

Section 6. All personnel, appropriations, allocations, contracts, agreements, equipment, files, obligations, documents and other material which relate to the administration and enforcement of the act of May 1, 1933 (P. L. 103), known as "The Second Class Township Code," as it applies to the Department of Internal Affairs and the Secretary of Internal Affairs are transferred to the Department of Community Affairs and the Secretary of Community Affairs with the same force and effect as if the appropriation had been made to the Department of Community Affairs in the first instance, and said contracts, agreements and obligations of the said Department of Internal Affairs had been incurred or entered into by said Department of Community Affairs.

Section 7. This act shall become effective January 17, 1967.

APPROVED—The 2d day of February, A. D. 1966.

WILLIAM W. SCRANTON

No. 602

AN ACT

SB 1249

Amending the act of June 25, 1941 (P. L. 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," transferring certain powers and duties of the Department of Internal Affairs to the Department of Community Affairs, and transferring records, appropriations and equipment relative thereto.

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

Section 1. The title and clause (i) of section 102, act of June 25, 1941 (P. L. 159), known as the "Municipal Borrowing Law," are amended to read:

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] Community Affairs and upon corporate bodies and officers of political subdivisions; imposing penalties, and repealing existing laws.

Section 102. Definitions.—The following words and phrases whenever used in this act shall have the following meanings unless the context clearly indicates otherwise:

* * *

(i) "Department," the Department of [Internal] Community Affairs of the Commonwealth of Pennsylvania.

Section 2. The heading of Article III and section 304 of the act, section 304 amended March 12, 1957 (P. L. 11), are amended to read:

ARTICLE III
APPROVAL OF DEPARTMENT OF [INTERNAL]
COMMUNITY AFFAIRS OF PROCEEDINGS TO INCUR
GENERAL OBLIGATION DEBT

* * *

Section 304. Records of Department.—The department shall keep a record of all approvals and disapprovals made, and each record shall contain (i) the name of the municipality, (ii) the purpose of the issue, (iii) the amount authorized and amount issued, (iv) the interest rate, (v) the schedule of maturities, (vi) the date of the bonds and where payable, (vii) the assessed valuation, (viii) electoral or non-electoral, (ix) whether callable and how, (x) whether bonds are serial or exceptions as set forth in section 210 of this act and (xi) the approval number and date of approval. Such records shall be public records, and copies thereof certified under the hand and seal of the Secretary of [Internal] Community Affairs shall be admitted in evidence in all courts and elsewhere.

If the information required by this section is retained and properly filed by the department as to all records of approvals and disapprovals in its possession at the time this amendment becomes effective, all other material, papers and data relative to such existing records may be disposed of as waste paper in the manner prescribed by The Administrative Code of 1929.

Section 3. Section 310 of the act is amended to read:

Section 310. Order; Further Proceedings by Municipality Subject to Approval of Department.—After hearing the court shall have power to affirm or to order stricken from the proceedings in possession of the municipality the approval of the department, or, if in the opinion of the

court the proceedings had by the municipality are subject to correction or amendment, it may refer the matter back to the municipality.

Any further proceedings by the municipality pursuant to an order of the court shall be subject to approval by the Department of [Internal] Community Affairs.

Section 4. Section 702-A of the act, added September 8, 1959 (P. L. 802), is amended to read:

Section 702-A. Constitutional Limitation; Statement Filed with Department.—At no time shall a municipality borrow money under the provisions of this article in an amount that, added to the existing non-electoral indebtedness of the municipality, shall exceed the nonelectoral debt limitation of two per centum of the assessed valuation of property as fixed by article nine, section eight of the Constitution. In order to insure compliance with this constitutional limitation, each municipality proposing to borrow money under the provisions of this article, prior to such borrowing, shall submit a sworn statement to the Department of [Internal] Community Affairs showing its existing net debt determined under section 202 of this act, the assessed valuation of its property and the amount proposed to be borrowed. The Department of [Internal] Community Affairs shall examine the statement, and, within ten days of the receipt thereof, if it determines that the proposed amount to be borrowed will not exceed the nonelectoral debt limitation fixed by the Constitution, shall issue a statement to the municipality to that effect. All obligations issued under the provisions of this article without such a statement from the Department of [Internal] Community Affairs shall be void and shall impose no liability upon the municipality.

Section 5. All personnel, appropriations, allocations, contracts, agreements, equipment, files, obligations, documents and other material and equipment which relate to the administration and enforcement of the act of June 25, 1941 (P. L. 159), known as the "Municipal Borrowing Law," insofar as it applies to the Department of Internal Affairs are transferred to the Department of Community Affairs with the same force and effect as if the appropriation had been made to the Department of Community Affairs in the first instance, and said contracts, agreements and obligations of the said Department of Internal Affairs had been incurred or entered into by said Department of Community Affairs.

Section 6. This act shall take effect January 17, 1967.

APPROVED—The 2d day of February, A. D. 1966.

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