

The members of the Industrial Board, other than the chairman, shall receive fifteen dollars per day while in the performance of their official duties.

(h) The State Welfare Commission shall consist of the Secretary of Welfare, ex officio, and eight other members. The Secretary of Welfare shall be chairman of the board. The Secretary of Welfare and four other members of the board shall constitute a quorum.

(i) The General Galusha Pennypacker Monument Commission shall consist of the Secretary of Property and Supplies, the president of the Pennsylvania Academy of Fine Arts of Philadelphia, and three other persons. The commission shall annually elect a president and secretary.

Three members of the commission shall constitute a quorum.

When effective.

Section 2. This act shall become effective immediately upon its final enactment.

APPROVED—The 3d day of June, A. D. 1933.

GIFFORD PINCHOT

No. 322

AN ACT

To amend the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth, and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," as amended, by adding new sections eliminating the duty of the Department of the Auditor General to audit the affairs of the State Workmen's Insurance Board; further defining the lien of the Commonwealth for certain taxes, and the powers and duties of the Department of Revenue in the settlement, resettlement, and collection of certain taxes, and in the collection of moneys and property by escheat proceedings; further prescribing the contents of certain tax reports; further defining the maximum aggregate cash balance which

the Treasury Department may at any time have on deposit in active depositories; and providing for the reimbursement of the General Fund by the special operating funds for services rendered by the Department of the Auditor General and the Treasury Department.

Section 1. Be it enacted, &c., That sections two hundred two, three hundred one, four hundred two, seven hundred eleven, seven hundred twelve, seven hundred thirteen, seven hundred fourteen, eight hundred seven, one thousand two hundred seven, one thousand three hundred six, one thousand three hundred seven, and one thousand four hundred one of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "An act relating to the finances of the State government providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth, and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," as amended, are hereby amended or further amended, as the case may be, to read as follows:

Section 202. Settlement and Collection of State Taxes.—The Department of Revenue shall have the power, and its duty shall be:

(a) To settle and collect all taxes, penalties, and interest, which are now settled and collected by the Auditor General, or by the Auditor General and State Treasurer;

(b) To settle and collect, from partnerships organized within this Commonwealth, the bonus imposed by law on increases of their capital stock;

(c) To settle and collect, from corporations, limited partnerships, or joint-stock associations, chartered or

The Fiscal Code.

Sections cited for amendment.

Act of April 9, 1929 (P. L. 343), as amended by act of June 1, 1931 (P. L. 318), further amended.

created by or under the laws of any other State, or of the United States, or of any foreign country, the bonus imposed by law upon the amount of their capital actually employed or to be employed wholly within this Commonwealth, and upon each subsequent increase of capital so employed;

(d) To settle and collect the capital stock tax imposed by law upon the capital stock of corporations, or interests in joint-stock associations, limited partnerships, and companies;

(e) To settle and collect the capital stock tax imposed by law upon the capital stock of corporations, or interests in joint-stock associations, limited partnerships, and companies, incorporated or organized for the purpose of distilling liquors and selling the same at wholesale;

(f) To settle and collect the tax imposed by law upon the scrip, bonds, and certificates and evidences of indebtedness, issued or assumed by private corporations, or upon which such corporations pay interest;

(g) To settle and collect from the treasurers of each county, city, borough, school district, and incorporated district, of this Commonwealth the tax required by law to be assessed and deducted by such treasurers on the payment of any dividend or interest to any holder, or agent claiming the same, on any scrip, bond or certificate of indebtedness issued by such county, city, borough, school district, or incorporated district;

(h) To settle and collect the tax imposed by law upon the gross receipts of any corporation, association, or individual, derived from business done wholly within this Commonwealth;

(i) To settle and collect the tax imposed by law upon shares of the capital stock of banks and savings institutions, located within this Commonwealth, and, for that purpose, to assess the actual value of each share of the stock of any such bank or savings institution [by adding together the amount of capital stock paid in, the surplus, and undivided profits, and dividing this amount by the number of shares;] *in the manner provided by law*;

