

business day. Nothing herein shall be construed to require any banking institution to keep open for the transaction of business on any of said holidays, or to require any banking institution which elects to be open for business on all or any part of any of said holidays, to do or perform any act or transaction on such holiday; but all acts and transactions done or performed on any such holiday shall be at the option of such banking institution.

Section 3. This act shall take effect January 1, 1971.

APPROVED—The 12th day of December, A. D. 1968.

RAYMOND P. SHAFER.

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No. 381

AN ACT

HB 2653

Amending the act of June 1, 1945 (P. L. 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," providing for the reimbursement of relocation costs to persons displaced as a result of acquisition of property by the Department of Highways.

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

Section 1. The act of June 1, 1945 (P. L. 1242), known as the "State Highway Law," is amended by adding after section 304, the following new sections to read:

Section 304.1. Definitions.—When used in sections 304.2, 304.3, 304.4, 304.5 and 304.6 of this act, the following words and phrases shall have the following meanings:

(1) "Person" shall mean (i) any individual, partnership, corporation or association which is the owner of a business; (ii) any owner, part owner, tenant, or sharecropper who operates a farm; (iii) an individual who is the head of a family; or (iv) an individual not a member of a family.

(2) "Family" shall mean two or more individuals living together in the same dwelling unit who are related to each other by blood, marriage, adoption or legal guardianship.

(3) "Displaced person" shall mean any person who moves from real property on or after the effective date of this act as a result of the acquisition or reasonable expectation of acquisition of such real property, which is subsequently acquired, in whole or in part, for highway purposes or as the result of the acquisition for highway purposes of other real property on which such person conducts a business or farm operation.

(4) "Business" shall mean any lawful activity conducted primarily (i) for the purchase and resale, manufacture, processing or marketing of products, commodities, or any other personal property; (ii) for the sale of services to the public; or (iii) by a nonprofit organization.

(5) "Farm operation" shall mean any activity conducted solely or primarily for the production of one or more agricultural products or commodities for sale and home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

Section 304.2. Relocation Payments.—(a) Payments for Actual Expenses. Any displaced person may elect to receive actual reasonable expenses in moving himself, his family, his business, or his farm operation, including personal property. In no event shall such expenses exceed the market value of the property moved. The distance of the move shall be reasonable, not to exceed fifty miles.

(b) Optional Payments, Dwellings.—Any displaced person who moves from a dwelling who elects to accept payments authorized by this subsection in lieu of the payments authorized by subsection (a) of this section may receive (1) a moving expense allowance, determined according to a schedule established by the Secretary of Highways, not to exceed two hundred dollars (\$200); and (2) a dislocation allowance of one hundred dollars (\$100).

(c) Optional Payments, Business and Farm Operations.—Any displaced person who moves or discontinues his business or farm

operation who elects to accept the payment authorized by this section in lieu of payment authorized by subsection (a) of this section, may receive a fixed relocation payment in an amount equal to the average annual net earnings of the business or farm operation, or five thousand dollars (\$5,000), whichever is the lesser. In the case of a business, no payment shall be made under this subsection unless the Department of Highways is satisfied that the business (1) cannot be relocated without a substantial loss of its existing patronage, and (2) is not part of a commercial enterprise having at least one other establishment, not being acquired by the Department of Highways, which is engaged in the same or similar business. For purposes of this subsection, the term "average annual net earnings" means one-half of any net earnings of the business or farm operation before Federal, State and local income taxes, during the two taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired for such project, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such two-year period.

Section 304.3. Replacement Housing.— (a) In addition to amounts otherwise authorized, the Department of Highways shall make a payment to the owner of real property acquired for a project which is improved by a single, two, or three-family dwelling actually owned and occupied by owner for not less than one year prior to the initiation of negotiations for the acquisition of such property. Such payment, not to exceed five thousand dollars (\$5,000), shall be the amount, if any, which, when added to the acquisition payment, equals the average price required for a comparable dwelling determined, in accordance with standards established by the Secretary of Highways to be a decent, safe and sanitary dwelling adequate to accommodate the displaced owner, reasonably accessible to public services and places of employment and available on the private market. Such payment shall be made only to a displaced owner who pur-

chases and occupies a dwelling within one year subsequent to the date on which he is required to move from the dwelling acquired for the project.

(b) In addition to amounts otherwise authorized, the Department of Highways shall make a payment to any individual or family displaced from any dwelling not eligible to receive a payment under subsection (a) of this section which dwelling was actually and lawfully occupied by such individual or family for not less than ninety days prior to the initiation of negotiations for acquisition of such property. Such payment, not to exceed fifteen hundred dollars (\$1,500), shall be the amount which is necessary to enable such person to lease or rent for a period not to exceed two years, or to make the down payment on the purchase of, a decent, safe, and sanitary dwelling of standards adequate to accommodate such individual or family in areas not generally less desirable in regard to public utilities and public and commercial facilities.

Section 304.4. Expenses Incidental to Transfer of Property.—In addition to amounts otherwise authorized, the Department of Highways shall reimburse the owner of real property acquired for a project for reasonable and necessary expenses incurred for recording fees, transfer taxes, and similar expenses incidental to conveying such property and penalty costs for prepayment of any mortgage entered into in good faith encumbering such real property if such mortgage is on record or has been filed for the record on the date of final approval by the Department of Highways of the location of such project and the pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting title in the Commonwealth of Pennsylvania through the Department of Highways, or the effective date of the possession of such real property by the Commonwealth of Pennsylvania through the Department of Highways whichever is earlier.

Section 304.5. Damages.—Nothing contained in the aforesaid sections 304.1, 304.2, 304.3 or 304.4 shall be considered as enlarging or changing the formulas employed in determining just compensation under the provisions of the “Eminent Domain Code.” The damages herein provided are in lieu of the damages provided for in sections 608, 609 and 610 of the “Eminent Domain Code.”

Section 304.6. Administration of Relocation Assistance Program.—The Secretary of Highways may make relocation payments or provide relocation assistance or otherwise carry out the functions required under this act by utilizing the facilities, personnel, and services or any other Federal, State or local governmental agency having an established organization for conducting relocation assistance programs.

Section 304.7. Supervision by Secretary of Highways; Rules and Regulations.—The secretary shall have the power and it shall be his duty to exercise general supervision over the administration and enforcement of the provisions of this act and he shall adopt rules and regulations to implement them.

Section 2. The provisions and benefits of this act shall take effect immediately upon approval and shall apply to all amicable acquisitions and condemnations effected thereafter and shall also apply to all amicable acquisitions effected after August 23, 1968, and all condemnations filed after August 23, 1968, the effective date of the Federal-aid Highway Act of 1968 (Chapter 5, Title 23 U. S. C.), which this act implements.

APPROVED—The 12th day of December, A. D. 1968.

RAYMOND P. SHAFER.

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No. 382

AN ACT

HB 238

Amending the act of June 1, 1959 (P. L. 392), entitled “An act relating to the retirement of State employes; amending, revising, consolidating and chang-