

*accountant is appointed, as herein provided, upon petition to the borough council by qualified registered electors of the borough, the borough auditors or controller shall not audit, settle or adjust the accounts audited by such appointee but shall perform the other duties of their office.*

*When a certified public accountant or a competent independent public accountant is employed under the provisions of this clause upon petition to the borough council by qualified registered electors of the borough, the certified public accountant or the competent independent public accountant shall have the powers and duties and be subject to the same penalties as auditors in so far as such powers, duties and penalties are applicable to the functions which the certified public accountant or the competent independent public accountant is appointed to perform. The report of the certified public accountant or the competent independent public accountant is subject to appeals the same as reports of auditors. The compensation of the certified public accountant or the competent independent public accountant shall be fixed by council and paid out of borough funds.*

APPROVED—The 12th day of July, A. D. 1961.

DAVID L. LAWRENCE

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No. 285

AN ACT

Amending the act of September 29, 1951 (P. L. 1646), entitled "An act authorizing the Commonwealth to negotiate temporary emergency loans to defray current and other expenses of the State government during any fiscal biennium evidenced by tax anticipation notes, secured by and payable from current revenues of any current biennium levied, assessed, collectible and accruing during such fiscal biennium; defining the powers and duties of the Governor, the Auditor General and the State Treasurer in relation thereto; providing for the payment of interest on and the repayment of such loans; and making an appropriation," authorizing powers conferred by the act to be done on a fiscal period basis and changing the amount of money which may be borrowed and providing two additional methods of borrowing money.

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

Emergency loans.

Section 1. The title of the act of September 29, 1951 (P. L. 1646), entitled "An act authorizing the Commonwealth to negotiate temporary emergency loans to defray current and other expenses of the State government

Title, act of September 29, 1951, P. L. 1646, amended.

during any fiscal biennium evidenced by tax anticipation notes, secured by and payable from current revenues of any current biennium levied, assessed, collectible and accruing during such fiscal biennium; defining the powers and duties of the Governor, the Auditor General and the State Treasurer in relation thereto; providing for the payment of interest on and the repayment of such loans; and making an appropriation," is amended to read:

### AN ACT

New title.

Authorizing the Commonwealth to negotiate temporary emergency loans to defray current and other expenses of the State government during any fiscal [biennium] *period* evidenced by tax anticipation notes, secured by and payable from current revenues of any current [biennium] *period* levied, assessed, collectible and accruing during such fiscal [biennium] *period and the revenues of the Motor License Fund*; defining the powers and duties of the Governor, the Auditor General and the State Treasurer in relation thereto; providing for the payment of interest on and the repayment of such loans; and making an appropriation.

Section 1 of the act, amended June 30, 1955, P. L. 247, further amended.

Section 2. Section 1 of the act, amended June 30, 1955, (P. L. 247), is amended to read:

Commonwealth authorized to negotiate emergency loans to defray current and other expenses of the State government during any fiscal period.

Section 1. Whenever the General Assembly has provided revenues for the general purposes of any fiscal [biennium] *period* and the Governor, Auditor General and the State Treasurer determine such revenues will not be [available in large part] *sufficient* for the current and other expenses [of the State government] *payable from the General Fund or such determination is made with regard to the revenues of the Motor License Fund*, as a result of which the collectible revenues may not be sufficient to defray the current and other expenses [of the State government] *payable from the General Fund or those of the Motor License Fund*, the Governor, the Auditor General and the State Treasurer, on behalf of the Commonwealth of Pennsylvania, are hereby authorized and directed during any [biennium] *fiscal period* to borrow, from time to time, on the credit of the current revenues [of] *levied, assessed, collectible and accruing during any current [biennium] period or on the credit of such revenues of the Motor License Fund, or on the credit of the sum of such revenues of both funds*, such sum or sums of money not exceeding in the aggregate one [third or while the General Assembly, is in session not exceeding in the aggregate one tenth] *fifth* of the contemplated receipts from the revenues which have been provided *for either of said funds, or one fifth of the*

*sum of the revenues of both funds, depending upon the fund or funds for which the loans are being made, based upon estimates submitted to the Governor through the Budget Secretary by the Department of Revenue for any current [biennium] period by the General Assembly, for the general purposes or the purposes of the Motor License Fund of any fiscal [biennium] period: Provided, That the money borrowed at any one time when added to the outstanding amount of any other such loan made during such [biennium] period, shall not exceed one [third] fifth of the uncollected revenues [of] for each fund or one fifth of the uncollected revenues of the sum of both funds for such fiscal [biennium] period.*

Section 3. Sections 2, 3 and 4 of the act are amended to read:

Sections 2, 3 and 4 of the act amended.

Section 2. (a) Such loans shall be evidenced by notes of the Commonwealth of Pennsylvania. All of said notes shall mature not later than [May 31 of the second year of any current biennium] *the last day of the current fiscal period*. Such notes are hereby declared to be tax anticipation notes. Such notes or renewals thereof shall be issued from time to time for such total amounts, in such sums, and subject to such terms and conditions, rates of interest, not in excess of four and one-half (4½) per cent per annum, and time of payment of interest, as the Governor, Auditor General and the State Treasurer shall determine and direct.

