

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1215 Session of
2001

INTRODUCED BY ROBBINS, MELLOW, BRIGHTBILL AND THOMPSON,
NOVEMBER 16, 2001

REFERRED TO LOCAL GOVERNMENT, NOVEMBER 16, 2001

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, further providing for parking
3 authority purposes and powers, bonds and facility transfers
4 and for municipal authority definitions, method of
5 incorporation, school district projects, purposes and powers,
6 bonds, bondholders, governing bodies, contracting, property,
7 termination and conveyances; and providing for continuation
8 in office.

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

11 Section 1. Sections 5505(d)(4) and (18), 5506(a)(1)(iii) and
12 (3) and 5516(b)(3) of Title 53 of the Pennsylvania Consolidated
13 Statutes, added June 19, 2001 (P.L.287, No.22), are amended to
14 read:

15 § 5505. Purposes and powers.

16 * * *

17 (d) Powers.--An authority has all powers necessary or
18 convenient for the carrying out of the purposes under this
19 section, including:

20 * * *

1 (4) To acquire, purchase, hold, lease as lessee and use
2 any property and any property interest necessary or desirable
3 for carrying out the purpose of the authority. This paragraph
4 includes franchises and property which is real, personal or
5 mixed and which is tangible or intangible.

6 * * *

7 (18) To enter into contracts with the Commonwealth, a
8 municipality, a county, a town, a township of the second
9 class, a corporation or an authority for the use of a project
10 of the authority and fixing the amount to be paid for the
11 contract.

12 * * *

13 § 5506. Bonds.

14 (a) Authorization.--

15 (1) A bond must be authorized by resolution of the
16 board. The resolution must specify all of the following:

17 * * *

18 (iii) Interest [not exceeding 6% annually, payable
19 semiannually. For the period after April 30, 1970, and
20 before May 3, 1971, the rate of interest may exceed 6% as
21 determined by the corporate authorities as necessary to
22 issue and sell the bond, but no bonds may be sold at less
23 than 98% of its principal amount plus interest charges].

24 * * *

25 (3) A bond may be sold at public or private sale for a
26 price determined by the authority. No [bond] bonds may be
27 sold at less than 98% of the principal amount plus interest
28 charges. [The interest cost to maturity of the money received
29 for a bond issue may not exceed 6% annually. For the period
30 after April 30, 1970, and before May 3, 1971, the rate of

1 interest may exceed 6% annually as determined by the
2 corporate authorities as necessary to issue and sell the
3 bond.]

4 * * *

5 § 5516. Transfer of existing facilities to authority.

6 * * *

7 (b) Acquisition.--

8 * * *

9 (3) The proposed action of the authority and the
10 proposed agreement to acquire must be approved by the [city
11 council] legislative body. Approval [shall] must be by two-
12 thirds vote of all of the members of the [council]
13 legislative body.

14 * * *

15 Section 2. The definitions of "authority" and "provide
16 financing for insurance reserves" in section 5602 of Title 53,
17 added June 19, 2001 (P.L.287, No.22), are amended to read:

18 § 5602. Definitions.

19 The following words and phrases when used in this chapter
20 shall have the meanings given to them in this section unless the
21 context clearly indicates otherwise:

22 * * *

23 "Authority." A body politic and corporate created under this
24 chapter; under the former act of June 28, 1935 (P.L.463,
25 No.191), known as the Municipality Authorities Act of one
26 thousand nine hundred and thirty-five; or under the act of May
27 2, 1945 (P.L.382, No.164), known as the Municipality Authorities
28 Act of 1945.

29 * * *

30 "Provide financing for insurance reserves." Financing, on

1 behalf of one or more local government units or authorities, all
2 or any portion of a reserve or a contribution toward a combined
3 reserve, pool or other arrangement relating to self-insurance
4 which has been established by one or more local government units
5 pursuant to 42 Pa.C.S. § 8564 (relating to liability insurance
6 and self-insurance) up to, but not exceeding, the amount
7 provided in section [8227 (relating to sinking fund not required
8 for small borrowings)] 8007 (relating to cost of project).

9 * * *

10 Section 3. Sections 5603(f), 5606(d), 5607(a) introductory
11 paragraph, (d)(9), (10), (11), (22), (23), (24)(i)(B) and (v)
12 and (32), (e)(1) and (g) introductory paragraph, 5608(a)(1)
13 introductory paragraph and (iii), (2) and (3), (b)(1) and (2)
14 and (c), 5609(b)(5)(ii) and (7) and (e), 5610(a), 5614(a)(2) and
15 (d), 5615(a)(2)(i), 5619(b) and (c) and 5622(b) of Title 53,
16 added June 19, 2001 (P.L.287, No.22), are amended to read:
17 § 5603. Method of incorporation.

