

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 238

Session of
1977

INTRODUCED BY MESSRS. BRUNNER, GARZIA, CIANCIULLI, O'DONNELL,
ZEARFOSS, MOEHLMANN, MEBUS, MRS. SCANLON AND MR. HASKELL,
FEBRUARY 9, 1977

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, SEPTEMBER 26, 1978

AN ACT

1 Amending the act of March 4, 1971 (P.L.6, No.2), entitled "An
2 act relating to tax reform and State taxation by codifying
3 and enumerating certain subjects of taxation and imposing
4 taxes thereon; providing procedures for the payment,
5 collection, administration and enforcement thereof; providing
6 for tax credits in certain cases; conferring powers and
7 imposing duties upon the Department of Revenue, certain
8 employers, fiduciaries, individuals, persons, corporations
9 and other entities; prescribing crimes, offenses and
10 penalties," FURTHER PROVIDING FOR EXCLUSIONS FROM TAX FOR <—
11 EDUCATION, FOR TIMELY FILING OF TAX PETITIONS, AND THE TIME <—
12 FOR FILING REPORTS AND RETURNS AND OTHER DOCUMENTS,
13 establishing a standard refund procedure and setting forth an
14 appellate procedure for the taxpayer to the courts of this
15 Commonwealth, ADDING A DEFINITION RELATING TO BLASTING, <—
16 CLARIFYING THE RECOGNITION OF THE VALUATION PORTION OF THE
17 LOAN LOSS RESERVE IN ASSESSING THE VALUE OF CAPITAL STOCK FOR
18 THE BANK SHARES TAX and making certain repeals.

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

21 SECTION 1. SUBCLAUSE (3) OF CLAUSE (C) OF SECTION 201, ACT OF <—
22 MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE "TAX REFORM CODE OF
23 1971," AMENDED AUGUST 31, 1971 (P.L.362, NO.93), IS AMENDED AND
24 THE SECTION IS AMENDED BY ADDING A CLAUSE TO READ:

25 SECTION 201. DEFINITIONS.--THE FOLLOWING WORDS, TERMS AND

1 PHRASES WHEN USED IN THIS ARTICLE II SHALL HAVE THE MEANING
2 ASCRIBED TO THEM IN THIS SECTION, EXCEPT WHERE THE CONTEXT
3 CLEARLY INDICATES A DIFFERENT MEANING:

4 * * *

5 (C) "MANUFACTURE." THE PERFORMANCE OF MANUFACTURING,
6 FABRICATING, COMPOUNDING, PROCESSING OR OTHER OPERATIONS,
7 ENGAGED IN AS A BUSINESS, WHICH PLACE ANY PERSONAL PROPERTY IN A
8 FORM, COMPOSITION OR CHARACTER DIFFERENT FROM THAT IN WHICH IT
9 IS ACQUIRED WHETHER FOR SALE OR USE BY THE MANUFACTURER, AND
10 SHALL INCLUDE, BUT NOT LIMITED TO--

11 * * *

12 (3) REFINING, BLASTING, EXPLORING, MINING AND QUARRYING FOR,
13 OR OTHERWISE EXTRACTING FROM THE EARTH OR FROM WASTE OR STOCK
14 PILES OR FROM PITS OR BANKS ANY NATURAL RESOURCES, MINERALS AND
15 MINERAL AGGREGATES INCLUDING BLAST FURNACE SLAG;

16 * * *

17 (C.1) "BLASTING." THE USE OF ANY COMBUSTIBLE OR EXPLOSIVE
18 COMPOSITION IN THE REMOVAL OF MATERIAL RESOURCES, MINERALS AND
19 MINERAL AGGREGATES FROM THE EARTH INCLUDING THE SEPARATION OF
20 THE DIRT, WASTE AND REFUSE IN WHICH THEY ARE FOUND.

