

No. 33

AN ACT

Assenting to the provisions of the act of Congress, entitled "An act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes," approved August ninth, one thousand nine hundred and fifty, and conferring certain powers and duties on the Pennsylvania Fish Commission.

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

Section 1. The Commonwealth of Pennsylvania hereby assents to the provisions of the act of Congress, entitled "An act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes," approved August ninth, one thousand nine hundred and fifty (Public Law No. 681, 81st Congress), and the Pennsylvania Fish Commission is hereby authorized, empowered and directed to perform such acts as may be necessary to the conduct and establishment of cooperative fish restoration projects, as defined in said act of Congress, in compliance with said act and rules and regulations promulgated by the Secretary of the Interior thereunder.

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

Fish restoration and management projects.

Commonwealth of Pennsylvania assents to provisions of act of Congress approved August 9, 1950 (Public Law No. 681, 81st Congress).

Pennsylvania Fish Commission directed to perform acts necessary to the conduct and establishment of cooperative fish restoration projects.

Act effective immediately.

APPROVED—The 20th day of April, A. D. 1951.

JOHN S. FINE

No. 34

AN ACT

To reenact sections one to nine inclusive of the act, approved the second day of July, one thousand nine hundred thirty-seven (Pamphlet Laws 2803), entitled "An act providing a method of annexation of townships of the first class, and parts thereof, to cities and boroughs, and regulating the proceedings pertaining thereto," by making the same applicable in counties of the second class; and repealing inconsistent laws excepting as to proceedings now pending.

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

Section 1. Sections one to nine inclusive of the act, approved the second day of July, one thousand nine hundred thirty-seven (Pamphlet Laws 2803), entitled "An act providing a method of annexation of townships of the first class, and parts thereof, to cities and boroughs,

Annexation of townships of the first class.

Sections 1 to 9 inclusive, act of July 2, 1937, P. L. 2803, reenacted.

and regulating the *proceedings pertaining thereto," are hereby reenacted to read as follows:

Petition of electors for annexation and referendum thereon.

Section 1. Be it enacted, &c., That whenever electors, equal to at least ten per centum of the highest vote cast for any office in any township of the first class contiguous to a city or borough at the last preceding general election, or whenever ten per centum of the qualified electors, residing within any part of a township of the first class contiguous to a city or borough, shall petition the council of such city or borough for the annexation of the township of the first class, or part thereof, to the contiguous city or borough, and for a referendum on the question of such annexation, the council shall cause a question to be submitted at the primary election occurring at least sixty days thereafter, by certifying a resolution, duly adopted, to the county commissioners of the county or counties in which any part of the city or borough or the township of the first class is located, for submission of such question on the ballot or on voting machines at such election, both in such township and in the city or borough to which annexation is desired, in the manner provided by the election laws of this Commonwealth.

Form of question to be submitted to electorate.

Such question shall be in the following form:

Do you favor the annexation of the township of (or the part of the township briefly described) to the city (or borough) of ?	Yes	
	No	

Result of vote.

If a majority of the persons voting on such question in the entire township and a majority of the persons voting on such question in the city or borough shall vote "yes," then the township of the first class, or part thereof, as the case may be, shall, on the first Monday of January next following, be and become a part of the city or borough.

Petitions to be accompanied by plot of the territory to be annexed.

All petitions shall be accompanied by a plot or plots of the territory to be annexed, showing all streets and highways, municipal improvements, and public buildings; and all petitions for the annexation of a part of a township of the first class shall include a description of the part of the township sought to be annexed.

* "proceeding" in original.