18 * * *

19 (f) Certification of officers.--When an authority has been
20 organized and its officers elected, its secretary shall certify
21 to the Secretary of the Commonwealth the names and addresses of
22 its officers as well as the principal office of the authority.
23 Any change in the location of the principal office shall
24 likewise be certified to the Secretary of the Commonwealth
25 within ten days after such change. An authority created under
26 the laws of the Commonwealth and existing at the time this
27 chapter is enacted, in addition to powers granted or conferred
28 upon the authority, shall possess all the powers provided under
29 this chapter.

30 § 5606. School district projects.

1 * * *

2 (d) Documentation.--The articles of merger or consolidation
3 shall be filed on or before the day specified in the
4 advertisement [to] with the Secretary of the Commonwealth
5 together with the proof of publication of the notice required
6 under subsection (c).

7 * * *

8 § 5607. Purposes and powers.

9 (a) Scope of projects permitted.--Every authority
10 incorporated under this chapter shall be a body corporate and
11 politic and shall be for the purposes of financing working
12 capital; acquiring, holding, constructing, financing, improving,
13 maintaining and operating, owning or leasing, either in the
14 capacity of lessor or lessee, projects of the following kind and
15 character and providing financing for insurance reserves:

16 * * *

17 (d) Powers.--Every authority may exercise all powers
18 necessary or convenient for the carrying out of the purposes set
19 forth in this section, including, but without limiting the
20 generality of the foregoing, the following rights and powers:

21 * * *

22 (9) To fix, alter, charge and collect rates and other
23 charges in the area served by its facilities at reasonable
24 and uniform rates to be determined exclusively by it for the
25 purpose of providing for the payment of the expenses of the
26 authority, the construction, improvement, repair, maintenance
27 and operation of its facilities and properties and, in the
28 case of an authority created for the purpose of making
29 business improvements or providing administrative services, a
30 charge for such services which is to be based on actual

benefits and which may be measured on, among other things, gross sales or gross or net profits, the payment of the principal of and interest on its obligations and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations, or with a municipality [served or to be served by the authority] and to determine by itself exclusively the services and improvements required to provide adequate, safe and reasonable service, including extensions thereof, in the areas served. If the service area includes more than one municipality, the revenues from any project shall not be expended directly or indirectly on any other project unless such expenditures are made for the benefit of the entire service area. Any person questioning the reasonableness or uniformity of a rate fixed by an authority or the adequacy, safety and reasonableness of the authority's services, including extensions thereof, may bring suit against the authority in the court of common pleas of the county where the project is located or, if the project is located in more than one county, in the court of common pleas of the county where the principal office of the project is located. The court of common pleas shall have exclusive jurisdiction to determine questions involving rates or service. Except in municipal corporations having a population density of 300 persons or more per square mile, all owners of real property in eighth class counties may decline in writing the services of a solid waste authority.

(10) In the case of an authority which has agreed to provide water service through a separate meter and separate service line to a residential dwelling unit in which the owner does not reside, to impose and enforce the owner's duty

1 to pay a tenant's bill for service rendered to the tenant by
2 the authority only if the authority notifies the owner and
3 the tenant within 30 days after the bill first becomes
4 overdue. Notification shall be provided by first class mail
5 to the address of the owner provided to the authority by the
6 owner and to the billing address of the tenant, respectively.
7 Nothing in this paragraph shall be construed to require an
8 authority to terminate service to a tenant, and the owner
9 shall not be liable for any service which the authority
10 provides to the tenant 90 or more days after the tenant's
11 bill first becomes due unless the authority has been
12 prevented by court order from terminating service to that
13 tenant.

14 (11) In the case of an authority which has agreed to
15 provide sewer service to a residential dwelling unit in which
16 the owner does not reside, to impose and enforce the owner's
17 duty to pay a tenant's bill for service rendered by the
18 authority to the tenant. The authority shall notify the owner
19 and the tenant within 30 days after the tenant's bill for
20 that service first becomes overdue. Notification shall be
21 provided by first class mail to the address of the owner
22 provided to the authority by the owner and to the billing
23 address of the tenant, respectively. Nothing in this
24 paragraph shall be construed to relieve the owner of
25 liability for such service unless the authority fails to
26 provide the notice required in this paragraph.