21 * * *

22 SECTION ~~1~~ 2. CLAUSE (18) OF SECTION 204 AND SECTION 218, ~~ACT~~ <—
23 ~~OF MARCH 4, 1971 (P.L. 6, NO. 2), KNOWN AS THE "TAX REFORM CODE OF~~
24 ~~1971,"~~ OF THE ACT ARE AMENDED TO READ: <—

25 SECTION 204. EXCLUSIONS FROM TAX.--THE TAX IMPOSED BY
26 SECTION 202 SHALL NOT BE IMPOSED UPON

27 * * *

28 (18) THE SALE AT RETAIL OR USE OF COAL OR FIREWOOD.

29 * * *

30 SECTION 218. EXTENSION OF TIME FOR FILING RETURNS.--

1 NOTWITHSTANDING ANY PROVISION TO THE CONTRARY, THE DUE DATE FOR
2 FILING A TAX RETURN OR REPORT MAY BE EXTENDED:

3 (1) WHENEVER THE DUE DATE SHALL FALL ON A SATURDAY, SUNDAY
4 OR A LEGAL HOLIDAY, THE DUE DATE SHALL BE EXTENDED TO MIDNIGHT
5 OF THE FIRST FULL BUSINESS DAY FOLLOWING; OR

6 (2) THE DEPARTMENT MAY, ON WRITTEN APPLICATION AND FOR GOOD
7 CAUSE SHOWN, GRANT [A REASONABLE] AN EXTENSION OF TIME FOR
8 FILING ANY RETURN OR REPORT REQUIRED UNDER THIS [PART] ARTICLE.
9 HOWEVER, [THE TIME FOR MAKING A RETURN] SUCH EXTENSION SHALL NOT
10 [BE EXTENDED FOR MORE THAN] EXCEED THREE MONTHS.

11 SECTION 3. SECTION 220 OF THE ACT, AMENDED JUNE 27, 1974 <—
12 (P.L.376, NO.126), IS AMENDED TO READ:

13 SECTION 220. TIMELY MAILING TREATED AS TIMELY FILING AND
14 PAYMENT.--NOTWITHSTANDING THE PROVISIONS OF ANY STATE TAX LAW TO
15 THE CONTRARY, WHENEVER A REPORT, PETITION OR PAYMENT OF ALL OR
16 ANY PORTION OF A STATE TAX IS REQUIRED BY LAW TO BE RECEIVED BY
17 THE PENNSYLVANIA DEPARTMENT OF REVENUE OR BOARD OF FINANCE AND
18 REVENUE OR OTHER AGENCY OF THE COMMONWEALTH ON OR BEFORE A DAY
19 CERTAIN, THE TAXPAYER SHALL BE DEEMED TO HAVE COMPLIED WITH SUCH
20 LAW IF THE LETTER TRANSMITTING THE REPORT, PETITION OR PAYMENT
21 OF SUCH TAX WHICH HAS BEEN RECEIVED BY THE DEPARTMENT OR BOARD
22 OF FINANCE AND REVENUE IS POSTMARKED BY THE UNITED STATES POSTAL
23 SERVICE ON OR PRIOR TO THE FINAL DAY ON WHICH THE REPORT,
24 PETITION OR PAYMENT IS TO BE RECEIVED.

25 FOR THE PURPOSES OF THIS ARTICLE, PRESENTATION OF A RECEIPT
26 INDICATING THAT THE REPORT, PETITION OR PAYMENT WAS MAILED BY
27 REGISTERED OR CERTIFIED MAIL ON OR BEFORE THE DUE DATE SHALL BE
28 EVIDENCE OF TIMELY FILING AND PAYMENT.

