

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 401 Session of 2011

INTRODUCED BY ORIE, PIPPY, ALLOWAY, BAKER, BOSCOLA, BREWSTER, BROWNE, BRUBAKER, COSTA, EARLL, EICHELBERGER, ERICKSON, FERLO, FOLMER, FONTANA, GORDNER, GREENLEAF, MENSCH, PILEGGI, RAFFERTY, ROBBINS, SOLOBAY, WARD, WAUGH, D. WHITE, M. WHITE, WOZNIAK AND YUDICHAK, FEBRUARY 4, 2011

REFERRED TO LOCAL GOVERNMENT, FEBRUARY 4, 2011

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in area government and
3 intergovernmental cooperation, providing for agreements with
4 municipal authorities; and further providing for review of
5 agreement by Local Government Commission.

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

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

10 § 2303.1. Agreements with municipal authorities.

11 (a) General rule.--One or more local governments in this
12 Commonwealth, upon the passage of an ordinance containing the
13 elements set forth under section 2307 (relating to content of
14 ordinance), and one or more municipal authorities created under
15 Chapter 56 (relating to municipal authorities) or under the
16 former act of May 2, 1945 (P.L.382, No.164), known as the
17 Municipality Authorities Act of 1945, upon the passage of a
18 resolution containing the elements set forth under section 2307,

1 may jointly enter into an agreement to cooperate in the exercise
2 or in the performance of their respective functions, powers or
3 responsibilities.

4 (b) Limitations.--An agreement entered into pursuant to this
5 section shall not do any of the following:

6 (1) Delegate or transfer the governmental powers or
7 functions of a local government to a municipal authority,
8 unless the municipal authority, by law, has been granted the
9 authority to exercise the governmental powers or functions.

10 (2) Enlarge or diminish the powers of a municipal
11 authority beyond those authorized and permitted by law.

12 (c) Review.--Agreements executed pursuant to this section
13 need not be submitted to the Local Government Commission for
14 review.

15 Section 2. Section 2314 of Title 53 is amended to read:

16 § 2314. Review of agreement by Local Government Commission.

17 Every agreement between a local government and the
18 Commonwealth, any other state, government of another state or
19 the Federal Government under the provisions of this subchapter
20 shall, prior to and as a condition precedent to enactment of an
21 ordinance, be submitted to the Local Government Commission for
22 review and recommendation. The commission shall within [60] 90
23 days of receipt of the agreement determine whether it is in
24 proper form and compatible with the laws of this Commonwealth.

25 Failure of the commission to make recommendations within [60] 90
26 days of receipt of the agreement shall constitute a
27 recommendation in favor of the agreement.

28 Section 3. This act shall take effect in 60 days.