

Changes of class, ascertained and certified as aforesaid, shall become effective on the first day of January next following the year in which the [census] change was [taken] *so certified by the Governor to the county commissioners*, except that salaries of county officers shall not thereby be increased or decreased during the terms for which they shall have been elected; *and, Provided, That in the municipal election following such certification of change of class and preceding the effective date of such change, the proper number of persons shall be elected to fill any elective office or offices which will exist in the county by the change of classification certified, and that no election shall be held for any office which will be abolished as a result of such change of classification.*

Section 3. This act shall become effective immediately upon final enactment.

Act effective immediately.

APPROVED—The 29th day of June, A. D. 1951.

JOHN S. FINE

No. 188

AN ACT

To amend clause (h) of section one hundred two, clauses (c) and (f) of section two hundred two, clause (c) of section two hundred five, clauses (a), (b), (c), (d), (e) and (f) of section two hundred ten, section three hundred six, clause (c) of section five hundred two, and clause (g) of section two hundred five of the act, approved the twenty-fifth day of June, one thousand nine hundred and forty-one (Pamphlet Laws 159), entitled "An act amending, revising, consolidating and changing the law relating to the borrowing of money by certain political subdivisions, the authorization, issuance and sale of general obligation bonds as herein defined, of bonds imposing no general obligation of debt and of bonds not deemed to constitute a debt for certain purposes, and to the funding of debt and the refunding of bonds; regulating the keeping and use of sinking funds; imposing powers and duties upon the Department of Internal Affairs and upon corporate bodies and officers of political subdivisions; imposing penalties, and repealing existing laws," by clarifying and correcting the provisions of said sections, and setting forth provisions and requirements for contesting the validity of any election proceedings under section two hundred five.

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

Section 1. Clause (h) of section 102, clauses (c) and (f) of section 202, clause (c) of section 205, clauses (a), (b), (c), (d), (e) and (f) of section 210, section 306, clause (c) of section 502 of the act, approved the twenty-fifth day of June, one thousand nine hundred and forty-one (Pamphlet Laws 159), entitled "An act amending, revising, consolidating and changing the law relating to the borrowing of money by certain political subdivisions, the authorization, issuance and sale of general obligation

"Municipal Borrowing Law."

Clause (h) of section 102, clauses (c) and (f) of section 202, clause (c) of section 205, clauses (a), (b), (c), (d), (e) and (f) of section 210, section 306, and clause (c) of section 502, act of June 25, 1941, P. L. 159, amended.

bonds as herein defined, of bonds imposing no general obligation of debt and of bonds not deemed to constitute a debt for certain purposes, and to the funding of debt and the refunding of bonds; regulating the keeping and use of sinking funds; imposing powers and duties upon the Department of Internal Affairs and upon corporate bodies and officers of political subdivisions; imposing penalties, and repealing existing laws," are hereby amended to read as follows:

Section 102. Definitions.—

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(h) *"Assessed valuation,"* the assessed valuation of all property taxable [by the municipality as last determined by the Board of Revision] *in the municipality for the purposes of the municipality, as last determined by the board, bureau or persons charged by law with the duty of determining the valuation of such property for tax purposes.*

Section 202. Determination of Existing Net Debt.—

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(c) The amount of undisputed municipal liens, other than tax liens, actually filed against property [(other than such as are pledged for the redemption of assessment bonds deductible under clause (f))] in such proportion as such liens are certain to be collected.

(f) The amount of assessment bonds outstanding, heretofore issued for the construction of any project, where the cost of such project has been assessed on property specially benefited, which bonds purport to impose no municipal liability, [to the extent that such bonds are supported by cash in the sinking fund held for such assessment bonds and by undisputed valid liens against the property benefited, in such proportion as such liens are certain to be collected,] but this clause shall not apply to assessment bonds where the courts have held the same to be general obligations of the municipality.

Section 205. Desire Ordinance; Elections to Authorize an Increase of Indebtedness.—

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(c) The corporate authorities of the municipality shall in all cases fix the time of holding such election on the day of a municipal, general or primary election, unless more than ninety days, or less than thirty days, elapse between the effective date of the desire ordinance and the day of holding the said municipal, general or primary election. *If more than ninety (90) days, or less than (30) days, elapse between the effective date of the desire ordinance and the day of holding the next municipal, general or primary election, the corporate authorities may call a special election for the purpose of*

\* "assessed" in original.

