

Section 702. Supervisors to Exercise Powers.—The corporate powers of townships of the second class shall be exercised by the township supervisors. Where no specific authority is given for the expenditures incident to the exercise of any power hereinafter conferred, or where no specific fund is designated from which such expenditures shall be made, appropriations for such expenditures shall be made only from the general township fund. In addition to the duties imposed upon them by section 516 hereof, they shall have power—

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*LXII. General Powers.—To make and adopt all such ordinances, by-laws, rules and regulations not inconsistent with or restrained by the Constitution and laws of this Commonwealth as may be deemed expedient or necessary for the proper management, care and control of the township and its finances and the maintenance of peace, good government and welfare of the township and its trade, commerce and manufactures. No ordinance, by-law, rule or regulation shall be adopted which in any manner restricts, *interferes with, hinders or affects the operation of any other political subdivision or instrumentality of the Commonwealth of Pennsylvania.*

Section 2. The act is amended by adding, after section 2106, a new section to read:

Act amended by adding a new section 2107.

Section 2107. Ordinances Affecting Public Utility Service.—Pennsylvania Public Utility Commission, upon its own motion or upon complaint of any person, and after public hearing, shall have power and duty to order the modification or annulment of any township ordinance, by-law, rule or regulation which adversely affects the quality, quantity or cost of service to consumers of public utility service outside the township. Appeal from any such order may be taken in the same manner as is prescribed by the act of May 28, 1937 (P. L. 1053), known as the "Public Utility Law," for appeals from other orders of the commission.

Section 3. This act shall take effect immediately.

Act effective immediately.

APPROVED—The 27th day of August, A. D. 1963.

WILLIAM W. SCRANTON

No. 522

AN ACT

Amending the act of December 5, 1936 (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation

* "Interfers" in original.

to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," restating and limiting the priority of the lien for unpaid contributions, providing for the expiration and renewal of such liens and saving such liens from discharge in certain cases, and modifying the procedures and authorizing additional remedies for the collection of delinquent contributions.

**Unemployment
Compensation
Law.**

Section 308.1,
act of December
5, 1936, (1937
P. L. 2897),
amended May 23,
1949, P. L. 1738,
further amended.

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

Section 1. Section 308.1, act of December 5, 1936 (1937, P. L. 2897), known as the "Unemployment Compensation Law," amended May 23, 1949 (P. L. 1738), is amended to read:

Section 308.1. Contributions to be Liens; Entry Thereof.—All contributions and the interest and penalties thereon due and payable by an employer under the provisions of this act shall be a lien upon the franchises and property, both real and personal, of the employer liable therefor, from the date a lien for such contributions, interest and penalties is entered of record in the manner hereinafter provided. [Whenever the franchises or property of an employer is sold at a judicial sale, all contributions and the interest and penalties thereon thus entered of record shall first be allowed and paid out of the proceeds of such sale in the same manner and to the same extent that State taxes are paid: Provided, however, That the lien hereby created shall not be prior to pre-existing duly recorded real estate mortgages.] *The lien imposed hereunder shall have priority from the date of such entry of record and shall be fully paid and satisfied out of the proceeds of any judicial sale of property subject thereto before any other obligation, judgment, claim, lien or estate to which said property may subsequently become subject, except costs of the sale and of the writ upon which the sale was made, and real estate taxes and municipal claims against such property, but shall be subordinate to mortgages and other liens existing and duly recorded or entered of record prior to the recording of the tax lien. In the case of a judicial sale of property subject to a lien imposed hereunder upon a lien or claim over which the lien imposed hereunder has priority, as aforesaid, such sale shall discharge the lien imposed hereunder to the extent*

only that the proceeds are applied to its payment, and such lien shall continue in full force and effect as to the balance remaining unpaid. The department may at any time transmit to the prothonotaries of the respective counties of the Commonwealth, to be by them entered of record, and indexed as judgments are now indexed, certified copies of all liens [for unpaid contributions, interest and penalties which may now exist or hereafter arise,] imposed hereunder upon which record it shall be lawful for writs of [scire facias to issue and be prosecuted to judgment and execution in the same manner as such writs are ordinarily employed] execution to be directly issued without the issuance and prosecution to judgment of writs of scire facias: Provided, That not less than ten (10) days before the issuance of any execution on the lien, notice of the filing and the effect of the lien shall be sent by registered or certified mail to the employer at his last known post office address. No prothonotary shall require as a condition precedent to the entry of such liens the payment of the costs incident thereto. Such liens shall continue for five years from the date of entry and may be revived and continued in the manner now or hereafter provided for the renewal of judgments.

Section 2. Article III. of said act is amended by adding, after section 308.1, a new section to read:

Article III. of act, amended by adding a new section 308.2.

Section 308.2. Purchase of Property at Judicial Sale; Disposal.—(a) At any judicial sale of any property, real or personal, of any employer against whom a lien or judgment has been entered under the provisions of this act, the department is hereby authorized and empowered to bid in such property if necessary for the protection of its interest. Title shall be taken in the name of the Commonwealth to the use of the Unemployment Compensation Fund.

(b) The costs of acquiring property at judicial sale as herein provided and for the subsequent maintenance, preservation and disposal thereof are hereby declared to be administrative expenses to be paid out of the Administration Fund.

(c) Any property purchased under the provisions of this section shall be held until such time as the department shall believe it advisable to dispose of the same except as hereinafter provided. Thereupon, the department, at either public or private sale, may dispose of the property upon such terms and conditions as it may deem advisable, and the Department of Justice may approve. It shall be lawful to sell the property for cash or for part cash and a mortgage to run from the purchaser to the Commonwealth. When the terms and condi-

tions of such sale shall have been agreed upon and approved, the Department of Justice is hereby authorized and directed to execute and deliver a deed or other appropriate document conveying or transferring the property. Any such conveyance or transfer shall be free and clear of all liens and encumbrances in favor of the department except the lien of a purchase-money mortgage, if any, contemporaneously executed and delivered to the Commonwealth.

(d) The proceeds derived from the sale of any property under this provision of the act shall be distributed in the following order:

(1) Reimbursement to the Administration Fund, created under the provisions of section 602 of this act, of the amount of legal and administrative costs including the costs, if any, of acquiring such property advanced therefrom.

(2) Payment of the amount of delinquent contributions covered by the department's lien or liens into the Unemployment Compensation Fund created under the provisions of section 601 of this act, and

(3) The balance, if any, into the Special Administration Fund.

(e) It shall be unlawful for any State officer or employe or any member of the family of such officer or employe to purchase, directly or indirectly, any property acquired by the department at a judicial sale under the provisions of this section.

Effective date and applicability.

Section 3. This act shall take effect immediately and shall be applicable to delinquencies occurring either before or after the effective date of this act.

APPROVED—The 27th day of August, A. D. 1963.

WILLIAM W. SCRANTON

No. 523

AN ACT

Amending the act of July 28, 1953 (P. L. 723), entitled "An act relating to counties of the second class; amending, revising, consolidating and changing the laws relating thereto," authorizing appropriations for the payment of public defenders.

Second Class County Code.

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

Article XXI, act of July 28, 1953, P. L. 723, amended by adding a new subdivision (p).

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