Section 2. Until changed in the manner provided by law, the township of the first class, or part thereof, if not divided into wards, shall constitute a separate new ward of the enlarged city or of the enlarged borough if such borough is at the time divided into wards, and if the township or part of a township at the time of the annexation was divided into wards, then each ward of the township or part of a township shall constitute a separate new ward of the enlarged city or borough (if divided into wards) and shall be numbered by the council of the city or borough consecutively, beginning with the next highest number after the existing highest numbered ward of the city or borough. Until changed in the manner provided by law, all election districts in the township of the first class or part thereof shall remain as constituted at the time of the annexation and shall become election districts of the enlarged city or borough. All election and other officers of such election districts in office at the time of the taking effect of the annexation shall continue in office until the expiration of their respective terms, unless sooner removed as provided by law.

Township of first class, or part thereof, if not divided into wards, to constitute a separate new ward of enlarged city or enlarged borough; if divided into wards, each such ward to constitute a separate new ward of enlarged city or borough.

Numbering of new wards.

Election districts in said townships or parts thereof to remain as constituted at time of annexation, and election and other officers of such districts to continue in office until expiration of their terms.

Section 3. In the case of the annexation of an entire township of the first class, all the indebtedness of the township as well as the indebtedness of the city or borough to which the same is annexed shall be paid by the city or borough as enlarged by such annexation, and all territory included within the limits of the same shall be liable for the payment of the floating and bonded indebtedness and the interest thereon of all the territory included within such enlarged city or borough. All taxes thereafter levied therefor shall be uniform throughout the territorial limits of the enlarged city or borough.

Indebtedness of annexed township.

All of the public property owned by any such township shall become and remain the public property of the city or borough to which it is annexed.

Public property of annexed township.

Section 4. Where any part of any township of the first class is annexed to any city or borough, the township officers of that part of the township not annexed and the city or borough council shall make a just and proper adjustment and apportionment of all public property owned by the township at the time of annexation, both real and personal, including funds as well as of indebtedness if any to and between the township and the city or borough. In making such adjustment and apportionment of the property and indebtedness, the township and the city or borough shall be entitled, respectively, to share in a division of the property and indebtedness in the proportion that the assessed valuation of the land remaining in the township bears to the assessed valuation of the land annexed. The adjustment

Adjustment and apportionment of property where only a part of a township is annexed.

and apportionment, as made, shall be reduced to writing in proper form and duly executed and acknowledged by the proper officials, and filed in the office of the clerk of the court of quarter sessions in the county in which said city is located.

Procedure where city or borough and township authorities cannot make an amicable apportionment and adjustment of their property and indebtedness within six months after annexation.

Appointment of commissioners.

Report of commissioners.

Commissioners to give notice of filing of their report.

Filing of exceptions to report.

Award.

Section 5. In case the council of the city or borough and the township authorities cannot make such amicable apportionment and adjustment of their property and indebtedness in compliance with this act within six months after any such annexation, then the council or any officer of the township may present a petition to the court of quarter sessions of the county in which the city or borough is located, whereupon the court shall appoint three disinterested commissioners, residents and taxpayers of the county not residing in the city or borough nor in the township, who, after hearing, notice of which shall be given to the city or borough and township interested as the court shall direct, shall make report to the court, making an apportionment and adjustment of all the property as well as indebtedness if any to and between the city or borough and the township, said report to state the amount if any that shall be due and payable from the city or borough to the township or from the township to the city or borough, as well as the amount of indebtedness, if any, that shall be assumed by the city or borough or by the township or both of them.

Section 6. The commissioners shall give the city or borough and the township at least five days notice of the filing of their report, and, unless exceptions are filed thereto by the city or borough or by the township within thirty days after filing thereof, the same shall be confirmed by the court absolutely; and any sum awarded by said report to the city or borough or to the township shall be a legal and valid claim in its favor against the city or borough or township charged therewith, and the amount of debt if any apportioned to any city or borough or township shall be a legal and valid claim against such city or borough or township charged therewith, and any property, real or personal, given and adjudged to the city or borough or the township, shall become and be the property of the city or borough or the township to whichever one the same is given and adjudged, and upon such report being confirmed, such claim or indebtedness charged against any city or borough or against any township may be collected in the same manner as a *judgment is collected against any city or borough or township. Such commissioners shall be allowed five dollars per day for each day actually spent by them in the performance of their duties, together with their actual

* "judgement" in original.

necessary expenses. All costs and expenses of such proceedings shall be apportioned by the court to and between the city or borough and the township, as it shall deem proper.