27 * * *

28 (22) To charge the cost of construction of a sewer or
29 water main constructed by the authority against the
30 properties benefited, improved or accommodated by the

1 construction according to the foot front rule. Charges shall
2 be based upon the foot frontage of the properties benefited
3 and shall be a lien against such properties. Charges may be
4 assessed and collected and liens may be enforced in the
5 manner provided by law for the assessment and collection of
6 charges and the enforcement of liens of the municipality in
7 which such authority is located. No charge shall be assessed
8 unless prior to the construction of a sewer or water main the
9 authority submitted the plan of construction and estimated
10 cost to the municipality in which the project is to be
11 undertaken and the municipality approved it. The properties
12 benefited, improved or accommodated by the construction may
13 not be charged an aggregate amount in excess of the approved
14 estimated cost.

15 (23) To require the posting of financial security to
16 insure the completion in accordance with the approved plat
17 and with the rules and regulations of the authority of any
18 water mains or sanitary sewer lines, or both, and related
19 apparatus and facilities required to be installed by or on
20 behalf of a developer under an approved land development or
21 subdivision plat as these terms are defined under the act of
22 July 31, 1968 (P.L.805, No.247), known as the Pennsylvania
23 Municipalities Planning Code. If financial security is
24 required by the authority and without limitation as to other
25 types of financial security which the authority may approve,
26 which approval shall not be unreasonably withheld, federally
27 chartered or Commonwealth-chartered lending institution
28 irrevocable letters of credit and restrictive or escrow
29 accounts in these lending institutions shall be deemed
30 acceptable financial security. Financial security shall be

1 posted with a bonding company or federally chartered or
2 Commonwealth-chartered lending institution chosen by the
3 party posting the financial security if the bonding company
4 or lending institution is authorized to conduct business
5 within this Commonwealth. The bond or other security shall
6 provide for and secure to the authority the completion of
7 required improvements within one year from the date of
8 posting of the security. The amount of financial security
9 shall be equal to 110% of the cost of the required
10 improvements for which financial security is to be posted.
11 The cost of required improvements shall be established by
12 submitting to the authority a bona fide bid from a contractor
13 chosen by the party posting the financial security. In the
14 absence of a bona fide bid, the cost shall be established by
15 an estimate prepared by the authority's engineer. If the
16 party posting the financial security requires more than one
17 year from the date of posting the financial security to
18 complete the required improvements, the amount of financial
19 security may be increased by an additional 10% for each one-
20 year period beyond the first anniversary date from the
21 initial posting date or to 110% of the cost of completing the
22 required improvements as reestablished on or about the
23 expiration of the preceding one-year period by using the
24 above bidding procedure. As the work of installing the
25 required improvements proceeds, the party posting the
26 financial security may request the authority to release or
27 authorize the release of, from time to time, portions of the
28 financial security necessary to pay the contractor performing
29 the work. Release requests shall be in writing addressed to
30 the authority, and the authority shall have 45 days after

1 receiving a request to ascertain from the authority engineer,
2 certified in writing, that the portion of the work has been
3 completed in accordance with the approved plat. Upon
4 receiving written certification, the authority shall
5 authorize release by the bonding company or lending
6 institution of an amount estimated by the authority engineer
7 to fairly represent the value of the improvements completed.
8 If the authority fails to act within the 45-day period, it
9 shall be deemed to have approved the requested release of
10 funds. The authority may, prior to final release at the time
11 of completion and certification by its engineer, require
12 retention of 10% of the estimated cost of improvements. If
13 the authority accepts dedication of all or some of the
14 required improvements following completion, it may require
15 the posting of financial security to secure structural
16 integrity of the improvements as well as the functioning of
17 the improvements in accordance with the design and
18 specifications as depicted on the final plat and the
19 authority's rules and regulations. This financial security
20 [may] shall expire not later than 18 months from the date of
21 acceptance of dedication and shall be of the same type as set
22 forth in this paragraph with regard to that which is required
23 for installation of the improvements, except that it shall
24 not exceed 15% of the actual cost of installation of the
25 improvements. Any inconsistent ordinance, resolution or
26 statute [inconsistent] is null and void.

