

No. 150

AN ACT

HB 1114

Amending the act of June 25, 1941 (P. L. 159), entitled, as amended "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 Community Affairs and upon corporate bodies and officers of political subdivisions; imposing penalties, and repealing existing laws," transferring certain powers and duties of the Department of Internal Affairs to the Department of Community Affairs and making editorial corrections.

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

Section 1. Clause (g) of section 205, act of June 25, 1941 (P. L. 159), known as the "Municipal Borrowing Law," amended June 29, 1951 (P. L. 949), is amended to read:

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

(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] Community 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.

* * *

Section 2. Clause (g) of section 216 of the act is amended to read:

Section 216. Moneys Borrowed or Authorized to Be Borrowed for Impracticable, etc., Purposes.—* * *

(g) Whenever it shall have been determined to refrain from borrowing such money by action of the corporate authorities alone, the original authority to borrow the same shall thereupon be deemed to have been rescinded and of no effect. No such cancellation shall be effective until the council in the case of cities and boroughs and the corporate authorities in the case of other municipalities shall first have filed a certificate of such cancellation with the clerk of the court of quarter sessions of the county and with the Department of [Internal] Community Affairs, in cases where the original proceedings were approved by that department, which officers shall record or file the same with the proceedings had relating to the increase of indebtedness.

Section 3. This act shall take effect immediately.

APPROVED—The 5th day of October, A. D. 1967.

RAYMOND P. SHAFER

No. 151

AN ACT

HB 1140

Amending the act of January 24, 1966 (P. L. 1535), entitled "An act providing for the planning and regulation of community and individual and community sewage disposal systems; requiring municipalities to submit plans for systems in their jurisdiction; authorizing grants to municipalities; requiring permits for persons installing such systems; authorizing the Department of Health to adopt rules, regulations, standards and procedures; creating an advisory committee; providing remedies and prescribing penalties," postponing the effective date.

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

Section 1. Section 15, act of January 24, 1966 (P. L. 1535), known as the "Pennsylvania Sewage Facilities Act," is amended to read:

Section 15. Effective Date.—This act shall take effect [July 1,