29 SECTION ~~2~~ 4. SECTION 334 OF THE ACT, ADDED AUGUST 31, 1971 <—
30 (P.L.362, NO.93), IS AMENDED TO READ:

SECTION 334. EXTENSION OF TIME.--NOTWITHSTANDING ANY
PROVISION TO THE CONTRARY, THE DUE DATE FOR FILING ANY RETURN,
REPORT, DECLARATION STATEMENT OR OTHER DOCUMENT REQUIRED
PURSUANT TO THIS ARTICLE MAY BE EXTENDED:

(1) WHENEVER THE DUE DATE SHALL FALL ON SATURDAY, SUNDAY OR <—
A LEGAL HOLIDAY, THE DUE DATE SHALL BE EXTENDED TO MIDNIGHT OF
THE FIRST FULL BUSINESS DAY FOLLOWING; OR

(2) THE DEPARTMENT MAY, UPON APPLICATION, GRANT [A
REASONABLE] AN EXTENSION OF TIME FOR FILING ANY RETURN, REPORT,
DECLARATION, STATEMENT, OR OTHER DOCUMENT REQUIRED PURSUANT TO
THIS ARTICLE, ON SUCH TERMS AND CONDITIONS AS IT MAY REQUIRE.

EXCEPT FOR A TAXPAYER WHO IS OUTSIDE THE UNITED STATES, NO SUCH
EXTENSION FOR FILING ANY RETURN, DECLARATION, STATEMENT OR OTHER
DOCUMENT, SHALL EXCEED SIX MONTHS.

~~Section 1. 3. Article III, act of March 4, 1971 (P.L.6,~~ <—
~~No.2), known as the "Tax Reform Code of 1971," OF THE ACT, added~~ <—
~~August 31, 1971 (P.L.362, No.93), is amended by adding sections~~
~~to read:~~

SECTION 5. SECTION 336 OF THE ACT, AMENDED JUNE 27, 1974 <—
(P.L.376, NO.126), IS AMENDED TO READ:

SECTION 336. TIMELY MAILING TREATED AS TIMELY FILING AND
PAYMENT.--NOTWITHSTANDING THE PROVISIONS OF ANY STATE TAX LAW TO
THE CONTRARY, WHENEVER A REPORT, PETITION OR PAYMENT OF ALL OR
ANY PORTION OF A STATE TAX IS REQUIRED BY LAW TO BE RECEIVED BY
THE PENNSYLVANIA DEPARTMENT OF REVENUE, BOARD OF FINANCE AND
REVENUE OR OTHER AGENCY OF THE COMMONWEALTH ON OR BEFORE A DAY
CERTAIN, THE TAXPAYER SHALL BE DEEMED TO HAVE COMPLIED WITH SUCH
LAW IF THE LETTER TRANSMITTING THE REPORT, PETITION OR PAYMENT
OF SUCH TAX WHICH HAS BEEN RECEIVED BY THE DEPARTMENT OR BOARD
OF FINANCE AND REVENUE IS POSTMARKED BY THE UNITED STATES POSTAL

1 SERVICE ON OR PRIOR TO THE FINAL DAY ON WHICH THE REPORT,
2 PETITION OR PAYMENT IS TO BE RECEIVED.

3 FOR THE PURPOSES OF THIS ARTICLE, PRESENTATION OF A RECEIPT
4 INDICATING THAT THE REPORT, PETITION OR PAYMENT WAS MAILED BY
5 REGISTERED OR CERTIFIED MAIL ON OR BEFORE THE DUE DATE SHALL BE
6 EVIDENCE OF TIMELY FILING AND PAYMENT.

7 SECTION 6. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

8 ARTICLE III

9 PERSONAL INCOME TAX

10 Section 346.1. Refunds.--The department shall, pursuant to
11 the provisions of sections 346.2 and 346.3 refund all taxes,
12 interest and penalties paid to the Commonwealth under the
13 provisions of this article and to which the Commonwealth is not
14 rightfully entitled. Such refunds shall be made to the person,
15 his heirs, successors, assigns or other personal
16 representatives, who actually paid the tax: Provided, That no
17 refund shall be made under this section with respect to any
18 payment made by reason of an assessment with respect to which a
19 taxpayer has filed a petition for reassessment pursuant to
20 section 340, to the extent that said petition has been
21 determined adversely to the taxpayer by a decision which is no
22 longer subject to further review or appeal: Provided, further,
23 That nothing contained herein shall be deemed to prohibit a
24 taxpayer who has filed a timely petition for reassessment from
25 amending it to a petition for refund where the petitioner has
26 paid the tax assessed.