*obtaining the assent of the electors to such increase of debt.*

If any day other than the day of any municipal, general or primary election is fixed for such election, the expense of holding the same shall be paid by the municipality for the benefit of which it is held.

Section 210. Serial Bonds Required.—Except as otherwise provided in this section all general obligation bonds issued under the authority of this article shall mature in annual installments. The first installment of principal shall mature not later than two years after the date of the bonds. Installments of principal shall mature annually thereafter. The sum of the principal, interest and State tax payable in any year after the first installment of principal falls due shall not exceed the sum of the principal, interest and State tax payable in any prior year on account of such issue by more than the sum of one thousand dollars (\$1000).

General obligation bonds may mature in other than annual installments in the event that:

(a) The last installment of principal shall mature more than twenty-five years and not more than thirty years from the date of the bonds and the aggregate principal amount of the bonds is [less] *not more* than one hundred twenty thousand dollars (\$120,000): Provided, That not less than ten (10) per centum of the principal amount of the bonds shall mature by the end of the fifth year after the date of the bonds, twenty-five (25) per centum by the end of the tenth year, forty (40) per centum by the end of the fifteenth year, sixty (60) per centum by the end of the twentieth year, and eighty (80) per centum by the end of the twenty-fifth year;

(b) The last installment of principal shall mature more than twenty years and not more than twenty-five years from the date of the bonds and the aggregate principal amount of the bonds is [less] *not more* than one hundred thousand dollars (\$100,000): Provided, That not less than ten (10) per centum of the principal amount of the bonds shall mature by the end of the fifth year after the date of the bonds, twenty-five (25) per centum by the end of the tenth year, forty-five (45) per centum by the end of the fifteenth year, and seventy (70) per centum by the end of the twentieth year;

(c) The last installment of principal shall mature more than fifteen years and not more than twenty years from the date of the bonds and the aggregate principal amount of the bonds is [less] *not more* than eighty thousand dollars (\$80,000): Provided, That not less than fifteen (15) per centum of the principal amount of the bonds shall mature by the end of the fifth year after the date of the bonds, forty (40) per centum by the end of the tenth year, and seventy (70) per centum by the end of the fifteenth year;

(d) The last installment of principal shall mature more than ten years and not more than fifteen years from the date of the bonds and the aggregate principal amount of the bonds is [less] *not more* than sixty thousand dollars (\$60,000): Provided, That not less than twenty-five (25) per centum of the principal amount of the bonds shall mature by the end of the fifth year after the date of the bonds and sixty (60) per centum by the end of the tenth year;

(e) The last installment of principal shall mature more than five years and not more than ten years from the date of the bonds and the aggregate principal amount of the bonds is [less] *not more* than forty thousand dollars (\$40,000): Provided, That not less than forty (40) per centum of the principal amount of the bonds shall mature by the end of the fifth year after the date of the bonds;

(f) The last installment of principal shall mature not more than five years from the date of the bonds and the aggregate principal amount of the bonds is [less] *not more* than twenty thousand dollars (\$20,000).

The purpose of this section is to require serial bonds and to encourage annual maturities without impairing the marketability of the bonds, and nothing herein contained shall limit the power of municipalities to authorize bonds maturing at periods earlier than are required hereby.

Section 306. Appeals by Interested Parties and Taxpayers.—Where proceedings for the incurring or increasing of debt had by any municipality have been approved by the department, any party interested or any taxpayer of the municipality may, within [thirty] *fifteen* days after such approval and not thereafter, appeal therefrom by petition to the Court of Common Pleas of Dauphin County, which petition shall specifically allege the error or errors complained of in the proceedings in the manner required of bills in equity *and the appellant shall have the burden of proof.*

Jurisdiction is hereby conferred upon the court of Common Pleas of Dauphin County to hear and determine such appeals.

