Such rules and regulations shall be incorporated in the employee's written authorization. The authorization of the employee may be withdrawn by the employee at any time upon filing written action of withdrawal with the State Treasurer.

January 20, 1968

To the Honorable, the Senate  
of the Commonwealth of Pennsylvania:

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 846, Printer's No. 1480, entitled "An Act amending the act of July 19, 1951 (P. L. 1134), entitled 'An act authorizing deductions from the wages or salary of any Commonwealth employee for the purchase of United States Savings Bonds,' authorizing Commonwealth employee payroll deductions for credit union shares."

This bill would amend the Act of July 19, 1951, P. L. 1134, which authorizes Commonwealth employees to pay for the purchase of United States Savings Bonds through payroll deductions. The bill would permit such payroll deductions for the purchase of credit union shares.

This legislation would add an additional and substantial cost to the implementation and maintenance of the present payroll deduction program. The bill does not supply such benefits and advantages to State employees as would justify the additional expenditures necessitated by its enactment.

Furthermore, unlike payroll deductions for United States Savings Bonds and United Fund, the purposes of which are patriotic and charitable, credit unions are semi-commercial in nature.

For these reasons, the bill is not approved.

RAYMOND P. SHAFER



No. 10  
AN ACT

HB 1987

Amending the act of July 28, 1953 (P. L. 723), entitled, as amended, "An act relating to counties of the second class and second class A; amending, revising, consolidating and changing the laws relating thereto," authorizing borrowing and appropriations for certain university campuses or facilities.

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

Section 1. Article XXI, act of July 28, 1953 (P. L. 723), known as the "Second Class County Code," is amended to adding at the end thereof a new subdivision to read:

Article XXI  
Special Powers and Duties of the County  
\* \* \*

*(s) Commonwealth Campuses*

**Section 2199.11. Commonwealth Campuses.—(a) The board of commissioners of any county of the second class A may borrow money and may appropriate the same to the Pennsylvania State University for the purpose of establishing, extending or enlarging or assisting in the establishing, extending or enlarging of a Commonwealth campus or facilities of the Pennsylvania State University within said county.**

**(b) In exercising the powers herein conferred, the county commissioners may, in their discretion, subject to the limitation of the Constitution, issue interest bearing bonds of the county in accordance with the provisions of the Municipal Borrowing Law.**

Section 2. This act shall take effect immediately.

January 20, 1968

To the Honorable, the House of Representatives  
of the Commonwealth of Pennsylvania:

I file herewith, in the Office of the Secretary of the Commonwealth, with my objections, House Bill No. 1987, Printer's No. 2653, entitled "An Act amending the act of July 28, 1953 (P. L. 723), entitled, as amended, 'An act relating to counties of the second class and second class A; amending, revising, consolidating and changing the laws relating thereto,' authorizing borrowing and appropriations for certain university campuses or facilities."

The bill would authorize the board of commissioners of any county of the second class A to borrow money and to appropriate the same to Pennsylvania State University for the purpose of establishing, extending or enlarging a campus or facilities of Pennsylvania State

University within such counties. In borrowing for this purpose, the county commissioners are empowered to issue interest bearing bonds of the county in accordance with the Municipal Borrowing Law.

The authority granted by the bill is confined to and may be exercised only by Delaware and Montgomery counties, the only second class A counties of the Commonwealth. In those counties the authorized financial assistance may be provided only to Pennsylvania State University.

Temple University, University of Pittsburgh, Indiana University of Pennsylvania, as well as several state colleges have established campus facilities in other counties of the Commonwealth. No county of the Commonwealth is or would be authorized to borrow funds for appropriation to these institutions regardless of their location. The benefits of the bill would only accrue to Pennsylvania State University campuses or facilities located in second class A counties.

In our opinion this special type of legislation applicable only to one class of counties in the Commonwealth and providing benefits only to one educational institution cannot be justified.

For this reason, the bill is not approved.

RAYMOND P. SHAFER