27 Section 346.2. Refund Petition and Procedures.--(a) Except
28 as provided for in section 346.4 and in subsection (b) and (d),
29 the refund or credit of tax, interest or penalty provided for by
30 section 346.1 shall be made only where the person who has

1 actually paid the tax files a petition for refund with the
2 department within three years of the actual payment of the tax
3 to the Commonwealth. Such petition for refund must set forth in
4 reasonable detail the grounds upon which the taxpayer claims
5 that the Commonwealth is not rightfully entitled to such tax,
6 interest or penalty, in whole or in part, and shall be
7 accompanied by an affidavit affirming that the facts contained
8 therein are true and correct. The department may hold such
9 hearings as may be necessary for the purpose at such times and
10 places as it may determine, and each person who has duly filed a
11 refund petition shall be notified by the department of the time
12 when, and the place where, such hearing in his case will be
13 held.

14 (b) A refund or credit of tax, interest or penalty paid as a
15 result of an assessment made by the department under section
16 340, shall be made only where the person who has actually paid
17 the tax files with the department a petition for a refund with
18 the department within six months after the date the notice of
19 assessment was mailed.

20 (c) It shall be the duty of the department, within six
21 months after receiving a petition for refund, to dispose of the
22 issue raised by such petition, and mail notice of the
23 department's decision to the petitioner: Provided, however, That
24 the taxpayer and the department may, by stipulation, extend such
25 disposal time by not more than six additional months.

26 (d) Notwithstanding any other provision of this section
27 where any tax, interest or penalty has been paid under a
28 provision of this article subsequently held by final judgment of
29 a court of competent jurisdiction to be unconstitutional, or
30 under an interpretation of such provision subsequently held by

1 such court to be erroneous, a petition for refund may be filed
2 either before or subsequent to final judgment, but such petition
3 must be filed within five years of the date of the payment of
4 which a refund is requested. The department shall have
5 jurisdiction to hear and determine any such petition filed prior
6 to such final judgment only if, at the time of filing of the
7 petition, proceedings are pending in a court of competent
8 jurisdiction wherein the claim of unconstitutionality or of
9 erroneous interpretation, made in the petition for refund may be
10 established, and in such case, the department shall not take
11 final action upon the petition for refund until the judgment
12 determining the question involved in such petition has become
13 final.

14 Section 346.3. Review by the Board of Finance and Revenue.--
15 Within sixty days after the date of mailing of notice by the
16 department of the decision upon a petition for refund filed with
17 it, pursuant to section 346.2, the petitioner may further
18 petition the Board of Finance and Revenue to review the decision
19 of the department. The failure of the department to notify the
20 petitioner of its decision within the time provided for by
21 section 346 shall act as a denial of such petition, and a
22 petition for review may be filed with the Board of Finance and
23 Revenue within one hundred twenty days of the date prior to
24 which the department should have mailed to the petitioner its
25 notice of decision. Every petition for review filed with the
26 Board of Finance and Revenue under the provisions of this
27 section shall incorporate by reference the petition for refund.
28 The petitioner may, in his petition for review, elect to
29 withdraw one or more grounds as set out in the original refund
30 petition. The Board of Finance and Revenue shall act finally in

1 disposing of such petitions filed with it within six months
2 after they have been received. In the event of the failure of
3 the board to dispose of any petition within six months, the
4 action taken by the department upon the petition for refund
5 shall be sustained. The Board of Finance and Revenue may sustain
6 the action taken by the department on a petition for refund, or
7 it may redetermine whether a lesser or greater amount of refund
8 is proper. Under no circumstances may the Board of Finance and
9 Revenue authorize a refund greater than that originally applied
10 for by the petitioner. The board shall give notice of its action
11 to the department and to the petitioner.

