

Proviso.

by such city or county and paid out of the city treasury and multiplying the said number of years so computed by an amount equal to one-fortieth of the pension which has become payable to such contributor in accordance with the provisions of this act: Provided, That no service increment may be paid for employment of more than twenty such excess years nor for any excess years which shall accrue after a contributor has reached the age of [sixty-five] *seventy* years and no service increment shall be paid in excess of one hundred dollars (\$100.00) per month.

Saving clause.

Section 5. Nothing contained in this act shall be construed to affect the power of a city of the first class or the powers or duties of any board, department or the council thereof to provide and administer pension and retirement systems covering officers and employes of the city, as provided by and authorized and directed under the Home Rule Charter of such city.

APPROVED—The 21st day of January, A. D. 1952.

JOHN S. FINE

No. 626

AN ACT

To further amend the act, approved the second day of May, one thousand nine hundred forty-five (Pamphlet Laws 382), entitled "An act providing for the incorporation as bodies corporate and politic of "Authorities" for municipalities, counties and townships; prescribing the rights, powers and duties of such Authorities heretofore or hereafter incorporated; authorizing such Authorities to acquire, construct, improve, maintain and operate projects, and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and conferring exclusive jurisdiction on certain courts over rates," by extending the provisions thereof to school districts for limited purposes, changing provisions for incorporation, withdrawal from and joinder in Authorities, amendment of articles of incorporation, boards of Authorities and citizenship of members thereof; and providing for extensions of corporate existence, *transfers of existing facilities to Authorities, and conveyances of projects upon termination or assumption of liabilities.

"Municipality Authorities Act of 1945."

Clause (f) of section 2, act of May 2, 1945, P. L. 382, as amended by act of June 12, 1947, P. L. 571, further amended.

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

Section 1. Clause (f) of section 2 of the act, approved the second day of May, one thousand nine hundred forty-five (Pamphlet Laws 382), entitled "An act providing for the incorporation as bodies corporate and politic of "Authorities" for municipalities, counties and

* "transfer" in original.

townships; prescribing the rights, powers and duties of such Authorities heretofore or hereafter incorporated; authorizing such Authorities to acquire, construct, improve, maintain and operate projects, and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and conferring exclusive jurisdiction on certain courts over rates," as amended by the act, approved the twelfth day of June, one thousand nine hundred forty-seven (Pamphlet Laws 571), is hereby further amended to read as follows:

Section 2. Definitions.—The following terms whenever used or referred to in this act shall have the following meanings, except in those instances where the context clearly indicates otherwise:

* * * * *

(f) The term "municipality" shall mean any county, city, town, borough, [or] township or school district of the Commonwealth of Pennsylvania.

Section 2. Subsections A and C of section 3 and subsection B of section 3.1 of the said act are hereby amended to read as follows:

Section 3. Method of Incorporation.—A. Whenever the municipal authorities of any municipality singly or of [one] two or more municipalities jointly shall desire to organize an Authority under this act, they shall adopt a resolution or ordinance signifying their intention to do so.

[In the event that such resolution or ordinance sets forth the proposed articles of incorporation in full, it shall not be required, (any law to the contrary notwithstanding) in publishing such resolution or ordinance under the provisions of existing law, to publish such proposed articles of incorporation in full, but it shall be sufficient compliance with such law in such publication to set forth briefly the substance of such proposed articles of incorporation, and to refer to the provisions of this act.] Thereafter the municipal authorities of such municipality or municipalities shall cause a notice of such resolution or ordinance to be published at least one time in the legal periodical of the county or counties in which such Authority is to be organized, and at least one time in a newspaper published and of general circulation in such county or counties. Said notice shall contain a brief statement of the substance of said resolution or ordinance, including the substance of such articles making reference to this act, and shall state that

Subsection A
and C of section
3 and subsection
B of section 3.1,
said act,
amended.