(j) To settle and collect the tax imposed by law upon the shares of the capital stock of title insurance companies and trust companies, located within this Commonwealth, and, for that purpose, to assess the actual value of each share of the stock of any such title insurance company or trust company [by adding together so much of the amount of capital stock paid in, the surplus, and undivided profits, as is not invested in shares of stock of corporations liable to pay to the Commonwealth a capital stock tax, or relieved from the payment of capital stock tax or tax on shares, and dividing this amount by the number of shares;] *in the manner provided by law*;

(k) To settle and collect the tax imposed by law upon the gross amount of the premiums, premium deposits, and assessments, received from business transacted within this Commonwealth, by insurance companies, associations, or exchanges, incorporated under the laws of this Commonwealth;

(l) To settle and collect the tax imposed by law upon full-paid, prepaid, and fully matured, or partly matured stock in building and loan associations, doing business in this Commonwealth, and, for the purpose of collecting such tax from foreign building and loan associations, to make the demand for payment heretofore made by the State Treasury;

(m) To settle and collect the tax imposed by law upon the gross receipts of private bankers;

(n) To settle and collect the tax imposed by section twenty-seven of the act, approved the first day of June, one thousand eight hundred eighty-nine, entitled "A further supplement to an act, entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine" (Pamphlet Laws, four hundred twenty), upon the net earnings of certain corporations and limited partnerships;

(o) To settle and collect the tonnage tax imposed by law upon the value of anthracite coal when prepared for market.

Section 301. Deposit of Moneys.—The Treasury Department shall deposit all moneys of the Commonwealth received by it, including moneys not belonging to the Commonwealth but of which the Treasury Department or the State Treasurer is custodian, in State depositories approved by the Board of Finance and Revenue.

The Treasury Department shall not, at any time, have [more than an aggregate of ten million dollars] in all active depositories *more than an aggregate of such total sum as the Board of Finance and Revenue shall, by resolution, have prescribed*, and shall not deposit in any one inactive depository an amount in excess of twenty-five per centum of its paid-in capital and surplus, nor in excess of five hundred thousand dollars.

All departments, boards or commissions, having in their possession any moneys belonging to the Commonwealth, shall deposit them in State depositories approved by the Board of Finance and Revenue. In all such cases the depositing department, board or commission shall forthwith, upon opening the account, notify the Department of the Auditor General and the Treasury Department of the name of the depository and the nature of the funds to be deposited in the account.

Section 402. Audits of Affairs of Departments, Boards and Commissions.—It shall be the duty of the Department of the Auditor General to make all audits, which may be necessary, in connection with the admin-

istration of the financial affairs of the government of this Commonwealth.

At least one audit shall be made each year of the affairs of every department, board, *except the State Workmen's Insurance Board*, and commission of the executive branch of the government, and all collections made by departments, boards, or commissions, and the accounts of every State institution, shall be audited quarterly.

Special audits of the affairs of all departments, boards, *except the State Workmen's Insurance Board*, commissions, or officers, may be made whenever they may, in the judgment of the Auditor General, appear necessary, and shall be made whenever the Governor shall call upon the Auditor General to make them.

Copies of all audits made by the Department of the Auditor General shall be promptly submitted to the Governor *and to the Legislative Reference Bureau*.

Unless the Department of the Auditor General shall fail or refuse to make annual, quarterly, or special audits, as hereinabove required, it shall be unlawful for any other administrative department, any independent administrative board or commission, or any departmental administrative or advisory board or commission, to expend any money appropriated to it by the General Assembly for any audit of its affairs, or, in the case of departments, of any boards or commissions connected with them, *except for the reimbursement of the General Fund for audits made by the Department of the Auditor General as provided by law, or for the payment of the compensation and expenses of such auditors as are regularly employed as part of the administrative staffs of such departments, boards, or commissions, respectively.*

Section 711. Reports by Banks and Savings Institutions.—Every bank and every savings institution having capital stock, incorporated by or under any law of this Commonwealth, or under any law of the United States and located within this Commonwealth, shall, on or before the [twentieth day of June] *fifteenth day of March*, in each year, report to the Department of Revenue the full number of the shares of its capital stock subscribed for or issued, and the actual value thereof as of the [date of the report] *preceding thirty-first day of December*, which *actual value* shall be ascertained [by adding together the amount of the capital stock paid in, the surplus, and undivided profits, and dividing this amount by the number of shares, but any bank or savings institution may make such report, giving the actual value of its shares as of December thirty-first preceding, if the report is filed and the tax on such shares paid prior to March first of any year.] *in the manner provided by law.*

