

Section 22. Availability of Records of Other Agencies.—The records of any other Commonwealth agency, board or commission to the extent that the same may be pertinent to the administration and enforcement of this act, and the determination of liability thereunder, shall be available to the department.

Section 23. Regulations; Promulgation by Secretary.—The secretary shall, from time to time, promulgate such regulations as may be necessary for the effective enforcement of this act.

Section 24. Exempt Vehicles; Carriers.—Nothing in this act shall apply to any vehicle operated by or on behalf of any department, board, bureau or commission of this State, or any political subdivision thereof, or any quasi-governmental authority of which this State is a participating member, or any agency of the Federal government or the District of Columbia, or of any state or any political subdivision thereof which grants similar exemption to publicly owned vehicles registered in this State. Nor shall the provisions of this act apply to any school bus operated by, for, or on behalf of this State, any political subdivision thereof, or any private or privately operated school. The provisions of this act shall not apply to those motor buses operating under the provisions of the act of August 1, 1963 (P. L. 476), entitled “An act providing for the taxation of motor fuels consumed by interstate buses upon a system uniform among jurisdictions enacting the same provisions.”

Section 25. The provisions of this act shall not apply to any motor carrier owning or operating not more than one motor vehicle for its own use and not for hire.

Section 26. Effective Date.—This act shall take effect October 1, 1964.

APPROVED—The 19th day of June, A. D. 1964.

WILLIAM W. SCRANTON

No. 2

AN ACT

Imposing a State excise tax on net earnings or income of mutual thrift institutions; requiring the filing of reports and payment of the tax; providing certain exemptions from the tax and repealing part of an act imposing other taxes.

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

Section 1. Short Title.—This act shall be known as and may be cited as “The Mutual Thrift Institutions Tax Act.”

Section 2. Definitions.—As used in this act “mutual thrift institution” shall be construed to mean every savings bank without capital stock incorporated by or under any law of this Commonwealth, every building and loan association, every savings and loan association incorporated under the laws of this Commonwealth and every federal savings and loan association incorporated under the laws of the United States and located within this Commonwealth.

Section 3. Imposition Report and Payment of Tax and Exemptions.—(a) Within ninety (90) days after the effective date of this act every mutual thrift institution shall make report to the Department of Revenue setting forth the entire amount of net earnings or income received or accrued by said mutual thrift institution from all sources during the years 1962 and 1963, and such other information as the department may require, and pay into the State Treasury through the Department of Revenue for the use of the Commonwealth a State excise tax at the rate of six per cent (6%) upon such net earnings or income, for the privilege of doing business in the Commonwealth.

(b) From and after the passage of this act, every mutual thrift institution shall annually, upon the fifteenth day of April of each year beginning in the year 1965, make a report to the Department of Revenue, setting forth the entire amount of net earnings or income received or accrued by said mutual thrift institution from all sources during the preceding year, and such other information as the department may require, and upon such net earnings or income the said mutual thrift institution shall pay into the State Treasury, through the Department of Revenue, for the use of the Commonwealth, within the time prescribed by this act for making such annual report, a State excise tax at the rate of six per cent (6%) upon such annual net earnings or income, for the privilege of doing business in the Commonwealth. Within one hundred twenty (120) days after the effective date of this act, each such mutual thrift institution shall file a tentative report and pay on account of the tax due upon such net earnings or income received or accrued during 1964, and on or before the thirtieth day of April of each year thereafter, each such mutual thrift institution shall file a tentative report and pay on account of the tax due upon such net earnings or income received or accrued during that year at its election, either (1) not less than four and eight-tenths per cent ($4\frac{8}{10}\%$) of its net earnings or income last reported as received or accrued during an entire preceding year or of such multiple of the net earnings or income last reported for a portion of such year as the entire year

bears to the portion of the year for which the net earnings or income had been reported, or (2) not less than nineteen and two-tenths per cent ($19\frac{2}{10}\%$) of its estimated net earnings or income received or accrued during the first three months of the current year, and the remaining portion of the tax due upon the net earnings or income received or accrued during each current year shall be paid within the time prescribed by this act for making the annual report for such year.