12 Section 346.4. Appeal to the Commonwealth Court.--Any
13 person, or the Commonwealth, aggrieved by the decision of the
14 Board of Finance and Revenue under section 364.3, or by the
15 board's failure to act upon a petition for review within six
16 months may appeal to the Commonwealth Court from the decision of
17 the board or of the department, as the case may be, within the
18 time and in the manner now or hereafter provided for by law for
19 appeals in the case of tax settlements.

20 Section 2-4 7. Sections 347 and 350, act of March 4, 1971 <—
21 (P.L.6, No.2), known as the "Tax Reform Code of 1971," added
22 August 31, 1971 (P.L.362, No.93) OF THE ACT are repealed. <—

23 SECTION 8. SECTION 403.1 OF THE ACT, AMENDED JUNE 27, 1974 <—
24 (P.L.376, NO.126), IS AMENDED TO READ:

25 SECTION 403.1. TIMELY MAILING TREATED AS TIMELY FILING AND
26 PAYMENT.--NOTWITHSTANDING THE PROVISIONS OF ANY STATE TAX LAW TO
27 THE CONTRARY, WHENEVER A REPORT, PETITION OR PAYMENT OF ALL OR
28 ANY PORTION OF A STATE TAX IS REQUIRED BY LAW TO BE RECEIVED BY
29 THE PENNSYLVANIA DEPARTMENT OF REVENUE, BOARD OF FINANCE AND
30 REVENUE OR OTHER AGENCY OF THE COMMONWEALTH ON OR BEFORE A DAY

1 CERTAIN, THE CORPORATION SHALL BE DEEMED TO HAVE COMPLIED WITH
2 SUCH LAW IF THE LETTER TRANSMITTING THE REPORT, PETITION OR
3 PAYMENT OF SUCH TAX WHICH HAS BEEN RECEIVED BY THE DEPARTMENT OR
4 BOARD OF FINANCE AND REVENUE IS POSTMARKED BY THE UNITED STATES
5 POSTAL SERVICE ON OR PRIOR TO THE FINAL DAY ON WHICH THE REPORT,
6 PETITION OR PAYMENT IS TO BE RECEIVED.

7 FOR THE PURPOSES OF THIS ARTICLE, PRESENTATION OF A RECEIPT
8 INDICATING THAT THE REPORT, PETITION OR PAYMENT WAS MAILED BY
9 REGISTERED OR CERTIFIED MAIL ON OR BEFORE THE DUE DATE SHALL BE
10 EVIDENCE OF TIMELY FILING AND PAYMENT.

11 SECTION ~~5~~ 9. SECTION 405 OF THE ACT IS AMENDED TO READ: <—

12 SECTION 405. EXTENSION OF TIME TO FILE REPORTS AND
13 RETURNS.--NOTWITHSTANDING ANY PROVISION TO THE CONTRARY, THE DUE
14 DATE FOR FILING A TAX RETURN OR REPORT MAY BE EXTENDED:

15 (1) WHENEVER THE DUE DATE SHALL FALL ON A SATURDAY, SUNDAY
16 OR A LEGAL HOLIDAY, THE DUE DATE SHALL BE EXTENDED TO MIDNIGHT
17 OF THE FIRST FULL BUSINESS DAY FOLLOWING; OR