Section 712. Reports by Title Insurance and Trust Companies.—Every company incorporated under the

provisions of section twenty-nine of an act, entitled "An act to provide for the incorporation and regulation of certain corporations," approved April twenty-ninth, one thousand eight hundred and seventy-four, and its supplements, or any other act of Assembly hereafter approved, for the insurance of owners of real estate mortgages, and others interested in real estate, from loss by reason of defective titles, liens, and incumbrances, and every company entitled to benefits of, and every company having any of the powers of, companies entitled to the benefits of an act, entitled "An act conferring upon certain fidelity insurance, safety deposit, trust and savings companies, the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, Anno Domini one thousand eight hundred and seventy-four, and of the supplement thereto," approved June twenty-seventh, one thousand eight hundred and ninety-five, commonly known as title insurance or trust companies, and every company organized as a bank and trust company or as a trust company under any act of Assembly hereafter approved, shall, on or before the fifteenth day of March in each and every year, make to the Department of Revenue a report, setting forth the full number of shares of the capital stock subscribed for or issued by such company, and the actual value thereof as of December thirty-first preceding, which shall be ascertained [by adding together so much of the amount of capital stock paid in, the surplus, and undivided profits, as is not invested in shares of stock of corporations liable to pay to the Commonwealth a capital stock tax, or relieved from the payment of capital stock tax, or tax on shares, and dividing this amount by the number of shares.] in the manner provided by law.

Section 713. Reports by Domestic Insurance Companies.—It shall be the duty of the president, secretary, or other proper officer, of each and every insurance company, association, or exchange, incorporated by or under any law of this Commonwealth, except companies doing business upon the mutual plan without any capital stock, and purely mutual beneficial associations whose funds for the benefit of members, their families or heirs, are made up entirely of the weekly or monthly contributions of their members and the accumulated interest thereon, to make report to the Department of Revenue, on or before the fifteenth day of March in each year, showing the entire amount of premiums, premium deposits, or assessments received by such company, association, or exchange during the year ending with the thirty-first day of December preceding, whether the said premiums, premium deposits, or assessments were received in money, or in the form of notes, credits,

or any other substitutes for money, and whether the same were collected in this Commonwealth or elsewhere. In such report, the reporting officer shall assess the tax provided by law upon the gross amount of such premiums, premium deposits, and assessments received from business transacted within this Commonwealth during such year; but, in making such report to the Department of Revenue and assessment of tax, every such company, association, and exchange may [continue to] make the deductions [heretofore] permitted by law. [in making reports for taxation to the Auditor General.]

Section 714. Reports by Foreign Insurance Companies.—Every stock or mutual insurance company, association, or exchange of another State or foreign government, authorized to do business in this Commonwealth, shall make report to the Department of Revenue, on or before the fifteenth day of March of each year, showing the gross premiums of every character and description received from business transacted in the Commonwealth during the year ending the thirty-first day of December preceding, whether said premiums were received in money, or in the form of notes, credits, or any other substitute for money, or whether the same were collected in this Commonwealth or elsewhere. In making such report, such companies, associations, and exchanges shall assess the tax provided by law upon the gross amount of such premiums, premium deposits, and assessments received from business transacted within this Commonwealth during such year, but, in so doing, may [deduct from the gross premiums received all premiums returned or policies cancelled or not taken, and all premiums actually paid for reinsurances where the same are effected in companies duly licensed to do business in this Commonwealth; and life insurance companies may deduct dividends declared and actually used by policyholders in payment of renewal premiums; and mutual companies, associations, and exchanges may deduct that proportion of the advance premium or deposit returned to members upon the expiration of their contracts.] *make the deductions permitted by law.* For the purposes of this section, “gross premiums” are defined to be the amount of dues, fees, and premiums stated in the policy contracts.

