

No. 110

AN ACT

HB 241

Amending the act of April 3, 1923 (P. L. 50), entitled "An act authorizing cities of the first class to provide for the use of moneys borrowed, or authorized to be borrowed, for purposes which have proved or may prove impracticable, impossible or inadvisable, for any other lawful municipal purpose, or to provide for the cancellation of the authority to borrow such moneys," changing the requirements for voiding electoral authorizations.

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

Section 1. Section 1, act of April 3, 1923 (P. L. 50), entitled "An act authorizing cities of the first class to provide for the use of moneys borrowed, or authorized to be borrowed, for purposes which have proved or may prove impracticable, impossible or inadvisable, for any other lawful municipal purpose, or to provide for the cancellation of the authority to borrow such moneys," is amended to read:

Section 1. Be it enacted, &c., That whenever any city of the first class has increased or has authorized the increase of its indebtedness [**with or**] without the assent of the electors of such city, or shall hereafter so increase or authorize the increase of its indebtedness, and the purpose of such increase or authorized increase has proved or shall prove to be impracticable, impossible or inadvisable, the council of such city may by their ordinance, which shall require the affirmative vote of two-thirds of all of the members of the council, so declare, and (a) may provide for the use of the money so borrowed or authorized to be borrowed for any other municipal purpose for which such indebtedness could have originally been lawfully incurred and upon the certificate of the City Controller as required by law for the original incurring of such debt, or (b) may rescind *in whole or in part* the authority to borrow such money. *The council of such city may rescind in like manner in whole or in part the authority to borrow such money if originally authorized with the assent of the electors.*

Section 2. Section 3 of the act, amended June 23, 1955 (P. L. 190), is amended to read:

Section 3. Whenever the original increase of indebtedness shall have been made or authorized with the assent of the electors of such city, and the council may desire to use the money so borrowed, or authorized to be borrowed, for any other lawful municipal purpose as aforesaid, [**or to refrain from borrowing so much thereof as shall not have been borrowed or any part thereof,**] they shall give notice by advertisement, once a week for three weeks in each of three daily newspapers having a bona fide circulation in such city of at least thirty thousand (30,000) copies per issue, and in the legal journal designated by the rules of court for the publication of legal notices and advertisements, of an election to be held at the place or places of holding

municipal elections on a day to be by them fixed. Such notice shall state: (a) The date of such election: (b) The amount of money theretofore borrowed or authorized to be borrowed for the purpose in question: (c) The purpose for which such indebtedness was originally authorized: (d) The new purpose for which the council of such city desire to make use of said money, **[or the fact that it is desired not to borrow the same or a specified amount thereof]** and such notice may further state: (e) The reason why said money may not be used for the purpose for which it was borrowed or authorized to be borrowed or why it may be advisable not to use it for such purpose.

A certified copy of the ordinance required by section one of this act, and where notice shall be required by section three hereof a copy of such notice, shall be filed in the office of the prothonotary of the court of common pleas of the county in which such city is situated.

Section 3. Sections 5 and 8 of the act are amended to read:

Section 5. Such election shall be held in the place, time, and under the same regulations as provided by law for the holding of municipal elections, and the question to be submitted to the electors shall be substantially in the following form:

Shall the sum of dollars heretofore borrowed, or authorized to be borrowed, by the City of for the purpose of be used by the same city for the purpose of ?

[or

Shall the authorization heretofore granted to the City of to borrow dollars for the purpose of be cancelled as to ?]

The ballot shall be prepared in the manner provided by the election law for the submission of similar questions.

Section 8. If at such election a majority of the electors voting thereon shall vote in favor of using said money so borrowed, or authorized to be borrowed, for the new purpose as stated in the said notice, **[or shall such majority vote in favor of the cancellation of the authority to borrow the same,]** the said money may be used for such new purpose as if it had originally been authorized or borrowed therefor, **[or may remain unborrowed]** in accordance with such vote of the electors. **[And whenever it shall be made lawful to refrain from borrowing such money, either by action of the council alone or with the assent of the electors as hereinbefore provided, the original authority to borrow the same shall thereupon be of no effect.]**

APPROVED—The 17th day of October, A. D. 1969.

RAYMOND P. SHAFER

The foregoing is a true and correct copy of Act of the General Assembly
No. 110.



Robert L. Kelley
Secretary of the Commonwealth.