Such loans to be evidenced by tax anticipation notes.

Terms and conditions.

When such loans evidenced by tax anticipation notes are so issued, they shall be offered for sale by the Governor, the Auditor General and State Treasurer to the highest and best bidder, after due public advertisement and open competitive bidding, on such terms and conditions as the Governor, Auditor General and State Treasurer shall direct. The manner and character of such advertisement and the times of advertising shall be prescribed by the Governor, the Auditor General and the State Treasurer.

Sale of such notes.

No commission shall be allowed or paid for the sale of any notes issued under the authority of this act.

(b) All notes issued under the authority of this act shall bear either the signatures of the Governor, the Auditor General and the State Treasurer, or the facsimile signatures of the Governor, the Auditor General and the State Treasurer, in which latter event such notes shall be countersigned by two officers of the [Philadelphia National Bank ( ) *duly designated* Loan and Transfer Agent of the Commonwealth[ )]. All such notes shall bear a facsimile of the great seal of the Commonwealth.

Form and execution.

Such notes to have qualities and incidents of negotiable instruments.

(c) All notes issued under the authority of this act shall have the qualities and incidents of negotiable instruments under the [Negotiable Instruments Law of the Commonwealth] *Uniform Commercial Code*.

Current revenues of any fiscal period pledged for payment thereof.

(d) The current revenues [of any fiscal biennium period] *of the General Fund or the current revenues of the Motor License Fund, or the total current revenues of both funds respectively proportioned*, shall be pledged for the payment of the principal and interest of such notes during such fiscal [biennium] *period* and shall be payable in lawful money of the United States. All notes issued under the provisions of this act shall be exempt from taxation for State and local purposes.

Exemption from taxation.

Disposition of proceeds from negotiation of such loans.

Section 3. The proceeds derived from the negotiation of loans under the provisions of this act shall be paid *respectively and proportionally* into the General Fund of the State Treasury *or into the Motor License Fund, or into both funds*, and shall be used for the payment of appropriations made from such [fund] *funds* to defray the current and other expenses of the State government for the current fiscal [biennium] *period, and if the proceeds or part of the proceeds so derived are paid into the Motor License Fund, such fund shall pay its proportionate share of the cost and interest charges involved in said loans.*

Security for loans.

Section 4. Any loans negotiated under the provisions of this act shall be secured by the current revenues levied and assessed for revenue purposes of every kind or character accruing to the General Fund [of the State Treasury] *or the current revenues of the Motor License Fund, or the sum of the moneys in the two funds, respectively proportioned*, during the current fiscal [biennium] *period* and shall be paid out of such revenues, and so much of such revenues as shall be necessary for the payment of the principal and interest of such loans are hereby specifically *and respectively* appropriated. The Department of Revenue shall allocate such revenues to said payments.

Intent.

Section 4. It is the intent of this act as amended to provide two additional methods of borrowing moneys, the first additional method being that of borrowing on the security of the moneys levied, assessed, collectible and accruing during the fiscal period to the Motor License Fund, and the second method being that of borrowing on the security of the sum of the revenues levied, assessed, collectible and accruing during the fiscal period to the General Fund and the Motor License Fund, in which latter event the costs and interest charges shall be respectively proportioned in accordance with the amounts of the loans made for each fund.

Section 5. This act shall take effect immediately.

Act effective  
immediately.

APPROVED—The 12th day of July, A. D. 1961.

DAVID L. LAWRENCE

No. 286

AN ACT

Authorizing the court to order the parties under certain circumstances to submit to blood grouping tests under certain conditions and the effect thereof.

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

Uniform Act on  
Blood Tests to  
Determine  
Paternity.

Section 1. Authority for Test.—In a civil action in which paternity parentage or identity of a child is a relevant fact, the court upon its own initiative or upon suggestion made by or on behalf of any person whose blood is involved may, or upon motion of any party to the action made at a time so as not to delay the proceedings unduly, shall order the mother, child and alleged father to submit to blood tests. If any party refuses to submit to such test, the court may resolve the question of paternity, parentage or identity of a child against such party, or enforce its order if the rights of others and the interests of justice so require.

Section 2. Selection of Experts.—The tests shall be made by experts qualified as examiners of blood types, who shall be appointed by the court. The experts shall be called by the court as witnesses to testify to their findings and shall be subject to cross-examination by the parties. Any party or person at whose suggestion the tests have been ordered may demand that other experts qualified as examiners of blood types perform independent tests under order of court, the results of which may be offered in evidence. The number and qualifications of such experts shall be determined by the court.

Section 3. Compensation of Expert Witnesses.—The compensation of each expert witness appointed by the court shall be fixed at a reasonable amount. It shall be paid as the court shall order. The court may order that it be paid by the parties in such proportions and at such times as it shall prescribe or that the proportion of any party be paid by the county and that after payment by the parties or the county, or both, all or part or none of it be taxed as costs in the action. The fee of an expert witness called by a party but not appointed by the court, shall be paid by the party calling him, but shall not be taxed as costs in the action.