Section 807. Special Procedure in Connection with Valuations of the Stock of Banks, Savings Institutions, Title Insurance and Trust Companies.—After the Department of Revenue shall have fixed the value of the shares of stock in any bank, savings institution, title insurance company, or trust company, and a settlement shall have been made as hereinbefore provided, the Department of Revenue shall transmit to the president, cashier, or treasurer of such bank, savings institution, title insurance company, or trust company, a copy of such settlement, showing the valuation and assessment

so made by it and the amount of tax due the Commonwealth on all such shares. And it shall be the duty of the president, cashier, or treasurer of any such bank, savings institution, title insurance company, or trust company, immediately upon the receipt of said settlement, to post the same in a conspicuous place in such bank, savings institution, title insurance company, or trust company, so as to give notice to the shareholders of such valuation; and it shall be the duty of the Department of Revenue, *upon the filing with said department of a petition for resettlement by the officers of such bank, savings institution, title insurance company, or trust company on behalf of the shareholders thereof, or upon the filing of such petition by any shareholder thereof, within the time limits as provided in this act for the filing of such petition, to hear [any] such officers or shareholder upon the subject of the assessment and valuation of such shares of stock at the department's office. [within a period of thirty day from the date of said settlement.]* If any such hearing be held, notice thereof shall be given to the Department of the Auditor General, and that department shall be represented at such hearing. *The right to petition for review and appeal shall be the same as in the case of other tax settlements.*

It shall be the duty of every bank, savings institution, title insurance company, or trust company, within a period of sixty days after the date of such settlement by the Department of Revenue, [at its option, to pay the amount of said tax from its general fund, or] *to collect the [same] amount of said tax from its shareholders, and pay the same over to the State Treasurer through the Department of Revenue.*

Section 1207. Liquid Fuels Tax.—The Department of Revenue shall collect the liquid fuels tax as provided in the act or acts imposing said tax, and the procedure for making such collections [as well as the lien of said tax] shall be as provided in said act or acts. *All questions relating to the lien of such tax, including the date from which such tax shall become a lien, and its right to priority of lien and payment over other liens, shall be determined by the provisions of the said act or acts and not by the provisions of article fourteen of this act.*

Section 1306. Index.—The Department of Revenue shall prepare and keep an alphabetical index of the names of all persons which shall appear upon the reports made to it under the preceding section, *when the amount or value of the deposits, property, dividends, profits, debts, or interest on debts, and property held for the benefit of such persons, shall exceed one dollar,* which index shall contain a reference to the reports from which said names are derived, and the Department of Revenue shall open said index and reports to public inspection, and shall furnish a search of said index,

when requested, upon payment of a fee of twenty-five cents, and ten cents additional for each item shown by the search, for the use of the Commonwealth.

Section 1307. Notice to Owners of Deposits, Et Cetera.—When any particular deposit of money or property received for storage or safe-keeping, or held for the benefit of another, dividend, profit, debt, or interest on debt, shall be first reported to the Department of Revenue, *and the amount or value thereof shall exceed one dollar*, it shall notify the person entitled thereto of such fact by mail so far as possible, and shall publish, once a week for two successive weeks, during the month of July in each year, in one or more general newspapers having the largest circulation, published in the city or county in which such corporations, companies, banks, trust companies, insurance companies, limited partnerships, and partnership associations may be located, a true and accurate statement containing the names, addresses, and amounts of money, or character of property, belonging to such persons, or for whose benefit the same is held.

The Department of Revenue, if it deems it to the best interests of the Commonwealth, may make such publication in a legal periodical, designated by rules of court for the publication of legal notices, in addition to publication in a general newspaper.

It shall not be obligatory upon the Department of Revenue to publish any item containing the name, address, amount of money, or character of property, belonging to any person, where the amount involved is less than ten dollars, but publication of any such item may be made when the department deems such publication for the best interests of the Commonwealth.

The publications required by this section shall not be considered a condition precedent to the bringing of any action in the courts of the Commonwealth for the recovery of the escheated property.

