

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1893 Session of 2015

INTRODUCED BY SCHEMEL, MCGINNIS, DAVIS, JAMES, THOMAS, WARD, BENNINGHOFF, GROVE, SAYLOR, MILNE, A. HARRIS, SCHLOSSBERG, MOUL, HAHN, PICKETT AND ZIMMERMAN, MARCH 14, 2016

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 18, 2016

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in intergovernmental cooperation,
3 further providing for ordinance and for content of <--
4 ordinance, FOR CONTENT OF ORDINANCE, FOR JOINT PURCHASES <--
5 WITH PRIVATE EDUCATIONAL ESTABLISHMENTS, FOR REQUIRED REVIEW
6 OF SPECIFIED AGREEMENTS AND FOR EFFECT OF JOINT COOPERATION
7 AGREEMENTS.

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

10 Section 1. Sections 2305 and 2307, 2307, 2310, 2314(A) AND <--
11 2315 of Title 53 of the Pennsylvania Consolidated Statutes are
12 amended to read:

13 § 2305. [Ordinance] Resolution ADOPTION OF ORDINANCE OR <--
14 RESOLUTION.

15 (A) ORDINANCES.--A local government may enter into <--
16 intergovernmental cooperation with or delegate any functions,
17 powers or responsibilities to another governmental unit or local
18 government upon the passage of [an ordinance] a resolution by <--
19 its governing body. If mandated by initiative and referendum in

1 the area affected, the local government shall adopt such ~~an~~ <--
2 ordinance ~~a resolution~~. <--

3 (B) RESOLUTIONS.--A GOVERNING BODY MAY, UNLESS ANY OTHER LAW <--
4 PROVIDES TO THE CONTRARY, ENTER INTO INTERGOVERNMENTAL
5 COOPERATION BY RESOLUTION OF ITS GOVERNING BODY.

6 § 2307. Content of ~~ordinance~~ OR resolution. <--

7 The ~~ordinance~~ OR resolution adopted by the governing body <--
8 of a local government entering into intergovernmental
9 cooperation or delegating or transferring any functions, powers
10 or responsibilities to another local government or to a council
11 of governments, consortium or any other similar entity shall
12 specify:

13 (1) The conditions of agreement in the case of
14 cooperation with or delegation to other local governments,
15 the Commonwealth, other states or the Federal Government.

16 (2) The duration of the term of the agreement.

17 (3) The purpose and objectives of the agreement,
18 including the powers and scope of authority delegated in the
19 agreement.

20 (4) The manner and extent of financing the agreement.

21 (5) The organizational structure necessary to implement
22 the agreement.

23 (6) The manner in which real or personal property shall
24 be acquired, managed, licensed or disposed of.

25 (7) That the entity created under this section shall be
26 empowered to enter into contracts for policies of group
27 insurance and employee benefits, including Social Security,
28 for its employees.

29 § 2310. JOINT PURCHASES WITH PRIVATE EDUCATIONAL <--
30 ESTABLISHMENTS.

1 ANY LOCAL GOVERNMENT MAY, BY ORDINANCE OR RESOLUTION,
2 AUTHORIZE JOINT PURCHASES OF MATERIALS, SUPPLIES AND EQUIPMENT
3 WITH ANY PRIVATE SCHOOL, PAROCHIAL SCHOOL, PRIVATE COLLEGE OR
4 UNIVERSITY OR NONPROFIT HUMAN SERVICES AGENCY WITHIN THE LOCAL
5 GOVERNMENT. THE ORDINANCE OR RESOLUTION SHALL REQUIRE THAT THE
6 SCHOOL, COLLEGE OR AGENCY SHALL BE BOUND BY THE TERMS AND
7 CONDITIONS OF PURCHASING AGREEMENTS WHICH THE LOCAL GOVERNMENT
8 PRESCRIBES AND THAT THE SCHOOL, COLLEGE OR AGENCY SHALL BE
9 RESPONSIBLE FOR PAYMENT DIRECTLY TO THE VENDOR UNDER EACH
10 PURCHASE CONTRACT. SCHOOLS, COLLEGES AND AGENCIES SHALL BE
11 EXEMPT FROM ANY EXISTING STATUTORY REQUIREMENTS GOVERNING
12 COMPETITIVE BIDDING AND EXECUTION OF CONTRACTS WITH RESPECT TO
13 PURCHASES UNDER THIS SECTION.

14 § 2314. REQUIRED REVIEW OF SPECIFIED AGREEMENTS.

15 (A) GENERAL RULE.--AN AGREEMENT BETWEEN A LOCAL GOVERNMENT
16 AND THE FEDERAL GOVERNMENT, THE COMMONWEALTH, ANY OTHER STATE OR
17 GOVERNMENT OF ANOTHER STATE UNDER THE PROVISIONS OF THIS
18 SUBCHAPTER SHALL, PRIOR TO AND AS A CONDITION PRECEDENT TO
19 ENACTMENT OF AN ORDINANCE OR RESOLUTION, BE SUBMITTED TO THE
20 LOCAL GOVERNMENT COMMISSION FOR REVIEW AND RECOMMENDATION.

21 * * *

22 § 2315. EFFECT OF JOINT COOPERATION AGREEMENTS.

23 ANY JOINT COOPERATION AGREEMENT SHALL BE DEEMED IN FORCE AS
24 TO ANY LOCAL GOVERNMENT WHEN THE AGREEMENT HAS BEEN ADOPTED BY
25 ORDINANCE OR RESOLUTION BY ALL COOPERATING LOCAL GOVERNMENTS.
26 AFTER ADOPTION BY ALL COOPERATING LOCAL GOVERNMENTS, THE
27 AGREEMENT SHALL BE BINDING UPON THE LOCAL GOVERNMENT, AND ITS
28 COVENANTS MAY BE ENFORCED BY APPROPRIATE REMEDY BY ANY ONE OR
29 MORE OF THE LOCAL GOVERNMENTS AGAINST ANY OTHER LOCAL GOVERNMENT
30 WHICH IS A PARTY TO THE AGREEMENT.

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