
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1806 Session of
2021

INTRODUCED BY GILLESPIE, MILLARD, MOUL, ROWE, SAYLOR AND
JOZWIAK, AUGUST 24, 2021

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, AUGUST 24, 2021

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in municipal authorities, further
3 providing for purposes and powers.

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

6 Section 1. Section 5607(a)(12)(i) and (b)(2)(i) of Title 53
7 of the Pennsylvania Consolidated Statutes are amended to read:
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 (12) Facilities for generating surplus electric power
18 which are related to incinerator plants, dams, water supply

1 works, water distribution systems or sewage treatment plants
2 pursuant, where applicable, to section 3 of the Federal Power
3 Act (41 Stat. 1063, 16 U.S.C. § 796) and section 210 of the
4 Public Utility Regulatory Policies Act of 1978 (Public Law
5 95-617, 16 U.S.C. § 824a-3) or Title IV of the Public Utility
6 Regulatory Policies Act of 1978 (Public Law 95-617, 16 U.S.C.
7 §§ 2701 to 2708) if:

8 (i) electric power generated from the facilities is
9 sold or distributed [only] on a sale-for-resale basis to
10 one or more entities authorized to sell electric power to
11 the public or sold on a retail basis to commercial,
12 governmental, institutional or industrial customers only;

13 * * *

14 (b) Limitations.--This section is subject to the following
15 limitations:

16 * * *

17 (2) The purpose and intent of this chapter being to
18 benefit the people of the Commonwealth by, among other
19 things, increasing their commerce, health, safety and
20 prosperity and not to unnecessarily burden or interfere with
21 existing business by the establishment of competitive
22 enterprises, none of the powers granted by this chapter shall
23 be exercised in the construction, financing, improvement,
24 maintenance, extension or operation of any project or
25 projects or providing financing for insurance reserves which
26 in whole or in part shall duplicate or compete with existing
27 enterprises serving substantially the same purposes. This
28 limitation shall not apply to the exercise of the powers
29 granted under this section:

30 (i) for facilities and equipment for the collection,

1 removal or disposal of ashes, garbage, rubbish and other
2 refuse materials by incineration, landfill or other
3 methods, or to a facility for generating surplus electric
4 power under section 5607(a)(12), if each municipality
5 organizing or intending to use the facilities of an
6 authority having such powers shall declare by resolution
7 or ordinance that it is desirable for the health and
8 safety of the people of such municipality that it use the
9 facilities of the authority and state if any contract
10 between such municipality and any other person, firm or
11 corporation for the collection, removal or disposal of
12 ashes, garbage, rubbish and other refuse material has by
13 its terms expired or is terminable at the option of the
14 municipality or will expire within six months from the
15 date such ordinance becomes effective;

16 * * *

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