Section 1401. Liens of Taxes, Interest, Penalties, and Other Accounts Due to the Commonwealth.—All State taxes imposed under the authority of any law of this Commonwealth, now existing or that may hereafter be enacted, and unpaid bonus, interest, penalties, and all public accounts settled against any corporation, association, or person, shall be a first lien upon the franchises and property, both real and personal, of such corporation, association, or person, from the date of settlement, and whenever the franchises or property of a corporation, association, or person shall be sold at a judicial sale, all taxes, interest, bonus, penalties, and public accounts due the Commonwealth shall first be allowed and paid out of the proceeds of such sale before any judgment, mortgage, or any other claim or lien against such corporation, association, or person: *Provided, however, Where the lien of a ground rent, mortgage, or other lien*

created by or entered against a predecessor in title to such corporation, association, or person is discharged by a judicial sale, the lien of the Commonwealth shall be transferred from the property sold to the fund realized from the sale, and the purchaser shall take free of the lien of the Commonwealth, notwithstanding that the fund may be insufficient to pay all or any part of the same, and, on distribution of the fund, the Commonwealth's lien shall be postponed in payment to said lien or liens created by or entered against such predecessor in title, but shall not be postponed in payment to local taxes or municipal claims. [but] But the lien of transfer inheritance taxes shall be limited to the property chargeable therewith, and, unless such taxes shall be sued for within five years after they are due, they shall cease to be a lien as against any purchaser of real estate.

Section 2. At the end of article three of said act, the following new section is hereby added: Section 308 added.

Section 308. Allocation of Disbursement Costs.—In order to reimburse the General Fund for the costs incurred by the Treasury Department in making disbursements for departments, boards, or commissions out of special operating funds in the State Treasury, such departments, boards, or commissions, to which special operating funds are appropriated for this purpose, shall be billed at least quarterly by the Treasury Department, upon a cost basis, at such amount as the Treasury Department, with the approval of the Executive Board, shall determine. Amounts payable hereunder for reimbursing the General Fund for the cost of disbursement shall be paid out of such special operating funds to the Department of the Auditor General, and shall be by it paid into the General Fund of the State Treasury through the Department of Revenue.

Section 3. At the end of article four of said act, the following new section is hereby added: Section 408 added.

Section 408. Allocation of Costs of Audits.—In order to reimburse the General Fund for the costs incurred by the Department of the Auditor General in auditing requisitions by departments, boards, or commissions for disbursements out of special operating funds in the State Treasury, and in auditing, annually, periodically or specially, the affairs of any department, board, or commission which are supported out of a special operating fund in the State Treasury, such departments, boards, or commissions, to which special operating funds are appropriated for this purpose, shall be billed at least quarterly by the Department of the Auditor General, upon a cost basis, at such amount as the Department of the Auditor General, with the approval of the Executive Board, shall determine. Amounts payable hereunder for reimbursing the General Fund for the cost of audits shall be paid out of such special operating funds to the Department of the Auditor General, and shall be by it

paid into the General Fund of the State Treasury through the Department of Revenue.

Constitution-
ality.

Section 4. It is the intention of the General Assembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof, the remaining provisions of the act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein.

Effective date.

Section 5. This act shall become effective on the first day of June, one thousand nine hundred and thirty-three.

APPROVED—The 3d day of June, A. D. 1933.

GIFFORD PINCHOT

No. 323

AN ACT

To further amend sections three and four of the act, approved the first day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand forty-six), entitled "An act appropriating the moneys in the Motor License Fund," by making the moneys in the Motor License Fund available for the reimbursement of the General Fund for certain services rendered or supplied by certain departments, and for the maintenance of the State Highway Patrol.

Motor License
Fund.

Appropriation.

Section 3, act of
May 1, 1929
(P. L. 1046), as
amended by act
of May 29, 1931
(P. L. 239), fur-
ther amended.

Section 1. Be it enacted, &c., That section three of the act, approved the first day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand forty-six), entitled "An act appropriating the moneys in the Motor License Fund," as amended by the act approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (Pamphlet Laws, two hundred eighty-nine), is hereby further amended to read as follows:

To Department
of Revenue.

Section 3. As much of the money, from time to time in the Motor License Fund, as may be necessary, is hereby appropriated to the Department of Revenue, for the proper conduct of its work in titling and registering motor vehicles, trailers, and tractors, licensing the operators of vehicles, and enforcing the laws regulating the registration, titling, and operation of vehicles upon the highways, and for the collection of liquid fuels taxes, as follows:

(a) For the payment of the salaries, wages or other compensation, and traveling and other necessary expenses of the Commissioner of Motor Vehicles, or such other officer or officers of the department appointed by the secretary thereof to have charge of the foregoing activities of the department, and such deputies, directors, superintendents, bureau or division chiefs, assistant directors, assistant superintendents, assistant