18 (2) THE DEPARTMENT MAY, UPON APPLICATION MADE TO IT, IN SUCH
19 FORM AS IT SHALL PRESCRIBE, ON OR PRIOR TO THE LAST DAY FOR
20 FILING ANY ANNUAL REPORT, AND UPON PROPER CAUSE SHOWN, GRANT TO
21 THE CORPORATION, REQUIRED TO FILE SUCH REPORT, AN EXTENSION OF
22 NOT MORE THAN SIXTY DAYS WITHIN WHICH SUCH REPORT MAY BE FILED,
23 AND IN CASE THE FEDERAL INCOME TAX AUTHORITIES AT ANY TIME GRANT
24 A LONGER EXTENSION OF TIME FOR FILING SUCH REPORTS WITH THE
25 FEDERAL GOVERNMENT, THE DEPARTMENT MAY GRANT AN ADDITIONAL
26 EXTENSION OF TIME FOR FILING THE ANNUAL REPORT UNDER THIS
27 ARTICLE OF NOT MORE THAN THIRTY DAYS AFTER THE TERMINATION OF
28 THE FEDERAL EXTENSION, BUT THE AMOUNT OF TAX DUE SHALL, IN SUCH
29 CASES, NEVERTHELESS, BE SUBJECT TO INTEREST FROM THE DUE DATES
30 AND AT THE RATES FIXED BY THIS ARTICLE.

SECTION 10. SECTION 701 OF THE ACT IS AMENDED TO READ:

SECTION 701. IMPOSITION OF TAX.--EVERY BANK OR 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 APRIL 15 IN EACH AND EVERY YEAR, MAKE TO THE DEPARTMENT OF REVENUE A REPORT IN WRITING, VERIFIED AS REQUIRED BY LAW, SETTING FORTH THE FULL NUMBER OF SHARES OF THE CAPITAL STOCK SUBSCRIBED FOR OR ISSUED, AS OF THE PRECEDING JANUARY 1, BY SUCH BANK OR SAVINGS INSTITUTION HAVING CAPITAL STOCK, AND THE ACTUAL VALUE THEREOF AS OF THE PRECEDING JANUARY 1, WHICH ACTUAL VALUE SHALL BE ASCERTAINED AS HEREINAFTER PROVIDED. IT SHALL BE THE DUTY OF THE DEPARTMENT OF REVENUE TO ASSESS SUCH SHARES FOR THE CALENDAR YEAR BEGINNING JANUARY 1, 1971, AND EACH YEAR THEREAFTER, AT THE RATE OF FIFTEEN MILLS UPON EACH DOLLAR OF ACTUAL VALUE THEREOF, THE ACTUAL VALUE OF EACH SHARE OF STOCK TO BE ASCERTAINED AND FIXED 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 ASCERTAINING THE ACTUAL VALUE OF EACH SHARE OF STOCK, THE DEPARTMENT OF REVENUE SHALL NOT INCREASE THE UNDIVIDED PROFITS BY THE AMOUNT OF THE VALUATION RESERVE FOR LOAN LOSSES REPORTED BY SUCH BANK OR SAVINGS INSTITUTION ON ITS REPORT OF CONDITION MADE AT THE END OF THE PRECEDING CALENDAR YEAR IN ACCORDANCE WITH THE REQUIREMENTS OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM, THE COMPTROLLER OF THE CURRENCY OR THE FEDERAL DEPOSIT INSURANCE CORPORATION PURSUANT TO SECTION 161, 324, OR 1817(A) OF TITLE 12 OF THE UNITED STATES CODE, AS AMENDED. THE "VALUATION RESERVE FOR LOAN LOSSES" SHALL MEAN, IN THE CASE OF A BANK OR SAVINGS INSTITUTION WHICH IS AN INSURED BANK UNDER THE FEDERAL DEPOSIT INSURANCE ACT, THE AMOUNT

