

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 970 Session of
2003

INTRODUCED BY CORMAN, NOVEMBER 24, 2003

REFERRED TO LOCAL GOVERNMENT, NOVEMBER 24, 2003

AN ACT

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

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

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

8 § 5623. Revival of an expired authority.

9 (a) Retroactive revival.--Upon the filing of a municipal
10 statement of revival with the Secretary of the Commonwealth and
11 issuance of a certificate of revival, an expired authority shall
12 become a retroactively revived authority.

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16 withdrawn from the expired authority and shall set forth:

17 (1) The name of the expired authority and of each
18 municipality that incorporated or subsequently joined in and

1 had not withdrawn from the expired authority.

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

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

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

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

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

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

18 "Certificate of revival." A certification issued by the
19 Secretary of the Commonwealth that, as a result of the required
20 municipal statement of revival having been filed in proper form,
21 the expired authority which is the subject of the municipal
22 statement of revival is certified as having been retroactively
23 revived for the term specified.

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

26 "Municipal statement of revival." A written statement
27 prepared in accordance with subsection (b) and filed with the
28 Secretary of the Commonwealth by the municipal authorities of
29 each municipality that incorporated or subsequently joined in
30 and had not withdrawn from an expired authority indicating that

1 by motion municipal approval has been given for the retroactive
2 revival of the expired authority.

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

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

18 Section 2. This act shall take effect in 60 days.