on a day certain, not less than three days after publication of said notice, articles of incorporation of the proposed Authority will be filed with the Secretary of the Commonwealth of Pennsylvania. *No such municipality shall be required (any law to the contrary notwithstanding) to make any other publication of such resolution or ordinances under the provisions of existing law. The aforesaid publication of such notice shall be sufficient compliance with such laws.*

* * * * *

C. If the Secretary of the Commonwealth finds that the articles of incorporation conform to law, he shall forthwith, but not prior to the day specified in the aforesaid notice, endorse his approval thereon, and when all proper fees and charges have been paid, shall file the articles and issue a certificate of incorporation, to which shall be attached a copy of the approved articles. Upon the issuance of such certificate of incorporation by the Secretary of the Commonwealth, the corporate existence of said Authority shall begin [when such certificate has been recorded in the office for the recording of deeds in the county where the principal office of the Authority is to be located]. Said certificate of incorporation shall be conclusive evidence of the fact that such Authority has been incorporated, but proceedings may be instituted by the Commonwealth to dissolve any Authority which shall have been formed without substantial compliance with the provisions of this section.

Section 3.1. Municipalities Withdrawing from and Joining in Joint Authorities.—

* * * * *

B. On or before the day specified in the notice the municipal authorities shall file such application with the Secretary of the Commonwealth, together with proof of publication of the notice hereby required. In the case of a municipality seeking to become a member of the Authority, the application shall set forth all of the information required in the case of original incorporation in so far as it applies to the incoming municipality, including the name and address and term of office of the first member *or members* of the board of the Authority from the incoming municipality, *and if there is to be a reapportionment of representation or revision of the terms of office of the members of the board, the names, addresses and terms of office of all the members of the board as so reapportioned or revised.* The application in all cases shall be executed by the proper officers of the withdrawing or incoming municipality under its municipal seal, and shall be joined in by the proper officers of the governing body of the Authority, and in the case of a municipality seeking to become a member of the Authority also by the proper officers of each of the

municipalities that are then members of the Authority, pursuant to resolutions by the municipal authorities of such municipalities.

Section 3. Subsection A of section 3.2 of said act, as added by the act, approved the twenty-sixth day of April, one thousand nine hundred forty-nine (Pamphlet Laws 761), is hereby amended to read as follows:

Subsection A of section 3.2, said act, as added by act of April 26, 1949, P. L. 761, amended.

Section 3.2. Amendment of Articles.—A. An Authority, in the manner hereinafter provided, may, from time to time, amend its articles:—

(1) To adopt a new name;

(2) To add a provision therein increasing its term of existence to a date not exceeding fifty years from the date of approval of the articles of amendment or to modify any provision thereof limiting its terms of existence, by increasing such term to such a date;

(3) To change, add to, or diminish its powers or purposes, or to set forth different or additional powers or purposes;

(4) To increase or decrease the number of members of the board of the Authority, to reapportion the representation on the board of the Authority, and to revise the terms of office of such members, all in such manner as shall not be inconsistent with the provisions of section seven of this act.

Section 4. Subsection A of section 4 of said act, as amended by the act, approved the twelfth day of June, one thousand nine hundred forty-seven (Pamphlet Laws 571), is hereby further amended to read as follows:

Subsection A of section 4, said act, as amended by act of June 12, 1947, P. L. 571, further amended.

Section 4. Purposes and Powers; General.—A. Every Authority incorporated under this act shall be a body corporate and politic, and shall be for the purpose of acquiring, holding, constructing, improving, maintaining and operating, owning, leasing, either in the capacity of lessor or lessee, projects of the following kind and character, buildings to be devoted wholly or partially for public uses, including public school buildings, and for revenue-producing purposes; transportation, marketing, shopping, terminals, bridges, tunnels, flood control projects, highways, parkways, traffic distribution centers, parking spaces, airports and all facilities necessary or incident thereto, parks, recreation grounds and facilities, sewers, sewer systems or parts thereof, sewage treatment works, including works for treating and disposing of industrial waste, steam heating plants and distribution systems, incinerator plants, waterworks, water supply works, water distribution systems, swimming pools, playgrounds, lakes, low head dams, hospitals, motor buses for public use, when such motor buses are to be used within any municipality, and subways: *Provided, That an Authority created by a school district or school districts shall have the power*