27 (24) To charge enumerated fees to property owners who
28 desire to or are required to connect to the authority's sewer
29 or water system. Fees shall be based upon the duly adopted
30 fee schedule which is in effect at the time of payment and

1 shall be payable at the time of application for connection or
2 at a time to which the property owner and the authority
3 agree. In the case of projects to serve existing development,
4 fees shall be payable at a time to be determined by the
5 authority. An authority may require that no capacity be
6 guaranteed for a property owner until the tapping fees have
7 been paid or secured by other financial security. The fees
8 shall be in addition to any charges assessed against the
9 property in the construction of a sewer or water main by the
10 authority under paragraphs (21) and (22) as well as any other
11 user charges imposed by the authority under paragraph (9) but
12 shall not include costs included in the calculation of such
13 fees.

14 (i) The fees may include any of the following fee
15 components if they are separately set forth in a
16 resolution adopted by the authority to establish these
17 fees:

18 * * *

19 (B) Customer facilities fee. It may not exceed
20 an amount based upon the actual cost of facilities
21 serving the connected property from the property line
22 or curb stop to the proposed dwelling or building to
23 be served. The fee shall be chargeable only if the
24 authority installs the customer facilities. In lieu
25 of payment of the customer facilities fee, an
26 authority may require the construction of those
27 facilities by the property owner who requests
28 customer facilities. In the case of water service,
29 the fee may include the cost of a water meter and
30 installation if the authority provides or installs

1 the water meter. If the property connected or to be
2 connected with the sewer system of the authority is
3 not equipped with a water meter, the authority may
4 install a meter at its own cost and expense. If the
5 property is supplied with water from the facilities
6 of a public water supply agency, the authority shall
7 not install a meter without the consent and approval
8 of the public water supply agency.

9 * * *

10 (v) As used in this paragraph, the term "residential
11 customer" shall also include those developing property
12 for residential dwellings that require multiple tapping
13 fee permits. This paragraph shall not be applicable to
14 intermunicipal or interauthority agreements relative to
15 the purchase of excess capacity by an authority or
16 municipality in effect prior to [December 20, 2000]
17 February 20, 2001.

18 * * *

19 (32) If a sewer system or water system or any part or
20 extension owned by an authority has been constructed at the
21 expense of a private person or corporation, the authority may
22 charge [another] a tapping fee. The authority shall refund
23 the tapping fee or any part of the fee to the person or
24 corporation who paid for the construction of the sewer or
25 water system or [the] any part or extension of it.

26 * * *

27 (e) Prohibition.--

28 (1) An authority may not pledge the credit or taxing
29 power of the Commonwealth or its political subdivision.

30 * * *

1 (g) Authorization to make business improvements and provide
2 administrative services.--An authority may be established to
3 make business improvements or provide administrative services in
4 districts designated by a municipality or by municipalities
5 acting jointly and zoned commercial or used for general
6 commercial purposes or in contiguous areas if the inclusion of a
7 contiguous area is directly related to the improvements and
8 services proposed by the authority. The authority shall make
9 planning or feasibility studies to determine needed improvements
10 or administrative services.

11 * * *

12 § 5608. Bonds.

13 (a) Authorization.--

14 (1) A bond must be authorized by resolution of the
15 board. The resolution [must] may specify all of the
16 following:

17 * * *

18 (iii) Interest[, not exceeding 6% annually, payable
19 semiannually. For the period after July 1, 1970, and
20 ending June 30, 1976, the rate of interest may exceed 6%
21 as determined by the corporate authorities as necessary
22 to issue and sell the bond].

23 * * *

24 (2) A bond must be signed by or shall bear the facsimile
25 signature of such officers as the authority determines.
26 Coupon bonds must have attached interest coupons bearing the
27 facsimile signature of the treasurer of the authority as
28 prescribed in the authorizing resolution. A bond may be
29 issued and delivered notwithstanding that one or more of the
30 signing officers or the treasurer has ceased to be an officer

1 when the bond is actually delivered. A bond must be
2 authenticated by an authenticating agent, a fiscal agent or a
3 trustee, if required by the authorizing resolution.

4 (3) A bond may be sold at public or private sale for a
5 price determined by the authority. [No bond may be sold at
6 less than 98% of the principal amount plus interest charges.
7 The interest cost to maturity of the money received for a
8 bond issue may not exceed 6% annually. For the period after
9 July 1, 1970, and before June 30, 1976, the rate of interest
10 may exceed 6% annually as determined by the corporate
11 authorities as necessary to issue and sell the bond.]

