

case may be, such member shall be appointed by the county controller. All vacancies shall be filled by the officer or officers who appointed the member whose place is to be filled.

Section 2. This act shall become effective immediately upon its final enactment. When effective.

APPROVED—The 25th day of June, A. D. 1937.

GEORGE H. EARLE

No. 401

AN ACT

To authorize cities of the first class of this Commonwealth to provide for the payment of certain deficits and indebtedness, as herein defined, in five equal, annual instalments; and to authorize the making of contracts, the drawing of warrants and the approval thereof, without appropriation, for the payment of such deficits and indebtedness, except as provided by this act; and to levy and fix the tax rate, and to make appropriations, and prepare and formulate the financial programs of such cities upon the basis of the discharge of such deficits and indebtedness, in the manner provided by this act; requiring annual provision for payment of mandamus executions; and suspending inconsistent legislation.

Section 1. Be it enacted, &c., That, as used in this act, the word "deficits" shall mean—(1) obligations provided for in the budget for the year one thousand nine hundred and thirty-seven, but remaining unpaid by reason of non-receipt of revenues for said year; (2) other indebtedness payable out of current funds, including indebtedness evidenced by outstanding writs of mandamus execution; but not including obligations due the sinking fund commission.

"Deficits" defined.

Section 2. Cities of the first class be, and they are hereby, authorized and directed to pay the amount of deficits, as hereinabove defined, to the extent and not in excess of the sum of twenty-five million dollars (\$25,000,000), which have arisen, and which may arise, on or before the thirty-first day of December, one thousand nine hundred and thirty-seven, in five equal, annual, instalments, during the years one thousand nine hundred and thirty-eight, one thousand nine hundred and thirty-nine, one thousand nine hundred and forty, one thousand nine hundred and forty-one, and one thousand nine hundred and forty-two; and to provide, by appropriation, for the payment thereof during the said years. The council of said cities, in levying and fixing the tax rate, and in making appropriations, and in framing and formulating their annual financial programs or budgets, during the said years, shall not be required to provide for or include therein the amount of such

To the extent, but not in excess of twenty-five million dollars.

Five equal annual instalments.

Council.

City controller. deficits, as hereinabove defined, except as to one-fifth thereof for each of said years; and the city controller, in furnishing data for the preparation of the financial programs or budgets for said years, as required by law, shall take into account as a current liability of said cities by reason of such deficits to be discharged during each of said years, only the said one-fifth of such deficits; and, in countersigning and approving contracts and warrants, he is hereby duly authorized to approve and countersign the same, notwithstanding that no provision has been made by appropriation for the payment of the balance of the amounts of such accrued deficits; and contracts may be entered into and warrants drawn and issued by the municipal authorities of such cities and duly approved by the city controller, although no appropriations have been made to discharge such deficits, except as herein provided: Provided, however, That all indebtedness, arising from writs of mandamus executions, incurred in accordance with law during the year one thousand nine hundred and thirty-eight or any subsequent year and not paid during such year, shall be included and certified as a current liability by the city controller in furnishing data for the preparation of the financial programs or budgets for the next succeeding year, and shall be provided for in the budget and tax levy for such next succeeding year.

Proviso.

Inconsistent parts of act of June 25, 1919, (P. L. 581), suspended.

Section 3. So much of Article XVII of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (Pamphlet Laws, five hundred eighty-one), entitled "An act for the better government of cities of the first class of this Commonwealth," and of all other parts of such act, or other acts, inconsistent herewith, be and the same are suspended to the extent of such inconsistency, during the period for which the provisions of this act shall remain in effect.

Constitutional provision.

Section 4. It is hereby declared that the provisions of this act are severable one from another, and if, for any reason, any provision or part of this act is held by the court to be unconstitutional or invalid, for any reason, such decision of the court shall not affect or impair any of the remaining provisions or parts of this act. It is hereby declared as the legislative intent that this act would have been adopted had such provision or part hereof not been included herein.

When effective.

Section 5. This act shall become effective immediately upon the final passage hereof.

APPROVED—The 25th day of June, A. D. 1937.

GEORGE H. EARLE