1 DEDUCTED (UNDER THE CAPTION OF THE RESERVE OR ALLOWANCE FOR
2 POSSIBLE LOAN LOSSES) FROM TOTAL LOANS ON THE REPORT OF
3 CONDITION PREPARED ON THE FORM AND IN ACCORDANCE WITH THE
4 INSTRUCTIONS OF SUCH FEDERAL BANKING AUTHORITIES AND SHALL BE
5 BINDING ON BOTH THE DEPARTMENT OF REVENUE AND THE BANK OR
6 SAVINGS INSTITUTION. IT SHALL BE THE DUTY OF EVERY BANK OR
7 SAVINGS INSTITUTION HAVING CAPITAL STOCK, AT THE TIME OF MAKING
8 EVERY REPORT REQUIRED BY THIS SECTION, TO COMPUTE THE TAX AND TO
9 PAY THE AMOUNT OF SAID TAX TO THE STATE TREASURER, THROUGH THE
10 DEPARTMENT OF REVENUE EITHER FROM ITS GENERAL FUND, OR FROM THE
11 AMOUNT OF SAID TAX COLLECTED FROM ITS SHAREHOLDERS: PROVIDED,
12 THAT FOR THE CALENDAR YEAR BEGINNING JANUARY 1, 1971, AND EACH
13 YEAR THEREAFTER, SUCH BANK OR SAVINGS INSTITUTION HAVING CAPITAL
14 STOCK, UPON THE DATE ITS REPORT, HEREIN REQUIRED IS MADE FOR
15 SUCH CALENDAR YEAR BEGINNING JANUARY 1, 1971, AND EACH YEAR
16 THEREAFTER, SHALL PAY TO THE DEPARTMENT OF REVENUE NOT LESS THAN
17 EIGHTY PER CENT OF THE TAX DUE TO THE COMMONWEALTH BY IT FOR
18 SUCH CALENDAR YEAR, AND THE REMAINING TAX DUE SHALL BE PAID AT
19 THE TIME WHEN THE REPORT HEREIN REQUIRED FOR THE YEAR NEXT
20 SUCCEEDING IS MADE: PROVIDED, THAT IN CASE ANY BANK OR SAVINGS
21 INSTITUTION HAVING CAPITAL STOCK, INCORPORATED UNDER THE LAW OF
22 THIS STATE OR OF THE UNITED STATES, SHALL COLLECT, ANNUALLY,
23 FROM THE SHAREHOLDERS THEREOF SAID TAX OF FIFTEEN MILLS, ON THE
24 DOLLAR UPON THE ACTUAL VALUE OF ALL THE SHARES OF STOCK OF SAID
25 BANK OR SAVINGS INSTITUTION, ACCORDING TO THE PROVISIONS OF THIS
26 ARTICLE, THAT HAVE BEEN SUBSCRIBED FOR OR ISSUED, AND PAY THE
27 SAME INTO THE STATE TREASURY, THROUGH THE DEPARTMENT OF REVENUE,
28 THE SHARES, AND SO MUCH OF THE CAPITAL AND PROFITS OF SUCH BANK
29 OR SAVINGS INSTITUTION HAVING CAPITAL STOCK AS SHALL NOT BE
30 INVESTED IN REAL ESTATE, SHALL BE EXEMPT FROM LOCAL TAXATION

1 UNDER THE LAWS OF THIS COMMONWEALTH; AND SUCH BANK OR SAVINGS
2 INSTITUTION HAVING CAPITAL STOCK SHALL NOT BE REQUIRED TO MAKE
3 ANY REPORT TO THE LOCAL ASSESSOR OR COUNTY COMMISSIONERS OF ITS
4 PERSONAL PROPERTY OWNED BY IT IN ITS OWN RIGHT FOR PURPOSES OF
5 TAXATION AND SHALL NOT BE REQUIRED TO PAY ANY TAX THEREON.

6 ~~Section 3. 6. This act shall take effect immediately and be~~ <—
7 ~~retroactive to June 1, 1971 and shall apply to all petitions~~
8 ~~thereafter.~~

9 SECTION 11. THIS ACT SHALL TAKE EFFECT JANUARY 1, 1979 AND <—
10 APPLY TO ALL TAX YEARS THEREAFTER: PROVIDED, THAT SECTION 10
11 SHALL NOT AFFECT OR PREJUDICE ANY CLAIM OF ANY TAXPAYER OR OF
12 THE COMMONWEALTH WITH RESPECT TO THE DETERMINATION OF SHARES TAX
13 LIABILITIES FOR PRIOR YEARS WHICH ARE SUBJECT TO PETITIONS FOR
14 RESETTLEMENT, REVIEW OR REFUND OR APPEALS TO THE COURTS.