only to acquire, hold, construct, improve, maintain, operate and lease public school buildings and other school projects acquired, constructed or improved for public school purposes. The purpose and intent of this act being to benefit the people of the Commonwealth by, among other things, increasing their commerce and prosperity, and not to unnecessarily burden or interfere with existing business by the establishment of competitive enterprises, none of the powers granted by this act shall be exercised in the construction, improvement, maintenance, extension or operation of any project or projects which in whole or in part shall duplicate or compete with existing enterprises serving substantially the same purposes. The municipality or municipalities organizing such an Authority may, in the resolution or ordinance signifying their intention so to do, or from time to time by subsequent resolution or ordinance, specify the project or projects to be undertaken by the said Authority, and no other projects shall be undertaken by the said Authority than those so specified. If the municipal authorities organizing an Authority fail to specify the project or projects to be undertaken, then the Authority shall be deemed to have all the powers granted by this act.

Clause (a) of subsection B of section 4, said act, as amended by act of June 12, 1947, P. L. 571, further amended.

Section 5. Clause (a) of subsection B of section 4 of said act, as amended by the act, approved the twelfth day of June, one thousand nine hundred forty-seven (Pamphlet Laws 571), is hereby further amended to read as follows:

Section 4. Purposes and Powers; General.—

* * * * *

B. Every Authority is hereby granted, and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes, including but without limiting the generality of the foregoing, the following rights and powers:

(a) To have existence for a term of fifty years [as a corporation] *and for such further period or periods as may be provided in articles of amendment approved under subsection E of section three point two.*

Subsection A of section 7, said act, as amended by act of June 12, 1947, P. L. 571, and as last amended in part by act of May 2, 1949, P. L. 850, further amended.

Section 6. Subsection A of section 7 of said act, as amended by the act, approved the twelfth day of June, one thousand nine hundred forty-seven (Pamphlet Laws 571), and as last amended in part by the act, approved the second day of May, one thousand nine hundred forty-nine (Pamphlet Laws 850), is hereby further amended to read as follows:

Section 7. Governing Body.—A. The powers of each Authority shall be exercised by a governing body (herein called the "Board") composed as follows:

(a) If the Authority is incorporated by one municipality the board shall consist of five members, [each of whom shall be a citizen of such municipality] *or in case of an Authority one or more projects of which extends or is to extend into or is leased or is to be leased to more than one municipality the board shall consist of such number of members not less than five as shall be set forth in the articles of incorporation or amendment thereto.* The governing body of such municipality shall appoint the members of the board, whose terms of office shall commence on the date of appointment, and one of whom shall serve for one year, one for two years, one for three years, one for four years and one for five years from the January first next succeeding the date of incorporation, *and if there be more than five members of the board, their terms shall be staggered in a similar manner.* Thereafter whenever a vacancy has occurred or is about to occur by reason of the expiration of the term of any member, the said governing body shall appoint [as] a member of the board [a citizen of the municipality for which the Authority is created,] for a term of five years, to succeed the member whose term has expired or is about to expire.

(b) If the Authority is incorporated by two or more municipalities, the board shall consist of a number of members at least equal to the number of municipalities incorporating the Authority, but in no event less than five. When one or more additional municipalities join an existing Authority, each of such joining municipalities shall have [one member on the board. The first of such members shall be appointed immediately upon the admission of the municipality into the Authority for a full term of years equal to that fixed for the other members of the Board] *such membership on the board as the municipalities then members of the Authority and the joining municipalities may determine by appropriate resolutions. Such member or members representing the joining municipality or municipalities shall be appointed, immediately upon the admission of such municipality or municipalities into the Authority, for the term of years provided in the application for membership required by section three point one of this act.*

The members of the board, *each of whom shall be a citizen of the municipality by which he is appointed or a citizen of a municipality into which one or more of the projects of the Authority extends or is to extend or to which one or more of said projects has been or is to be leased,* shall be appointed, their terms staggered, and vacancies filled, and where [the number of] *two or more municipalities [joining is less than five] are members of the Authority,* shall be apportioned in such manner as the articles of incorporation, *the amendments*

thereof or the application for membership required by section three point one of this act shall provide. No member shall be appointed for a term longer than five years.

