

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 599

Session of  
1979

INTRODUCED BY PETRARCA, B. D. CLARK, LIVENGOD, KOLTER AND  
TADDONIO, MARCH 7, 1979

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MARCH 7, 1979

AN ACT

1 Amending the act of May 2, 1945 (P.L.382, No.164), entitled "An  
2 act providing for the incorporation as bodies corporate and  
3 politic of 'Authorities' for municipalities, counties and  
4 townships; prescribing the rights, powers and duties of such  
5 Authorities heretofore or hereafter incorporated; authorizing  
6 such Authorities to acquire, construct, improve, maintain and  
7 operate projects, and to borrow money and issue bonds  
8 therefor; providing for the payment of such bonds, and  
9 prescribing the rights of the holders thereof; conferring the  
10 right of eminent domain on such Authorities; authorizing such  
11 Authorities to enter into contracts with and to accept grants  
12 from the Federal Government or any agency thereof; and  
13 conferring exclusive jurisdiction on certain courts over  
14 rates," further providing for rates and charges to be fixed  
15 and altered pursuant to the provisions of the Public Utility  
16 Law.

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

19 Section 1. Clause (h) of subsection B of section 4, act of  
20 May 2, 1945 (P.L.382, No.164), known as the "Municipality  
21 Authorities Act of 1945," amended December 16, 1975 (P.L.489,  
22 No.146), is amended to read:

23 Section 4. Purposes and Powers; General.--\* \* \*

24 B. Every Authority is hereby granted, and shall have and may  
25 exercise all powers necessary or convenient for the carrying out

1 of the aforesaid purposes, including but without limiting the  
2 generality of the foregoing, the following rights and powers:

3 \* \* \*

4 (h) To fix, alter, charge and collect rates and other  
5 charges in the area served by its facilities at reasonable and  
6 uniform rates to be determined [exclusively by it,] in  
7 accordance with the provisions of Title 66 (Public Utilities) of  
8 the Pennsylvania Consolidated Statutes, for the purpose of  
9 providing for the payment of the expenses of the Authority, the  
10 construction, improvement, repair, maintenance and operation of  
11 its facilities and properties, the payment of the principal of  
12 and interest on its obligations, and to fulfill the terms and  
13 provisions of any agreements made with the purchasers or holders  
14 of any such obligations, or with the municipality incorporating  
15 or municipalities which are members of said Authority or with  
16 any municipality, served or to be served by said Authority, and  
17 to determine by itself exclusively the services and improvements  
18 required to provide adequate, safe and reasonable service,  
19 including extensions thereof, in the areas served: Provided,  
20 That if the service area includes more than one municipality,  
21 the revenues from any project shall not be expended directly or  
22 indirectly on any other project, unless such expenditures are  
23 made for the benefit of the entire service area. Any person  
24 questioning the reasonableness or uniformity of any rate fixed  
25 by any Authority or the adequacy, safety and reasonableness of  
26 the Authority's services, including extensions thereof, may  
27 bring suit against the Authority in the court of common pleas of  
28 the county wherein the project is located, or if the project is  
29 located in more than one county then in the court of common  
30 pleas of the county wherein the principal office of the project

1 is located. The court of common pleas shall have exclusive  
2 jurisdiction to determine all such questions involving rates or  
3 service. Except in municipal corporations having a population  
4 density of three hundred persons or more per square mile, all  
5 owners of real property in eighth class counties may decline, in  
6 writing, the services of a solid waste authority.

7 \* \* \*

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