(c) If, however, any such mutual thrift institution closes its fiscal year, not upon the thirty-first day of December, but upon some other date the tax shall be imposed upon such annual net earnings or income received or accrued during its fiscal year beginning in the calendar year 1962 and during each fiscal year thereafter, and the annual report of net earnings or income received or accrued during the fiscal years beginning in 1962 and 1963 shall be made and the tax payable thereon shall be paid within one hundred five (105) days after the close of each such fiscal year or within ninety (90) days after the effective date of this act, whichever is later, and the annual report of net earnings or income received or accrued during each fiscal year thereafter shall be made, and the tax due thereon shall be paid within one hundred five (105) days after the close of such fiscal year, and the tentative report for the fiscal year beginning in 1964 and for each fiscal year thereafter shall be made and the tentative tax for such year shall be paid within one hundred twenty (120) days after the close of the preceding fiscal year, or within one hundred twenty (120) days after the effective date of this act, whichever is later, and the remaining portion of the tax due upon the net earnings or income received or accrued during such year shall be paid within the time prescribed by this act for making the annual report for such year.

(d) Net earnings or income shall be determined in accordance with generally accepted principles of accounting, either on a cash or accrual or combined cash and accrual basis, depending on the method of book-keeping employed by each mutual thrift institution, and in computing such net earnings or income, amounts credited or paid as dividends or interest to shareholders, holders of accounts or depositors shall be included among the allowable deductions.

(e) Mutual thrift institutions subject to the provisions of this act shall be exempt from all other corporate taxes imposed by the Commonwealth for State purposes, and from all local taxation imposed by political subdivisions of this Commonwealth under the authority of the laws of this Commonwealth, except taxes on real estate or transfers thereof.

Section 4. Settlement and Resettlement of Tax.—The settlement and resettlement of taxes imposed by this act, including the granting of extensions of time to file reports and the rights of the taxpayer to present and prosecute a petition for resettlement, a petition for review, or an appeal to court, or to file a petition for refund, and the imposition of interest and penalties, shall be governed by the provisions of the act of April 9, 1929 (P. L. 343), known as “The Fiscal Code,” relevant to capital stock and franchise taxes.

Section 5. Repealer and Tax Credits.—(a) Clause 2 of section 1, act of July 15, 1897 (P. L. 292), entitled “An act to provide revenue by taxation,” is repealed effective as of the last day of December 1961, provided however, that the said clause 2 shall continue to be in effect for the purpose of enabling the Commonwealth to collect any taxes due and payable for the year 1961 on surplus undivided profits and reserves as of January 1, 1961, and the repeal of the said clause 2 shall not be deemed to affect any pending proceedings or to prevent the institution of any proceedings for the collection of said taxes.

(b) Any tax paid by any mutual thrift institution under the provisions of the act of July 15, 1897 (P. L. 292), entitled “An act to provide revenue by taxation,” for the years 1962, 1963 and 1964 shall be credited to and applied against the tax imposed by this act without the necessity for the filing of any petition or request by the taxpayer with the Department of Revenue, it being the intention of this act that mutual thrift institutions shall be relieved from the tax imposed by the said act for the calendar year beginning the first day of January 1962 and for subsequent years, whether or not such tax has been paid or settled.

Section 6. Effective Date.—The provisions of subsection (a) of section 5 of this act shall take effect as of the date therein provided, and all other provisions of this act shall take effect immediately and shall be effective so that the tax herein provided shall be imposed for the calendar year 1962 and thereafter, or for fiscal years beginning in 1962 and thereafter.

APPROVED—The 22d day of June, A. D. 1964.

WILLIAM W. SCRANTON

No. 3

AN ACT

Amending the act of June 1, 1889 (P. L. 420), entitled “A further supplement to an act entitled ‘An act to provide revenue by taxation,’ approved the seventh day of June, Anno Domini one