Subsection A of section 9, section 14, and subsection (B) of section 18, said act, as amended by act of June 12, 1947, P. L. 571, further amended.

Section 7. Subsection A of section 9, section 14 and subsection (B) of section 18 of said act, as amended by the act, approved the twelfth day of June, one thousand nine hundred forty-seven (Pamphlet Laws 571), are hereby further amended to read as follows:

Section 9. Transfer of Existing Facilities to Authority.—A. Any municipality, school district, or owner may, and they are hereby authorized to sell, lease, lend, grant, [or] convey, *transfer or pay over* to any Authority, *with or without consideration*, any project or any part or parts thereof, or any interest in real or personal property, *or any funds available for building construction or improvement purposes, including the proceeds of bonds previously or hereafter issued for building construction or improvement purposes*, which may be used by the Authority in the construction, improvement, maintenance or operation of any project. Any municipality, or school district, is also authorized to transfer, assign and set over to any Authority, any contracts which may have been awarded by said municipality, or school district, for the construction of projects not begun, or if begun not completed. The territory being served by any project, or the territory within which such project is authorized to render service at the time of the acquisition of such project by an Authority, shall include the area served by the project and the area in which the project is authorized to serve at the time of acquisition, and any other area into which the service may be extended, subject to the limitations of subsection A of section four of this act.

Section 14. Termination of Authority.—When any Authority shall have finally paid and discharged all bonds which, together with the interest due thereon, shall have been secured by a pledge of any of the revenues or receipts of a project, it may (subject to any agreements concerning the operation or disposition of such project) convey such project to the municipality or municipalities creating the Authority, or where the project is a public school [building] *project to the school district [in which it is located] or school districts to which such project was leased.* When any Authority shall have finally paid and discharged all bonds issued and outstanding and the interest due thereon, and settled all other claims which may be outstanding against it, it may convey all its property to the municipality or municipalities, or where any of such property is [a public school building] *public school property*, then to the school district [in which it is located] *or school dis-*

tricts to which the project was leased and may then terminate its existence. A certificate requesting the termination of the existence of the Authority shall be [filed in the office of the Secretary of the Commonwealth] submitted to the municipality or municipalities creating the Authority. If the certificate is approved by the municipality or municipalities [creating the Authority by its ordinance or ordinances], then the certificate endorsed with such approval shall be filed with the Secretary of the Commonwealth, and thereupon the said secretary shall note the termination of existence on the record of incorporation and return the certificate with his approval shown thereon to the board, which shall cause the same to be recorded in the office of the recorder of deeds of the county, if the certificate of incorporation of such Authority shall have been recorded therein pursuant to the requirements of law in effect at the time of the incorporation of such Authority. Thereupon the property of said Authority shall pass to the municipality or municipalities or the school district or districts, as the case may be, and the Authority shall cease to exist.

Section 18. Conveyance by Authorities to Municipalities or School Districts of Established Projects.—

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(B) If a public school [building] project shall have been [established as a project] undertaken under this act and the school district [in which it is located desires] or school districts to which such project has been leased desire to acquire the same, such school district or school districts may by appropriate resolution signify [its] a desire to do so, and thereupon the Authority shall convey such public school [building] project to such school district or school districts by appropriate instrument upon the assumption by the latter of all the obligations incurred by the Authority with respect to that project.

Section 8. The provisions of this act shall become effective immediately upon final enactment.

Act effective immediately.

APPROVED—The 21st day of January, A. D. 1952.

JOHN S. FINE

No. 627

AN ACT

To further amend the act, approved the tenth day of March, one thousand nine hundred forty-nine (Pamphlet Laws 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," by authorizing school districts of the second,