

BOROUGHES AND INCORPORATED TOWNS (8 PA.C.S.) AND CITIES (11 PA.C.S.) - COMPLETION, FILING AND PUBLICATION OF AUDITOR'S REPORT AND FINANCIAL STATEMENT, ANNUAL REPORTS, PUBLICATION, FILING REPORT WITH DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Act of Oct. 24, 2018, P.L. 876, No. 135

Cl. 08

Session of 2018

No. 2018-135

SB 771

AN ACT

Amending Titles 8 (Boroughs and Incorporated Towns) and 11 (Cities) of the Pennsylvania Consolidated Statutes, in powers and duties of elected officials, further providing for completion, filing and publication of auditor's report and financial statement; and, in accounts and finances, further providing for annual reports, publication, filing report with Department of Community and Economic Development and penalty.

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

Section 1. Section 1059.1(a) and (b.1) of Title 8 of the Pennsylvania Consolidated Statutes are amended to read:

§ 1059.1. Completion, filing and publication of auditor's report and financial statement.

(a) [Reports.] **Report.**--The auditors shall complete the annual audit, adjustment and settlement as soon as possible after the end of the fiscal year. The auditors shall, within ten days after completing the annual audit, publish once, in at least one newspaper of general circulation, [a] concise financial [statement setting forth all of the following:

(1) The balance in the treasury at the beginning of the fiscal year.

(2) All revenue received during the fiscal year by major classifications.

(3) All expenditures made during the fiscal year by major functions and the current resources and liabilities of the borough at the end of the fiscal year.

(4) The gross liability and net debt of the borough.

(5) The amount of assessed valuation of the borough.

(6) The assets of the borough with their character and value.

(7) The date of the last maturity of the respective forms of funded debt.

(8) The assets in each sinking fund.] **information prepared or approved by the auditors and consistent with the audited financial statements for total assets, total liabilities and total net position at the end of the fiscal year and total revenue, total expenses and changes in total net position for that fiscal year and a reference to a place within the borough where copies of the financial statements and accompanying audit report may be examined. If the full financial statements and accompanying audit report are not published, copies shall be supplied to the publishing newspaper when the request for publication is submitted.**

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(b.1) Filing of [reports] **report** and penalties.--The [reports] **report** shall be prepared no later than 90 days after the close of the fiscal year. It shall be the duty of the secretary of the auditors to file a copy of the report with the secretary of the borough, with the clerk of the court of common pleas of the county or the prothonotary under local rules of court, with the Department of Transportation and with the Department of Community and Economic Development no later than 90 days after the close of the fiscal year. Any secretary of the auditors refusing or willfully neglecting to file the report commits a summary offense. If the failure to file the report within the period specified is due to the failure of any or all of the auditors to prepare the statement upon which the report is to be based, the auditor commits a summary offense.

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Section 2. Section 11812(b) (2) and (3) of Title 11 are amended to read:

§ 11812. Annual reports, publication, filing report with Department of Community and Economic Development and penalty.

* * *

(b) Publication.--

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(2) [The report and financial statement] **The concise financial information approved by the independent auditor and consistent with the audited financial statements for total assets, total liabilities and total net position at the end of the fiscal year and total revenue, total expenses and changes in total net position for that fiscal year and a reference to a place within the city where copies of the financial statements and accompanying auditor's report may be examined** shall be published in a newspaper of general circulation as required by section 10109 (relating to publication of notices) at least 10 days prior to the April meeting scheduled pursuant to subsection (a). **If the full financial statements and accompanying auditor's report are not published, copies shall be supplied to the publishing newspaper when the request for publication is submitted.**

(3) Before the report or statement is made or **the concise financial information is published**, it shall be approved by the independent auditor, who may approve it, subject to exceptions. Council may cause the statement to be printed in pamphlet form in addition to the publications made.

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Section 3. This act shall take effect in 60 days.

APPROVED--The 24th day of October, A.D. 2018.

TOM WOLF