Costs and expenses of proceedings to be apportioned.

In case exceptions are filed to the report of such commissioners, the court shall dispose of the same, taking testimony therein if deemed advisable, and the decision of the court thereon shall be final and binding on the several cities, boroughs, and townships, unless an appeal is taken, within thirty days, to the Superior or Supreme Court, as in other cases.

Disposition of exceptions by court.

Section 7. In cases in which such cities, boroughs or townships of the first class are situated in two or more counties, the court of quarter sessions of the county in which the city or borough is located shall have exclusive jurisdiction over the matter, but the same shall be heard by a judge not a resident of either of the judicial districts affected, who shall be called to preside specially in the matter, and in such case the court shall appoint the commissioners hereinbefore provided for *from both or all of such counties.

Appeal to Superior or Supreme Court.

Jurisdiction where municipalities affected are in two or more counties.

Section 8. When an election is held on the question of annexation under the provisions of this act, and the township of the first class, proposed to be annexed or in which the territory proposed to be annexed is located, votes against such annexation, the question of such annexation shall not again be voted upon for a period of two years from the date of such election.

Where township proposed to be annexed votes against same, no new vote thereon for period of two years thereafter.

Section 9. All proceedings, for the annexation of a township of the first class, or a part thereof, to any city or borough under the provisions of any existing law, that are pending and not finally disposed of on the effective date of this act, shall, in the discretion of the courts before which they are pending or if not pending in any court, upon petition of any city, borough, or township affected to the court of quarter sessions of the county in which the township is located, be discontinued and vacated, and all proceedings for the annexation of any township of the first class, or part thereof, to any city or borough shall thereafter be had only under the provisions of this act.

Disposition of proceedings pending and not finally disposed of on effective date of this act.

Section 2. The act, approved the nineteenth day of June, one thousand nine hundred thirty-nine (Pamphlet Laws 430), entitled "An act providing a method of annexation of parts of townships of the first class, in counties of the second class, not in excess of twenty per centum of the assessed value of any such township in counties of the second class, to contiguous cities of the second class, boroughs, or other contiguous townships of the first class, and regulating the proceedings pertaining thereto," and

Act of June 19, 1939, P. L. 430, and all other acts and parts of acts inconsistent herewith, repealed except as to proceedings now pending.

* "them" in original.

all other acts and parts of the acts inconsistent herewith are hereby repealed except as to proceedings now pending.

Act effective immediately.

Section 3. The provisions of this act shall become effective immediately upon final enactment.

APPROVED—The 9th day of May, A. D. 1951.

JOHN S. FINE

No. 35

AN ACT

To further amend the act, approved the seventeenth day of May, one thousand nine hundred twenty-one (Pamphlet Laws 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by further regulating investments of insurance companies.

"The Insurance Company Law of 1921."

Section 518, act of May 17, 1921, P. L. 682, as amended by act of May 12, 1925, P. L. 601, further amended.

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

Section 1. Section 518 of the act, approved the seventeenth day of May, one thousand nine hundred twenty-one (Pamphlet Laws 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," as amended by the act, approved the twelfth day of May, one thousand nine hundred twenty-five (Pamphlet Laws 601), is hereby further amended to read as follows:

Section 518. Investment of Surplus.—Any money over and above the capital of any stock fire, stock marine, and stock fire and marine insurance company, may be invested in the securities above enumerated, or in the bonds or notes of any public instrumentality of this Commonwealth, or of any other state, territory or possession of the United States, or of the District of Columbia, or of any foreign country or political subdivision thereof, or in the stock or other evidence of indebtedness of any solvent corporation created under the laws of [this Com-