

SB 970

AN ACT

Amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, providing for revival of an expired authority.

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

Section 1. Title 53 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 5623. Revival of an expired authority.

(a) **Retroactive revival.**--Upon the filing of the required municipal statements of revival with the Secretary of the Commonwealth and issuance of a certificate of revival, an expired authority shall become a retroactively revived authority.

(b) **Municipal statement of revival.**--A municipal statement of revival shall be executed in the name of each municipality that incorporated or subsequently joined in and had not withdrawn from the expired authority and shall set forth:

(1) The name of the expired authority and of each municipality that incorporated or subsequently joined in and had not withdrawn from the expired authority.

(2) The date on which the authority's term of existence expired.

(3) The address, including street and number of the expired authority.

(4) A statement that the municipality desires the revival of the authority as a body politic and corporate for an additional term not exceeding 50 years.

(5) A statement that the filing of the municipal statement of revival has been authorized and approved by the municipal authorities of the municipality by resolution.

(c) **Expiration interval.**--An expired authority may not become a retroactively revived authority if its term of expiration exceeds five years.

(d) **Certificate of revival.**--The Secretary of the Commonwealth shall issue a certificate of revival after verifying that required municipal statements of revival have been filed in proper form.

(e) **Definitions.**--The following words and phrases when used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Certificate of revival." A certification issued by the Secretary of the Commonwealth that, as a result of required

municipal statements of revival having been filed in proper form, the expired authority which is the subject of the municipal statements of revival is certified as having been retroactively revived for the term specified.

"Expired authority." An authority whose term of existence has expired in accordance with this chapter.

"Municipal statement of revival." A written statement prepared in accordance with subsection (b) and filed with the Secretary of the Commonwealth by the municipal authorities of each municipality that incorporated or subsequently joined in and had not withdrawn from an expired authority indicating that approval has been given for the retroactive revival of the expired authority by municipal authorities by resolution.

"Retroactively revived authority." An expired authority whose existence has been revived retroactively so that the authority is restored to its previous legal position in the same manner and to the same extent as if its term of existence had never expired. Retroactive revival shall have the effect of validating the business and affairs of the authority during its term of expiration, including all contracts and other transactions made and effected within the scope of the articles of the authority by its representatives and any rights, privileges, liabilities and obligations that the authority would have had if its term of existence had not expired.

"Term of expiration." The period of time that commences when an authority becomes an expired authority and that ends when the expired authority is retroactively revived in accordance with this section.

Section 2. This act shall take effect immediately.

APPROVED--The 30th day of December, A. D. 2003.

EDWARD G. RENDELL