Section 502. Funding Bonds; Conditions.—

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(c) If the total of the unfunded debt which is to be funded under the provisions of this section when added to the existing net debt of the municipality *incurred without the assent of the electors* as determined by the provisions of \*[section] *sections 202 and 204* of this act *other than the unfunded debt to be funded* shall exceed two per centum of the assessed valuation of taxable property in the municipality, but shall not exceed seven

\* “[section]” omitted in original.

per centum of such assessed valuation, then such municipality may first submit to the electors thereof in the manner prescribed by section 205 of this act the ratification, validation and confirmation of such unfunded debt, and if said electors shall assent to such ratification, validation and confirmation of such unfunded debt the corporate authorities may proceed to fund the same in the manner prescribed by this section. In such cases no approval of the court of quarter sessions shall be required. The total of the debt which has been ratified, validated and confirmed shall thereafter be excluded in computing the amount of the debt of the municipality incurred without the consent of the electors.

Section 2. Clause (g) of section 205 of said act is hereby amended to read as follows:

Clause (g) of section 205, said act, amended.

(g) The election of officers and clerks shall make return on forms provided by the county board of elections of the votes cast on such question to the county board of elections, which shall compute the same and transmit a certified return thereof to the council, in the case of cities and boroughs, and to the corporate authorities, in the case of other municipalities, which body shall enter the same upon the minutes of the municipality. If it appears that a majority or three-fifths of the electors, as the case may require, voting on such question have voted in favor of the increase of debt, the county board of elections shall also file a certified copy of such return, together with the copy of the ordinance certified to the county board of elections by the municipality, with the clerk of the court of quarter sessions, and the said clerk shall make a record of the same. There shall also be filed with said clerk a copy of the notice of election and proof of the advertisement thereof. *Any interested party or any taxpayer may contest the validity of any election proceedings under this section 205 by filing, within sixty (60) days from the date of the election and not thereafter, a petition in the court of quarter sessions of the county wherein the municipality is located, specifically alleging the error or errors complained of in the proceedings, in the manner required of bills in equity, and the appellant shall have the burden of proof: Provided, however, That if the proceedings required by Article III of this act have been approved by the Department of Internal Affairs, such petition shall be filed in the Court of Common Pleas of Dauphin County. When any election has been held to obtain the assent of the electors of any municipality under this section 205 and no such petition has been filed within said period of sixty (60) days from the date of the election, or such petition having been filed shall have been finally dismissed, such election shall be conclusively deemed to be valid for all purposes, except where a constitutional question is involved.*

Act effective  
immediately.

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

APPROVED—The 29th day of June, A. D. 1951.

JOHN S. FINE

No. 189

AN ACT

To amend subsection (i) of section 4 of the act, approved the eighteenth day of April, one thousand nine hundred forty-nine (Pamphlet Laws 604), entitled "An act to promote the welfare of the people of the Commonwealth; creating a State Highway and Bridge Authority as a body corporate and politic with power to construct, reconstruct, improve, maintain, equip, furnish, and operate highway and bridge projects, and roadside rests, and to lease the same, and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Highways to grant, assign, convey, or lease to the Authority lands, easements, or rights of way of the Commonwealth and interests therein, and to acquire lands therefor; authorizing said Authority and the Department of Highways to enter into agreements providing for mutual cooperation in furtherance of the construction of any project hereby authorized; granting the right of eminent domain; empowering said Authority to sell and convey projects and property to the Commonwealth; and providing that no debt of the Commonwealth or any of its political subdivisions shall be incurred in the exercise of any of the powers granted by this act; and making an appropriation," by increasing the power of the Authority to borrow money and issue evidences of indebtedness therefor.

"State Highway  
and Bridge  
Authority  
Act."

Subsection (i)  
of section 4, act  
of April 18,  
1949, P. L. 604,  
amended.

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

Section 1. Subsection (i) of section 4 of the act, approved the eighteenth day of April, one thousand nine hundred forty-nine (Pamphlet Laws 604), entitled "An act to promote the welfare of the people of the Commonwealth; creating a State Highway and Bridge Authority as a body corporate and politic with power to construct, reconstruct, improve, maintain, equip, furnish, and operate highway and bridge projects, and roadside rests, and to lease the same, and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Highways to grant, assign, convey, or lease to the Authority lands, easements, or rights of way of the