

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1492 Session of
1975

INTRODUCED BY MESSRS. BONETTO, BEREN AND WILSON, JUNE 16, 1975

SENATOR LYNCH, TRANSPORTATION, IN SENATE, AS AMENDED,
DECEMBER 9, 1975

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," ~~further providing for~~ <—
21 ~~membership on the State Transportation Commission~~ LIMITING <—
22 THE ASSIGNMENT OF SCHOOL CHILDREN.

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

25 Section 1. ~~Subsections (a) and (b) of section 468,~~ THE act <—
26 of April 29, 1929 (P.L.177, No.175), known as "The
27 Administrative Code of 1929," ~~amended May 6, 1970 (P.L.356,~~ <—

1 ~~No.120)~~, are IS amended BY ADDING A SECTION to read: <—

2 ~~Section 468. State Transportation Commission. (a) There is~~ <—

3 ~~hereby created a State Transportation Commission which shall~~
4 ~~consist of [thirteen] fifteen members, one of whom shall be the~~
5 ~~Secretary of Transportation, ex officio, who shall be the~~
6 ~~chairman of the commission. The chairman of the Committee on~~
7 ~~Highways of the Senate and the chairman of the Committee on~~
8 ~~Transportation of the House of Representatives, respectively,~~
9 ~~shall be ex officio members of the commission.~~

10 ~~(b) The Governor shall nominate and by and with the advice~~
11 ~~and consent of two thirds of all the members of the Senate,~~
12 ~~appoint [eight] ten of the remaining members of the commission,~~
13 ~~not more than [four] five of whom shall be members of the same~~
14 ~~political party, for terms of six years: Provided, That one of~~
15 ~~the two members who is to be appointed by virtue of his~~
16 ~~membership on the board of directors of a transportation~~
17 ~~authority shall be appointed for an initial term of four years.~~
18 ~~Not more nor less than one appointed member of the commission~~
19 ~~shall be a resident of the counties of Philadelphia and~~
20 ~~Allegheny, respectively. At least two of the members of the~~
21 ~~commission shall be members of the aviation community, one of~~
22 ~~whom shall represent commuter or regularly scheduled airlines~~
23 ~~and one of whom shall be a representative of general aviation.~~
24 ~~Effective with the first two appointments after the adoption of~~
25 ~~this act at least two of the appointees of the Governor shall be~~
26 ~~members of the board of directors of a transportation authority~~
27 ~~at the time of their appointment: Provided, That said authority~~
28 ~~appointees shall not be considered residents of either~~
29 ~~Philadelphia or Allegheny County for the purpose of the~~
30 ~~preceding sentence. The present members of the commission shall~~

~~be entitled to complete their present terms and may be
reappointed at the completion thereof.~~

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SECTION 529. ASSIGNMENT OF SCHOOL PUPILS.--NO DEPARTMENT,
BOARD OR COMMISSION SHALL HAVE THE POWER TO ORDER THE ASSIGNMENT
OF ANY PUPIL IN KINDERGARTEN, ELEMENTARY OR SECONDARY SCHOOL TO
ANY SCHOOL OTHER THAN THE SCHOOL NEAREST THE PUPIL'S HOME
WITHOUT THE CONSENT OF THE PUPIL'S PARENT OR GUARDIAN, EXCEPT
THAT NOTHING IN THIS SECTION SHALL REPEAL ANY ENTRANCE
REQUIREMENT OF A SCHOOL WHICH HAS ENTRANCE REQUIREMENTS. ANY
ORDER ISSUED BY A DEPARTMENT, BOARD OR COMMISSION HERETOFORE
WHICH HAS NOT YET BEEN IMPLEMENTED, ORDERING ASSIGNMENT OF ANY
PUPIL IN KINDERGARTEN, ELEMENTARY, OR SECONDARY SCHOOL TO ANY
SCHOOL OTHER THAN THE SCHOOL NEAREST THE PUPIL'S HOME SHALL BE
NULL, VOID AND UNENFORCEABLE. ALL DEPARTMENTS, BOARDS AND
COMMISSIONS SHALL CEASE, DESIST AND WITHDRAW ANY AND ALL ACTIONS
PENDING WHICH ARE CONTRARY TO THIS SECTION. NO DEPARTMENT, BOARD
OR COMMISSION SHALL ENTER INTO OR CONTINUE ANY LEGAL PROCEEDING
DEALING WITH THE ASSIGNMENT OF PUPILS TO ANY ELEMENTARY,
KINDERGARTEN, OR SECONDARY SCHOOL OTHER THAN THE SCHOOL NEAREST
THE PUPIL'S HOME: PROVIDED, HOWEVER, THAT NOTHING CONTAINED IN
THIS SECTION SHALL BE CONSTRUED TO PREVENT ANY SCHOOL DISTRICT
FROM ASSIGNING PUPILS TO SCHOOLS OTHER THAN THE SCHOOL NEAREST
THE PUPIL'S HOME FOR ANY PURPOSE WHATSOEVER INCLUDING, BUT NOT
LIMITED TO, REDUCING OVERCROWDED CONDITIONS IN CERTAIN OF THE
DISTRICT'S SCHOOLS.

Section 2. This act shall take effect in 60 days.