12 * * *

13 (b) Provisions.--A resolution authorizing a bond may contain
14 provisions which shall be part of the contract with the bond
15 holder as to the following:

16 (1) Pledging the full faith and credit of the authority
17 but not of the Commonwealth or any political [subdivisions]
18 subdivision for the obligation or restricting the full faith
19 and credit of the authority on the bond to all or any of the
20 revenue of the authority from all or any projects or
21 properties.

22 (2) The construction, financing, improvement, operation,
23 extension, enlargement, maintenance and repair of the
24 project; the financing for insurance reserves; and the duties
25 of the authority with reference to these matters.

26 * * *

27 (c) Deeds of trust.--An authority may enter into any deed of
28 trust, indenture or other agreement with any bank or trust
29 company or other person in the United States having power to
30 enter into such an arrangement, including any Federal agency, as

1 security for a bond and may assign and pledge all or any of the
2 revenues or receipts of the authority under such deed, indenture
3 or agreement. The deed of trust, indenture or other agreement
4 may contain provisions as may be customary in such instruments
5 or as the authority may authorize, including provisions as to
6 all of the following:

7 (1) [construction] Construction, financing, improvement,
8 operation, maintenance and repair of a project; financing for
9 insurance reserves; and the duties of the authority with
10 reference to these matters[;].

11 (2) [application] Application of funds and the
12 safeguarding of funds on hand or on deposit[;].

13 (3) [rights] Rights and remedies of trustee and
14 bondholder, including restrictions upon the individual right
15 of action of a bondholder[; and].

16 (4) [terms] Terms and provisions of the bond or the
17 resolution authorizing the issuance of the bond.

18 * * *

19 § 5609. Bondholders.

20 * * *

21 (b) Trustee.--

22 * * *

23 (5) A receiver under paragraph (4):

24 * * *

25 (ii) may operate and maintain the facility or part
26 of the facility;

27 * * *

28 (7) The trustee has all powers necessary or appropriate
29 for the exercise of functions specifically set forth in this
30 subsection or incident to the general representation of the

1 bondholders in the enforcement or protection of their rights.

2 * * *

3 [(e) Definition.--As used in this section, the terms
4 "advertisement" or "due public notice" shall mean a notice
5 published at least ten days before the award of a contract in a
6 newspaper of general circulation published in the municipality
7 where the authority has its principal office. If no newspaper is
8 published in that municipality, the notice shall be published in
9 a newspaper in the county where the authority has its principal
10 office. Notice may be waived if the authority determines an
11 emergency exists which requires the authority to purchase the
12 supplies and materials immediately.]

13 § 5610. Governing body.

14 (a) Board.--The powers of each authority shall be exercised
15 by a board composed as follows:

16 (1) If the authority is incorporated by one
17 municipality, the board shall consist of a number of members,
18 not less than five, as enumerated in the articles of
19 incorporation. The governing body of the municipality shall
20 appoint the members of the board, whose terms of office shall
21 commence on the effective date of their appointment. One
22 member shall serve for one year, one for two years, one for
23 three years, one for four years and one for five years
24 commencing with the first Monday in January next succeeding
25 the date of incorporation or amendment. If there are more
26 than five members of the board, their terms shall be
27 staggered in a similar manner for terms of one to five years
28 from the first Monday in January next succeeding. Thereafter,
29 whenever a vacancy has occurred by reason of the expiration
30 of the term of any member, the governing body shall appoint a

1 member of the board for a term of five years from the date of
2 expiration of the prior term to succeed the member whose term
3 has expired.

4 (2) If the authority is incorporated by two or more
5 municipalities, the board shall consist of a number of
6 members at least equal to the number of municipalities
7 incorporating the authority, but in no event less than five.
8 When one or more additional municipalities join an existing
9 authority, each of the joining municipalities shall have
10 similar membership on the board as the municipalities then
11 members of the authority and the joining municipalities may
12 determine by appropriate resolutions. The members of the
13 board of a joint authority shall each be appointed by the
14 governing body of the incorporating or joining municipality
15 he represents, and their terms of office shall commence on
16 the effective date of their appointment. One member shall
17 serve for one year, one for two years, one for three years,
18 one for four years and one for five years from the first
19 Monday in January next succeeding the date of incorporation,
20 amendment or joinder, and if there are more than five members
21 of the board, their terms shall be staggered in a similar
22 manner for terms of from one to five years commencing with
23 the first Monday in January next succeeding. Thereafter,
24 whenever a vacancy has occurred by reason of the expiration
25 of the term of any member, the governing body of the
26 municipality which has the power of appointment shall appoint
27 a member of the board for a term of five years from the date
28 of expiration of the prior term.

29 * * *

30 § 5614. Competition in award of contracts.

1 (a) Services.--

2 * * *

3 (2) Paragraph (1) does not apply to construction,
4 reconstruction, repair or work done by employees of the
5 authority or by labor supplied under agreement with a Federal
6 or State agency with supplies and materials purchased as
7 provided in this section.

8 * * *

9 (d) Notice.--The term "advertisement" or "public notice,"
10 wherever used in this section, shall mean a notice published at
11 least ten days before the award of a contract in a newspaper of
12 general circulation published in the municipality where the
13 authority has its principal office or, if no newspaper of
14 general circulation is published therein, in a newspaper of
15 general circulation in the county where the authority has its
16 principal office. Notice may be waived if the authority
17 determines that an emergency exists which requires the authority
18 to purchase the supplies and materials immediately.

19 * * *

20 § 5615. Acquisition of lands, water and water rights.

21 (a) Authorization.--

22 * * *

23 (2) The right of eminent domain does not apply to:

24 (i) Property owned or used by the United States, the
25 Commonwealth or any of its political subdivisions, or an
26 agency of any of them, or any body politic and corporate
27 organized as an authority under any law of the
28 Commonwealth or by any agency.

29 * * *

30 § 5619. Termination of authority.

1 * * *

2 (b) Conveyance of property.--When an authority has finally
3 paid and discharged all bonds issued and outstanding and the
4 interest due on them and settled all other outstanding claims
5 against it, the authority may convey all its property to the
6 municipality or municipalities or, if the property is public
7 school property, then to the school district for which the
8 property was financed, and terminate its existence.

9 (c) Certificate.--[A certificate requesting the termination
10 of the existence of an authority shall be filed in the office of
11 the Secretary of the Commonwealth.] An authority requesting to
12 terminate its existence must submit a certificate requesting
13 termination to the municipality which created it. If the
14 certificate is approved by the municipality [creating the
15 authority] by its ordinance[,] or resolution, the certificate
16 shall be filed in the office of the Secretary of the
17 Commonwealth; and the secretary shall note the termination of
18 existence on the record of incorporation and return the
19 certificate with approval to the board. The board shall cause
20 the certificate to be recorded in the office of the recorder of
21 deeds of the county. Upon recording, the property of the
22 authority shall pass to the municipality[,] or municipalities
23 or, if the property is public school property, then to the
24 school district for which the property was financed; and the
25 authority shall cease to exist.

26 § 5622. Conveyance by authorities to municipalities or school
27 districts of established projects.

28 * * *

29 (b) Public school project.--A public school project
30 undertaken under this chapter may be acquired by a school

1 district to which the project was leased if the school district
2 by appropriate resolution signifies a desire to do so. An
3 authority shall convey the public school project to the school
4 district by appropriate [resolution] instrument upon the
5 assumption by the school district of all the obligations
6 incurred by the authority with respect to that project.

7 * * *

8 Section 4. Notwithstanding any provision of section 2 of the
9 act of December 20, 2000 (P.L.792, No.112) entitled "An act
10 amending the act of May 2, 1945 (P.L.382, No.164), entitled 'An
11 act providing for the incorporation as bodies corporate and
12 politic of "Authorities" for municipalities, counties and
13 townships; prescribing the rights, powers and duties of such
14 Authorities heretofore or hereafter incorporated; authorizing
15 such Authorities to acquire, construct, improve, maintain and
16 operate projects, and to borrow money and issue bonds therefor;
17 providing for the payment of such bonds, and prescribing the
18 rights of the holders thereof; conferring the right of eminent
19 domain on such Authorities; authorizing such Authorities to
20 enter into contracts with and to accept grants from the Federal
21 Government or any agency thereof; and conferring exclusive
22 jurisdiction on certain courts over rates,'" to the contrary,
23 any member of a board of a municipality authority who was
24 appointed prior to the effective date (February 20, 2001) of the
25 act of December 20, 2000 (P.L.792, No.112), and who immediately
26 prior to the effective date (February 20, 2001) of the act of
27 December 20, 2000 (P.L.792, No.112), was qualified to be a
28 member of a board under section 7A of the former act of May 2,
29 1945 (P.L.382, No.164), known as the Municipality Authorities
30 Act of 1945, shall remain and be deemed to have remained at all

1 times qualified to be a member of the board until the regular
2 expiration of the member's term.

3 Section 5. This act shall apply retroactively to June 19,
4 2001.

5 Section 6. This act shall take effect immediately.