

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2257 Session of
1980

INTRODUCED BY GALLAGHER, BURNS, J. L. WRIGHT, JR., WILSON AND
M. H. GEORGE, FEBRUARY 11, 1980

REFERRED TO COMMITTEE ON EDUCATION, FEBRUARY 11, 1980

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 the terms of a board of a
15 school authority.

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

18 Section 1. Clauses (a) and (b) of subsection A of section 7,
19 act of May 2, 1945 (P.L.382, No.164), known as the "Municipality
20 Authorities Act of 1945," amended March 14, 1978 (P.L.12, No.7),
21 are amended to read:

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

1 (a) If the Authority is incorporated by one municipality the
2 board shall consist of such number of members not less than five
3 as shall be set forth in the articles of incorporation or
4 amendment thereto. The governing body of such municipality shall
5 appoint the members of the board, whose terms of office shall
6 commence on the date of appointment. [One] In the case of
7 municipalities other than school districts, one member shall
8 serve for one year, one for two years, one for three years, one
9 for four years and one for five years from the first Monday in
10 January next succeeding the date of incorporation or amendment,
11 and if there are more than five members of the board, their
12 terms shall be staggered in a similar manner for terms of from
13 one to five years from the first Monday in January next
14 succeeding; in the case of school districts, one member shall
15 serve for one year, one for two years, one for three years and
16 two for four years from the first Monday in January next
17 succeeding the date of incorporation or amendment, and if there
18 are more than five members of the board, their terms shall be
19 staggered in a similar manner for terms of from one to four
20 years. Thereafter whenever a vacancy has occurred by reason of
21 the expiration of the term of any member, the said governing
22 body shall appoint a member of the board for a term of four or
23 five years as may be applicable from the date of expiration of
24 the prior term to succeed the member whose term has expired.

25 (b) If the Authority is incorporated by two or more
26 municipalities, the board shall consist of a number of members
27 at least equal to the number of municipalities incorporating the
28 Authority, but in no event less than five. When one or more
29 additional municipalities join an existing Authority, each of
30 such joining municipalities shall have such membership on the

1 board as the municipalities then members of the Authority and
2 the joining municipalities may determine by appropriate
3 resolutions. The members of the board of a joint Authority shall
4 each be appointed by the governing body of the incorporating or
5 joining municipality he represents and their terms of office
6 shall commence on the date of appointment. [One] In the case of
7 municipalities other than school districts, one member shall
8 serve for one year, one for two years, one for three years, one
9 for four years and one for five years from the first Monday in
10 January next succeeding the date of incorporation, amendment or
11 joinder, and if there are more than five members of the board,
12 their terms shall be staggered in a similar manner for terms of
13 from one to five years from the first Monday in January next
14 succeeding; in the case of school districts, one member shall
15 serve for one year, one for two years, one for three years and
16 two for four years from the first Monday in January next
17 succeeding the date of incorporation, amendment or joinder, and
18 if there are more than five members of the board, their terms
19 shall be staggered in a similar manner for terms of from one to
20 four years. Thereafter, whenever a vacancy has occurred by
21 reason of the expiration of the term of any member, the
22 governing body of the municipality which has the power of
23 appointment shall appoint a member of the board for a term of
24 four or five years as may be applicable from the date of
25 expiration of the prior term.

26 Except as herein provided for transit authorities created for
27 the purpose of eliminating grade crossings the members of the
28 board, each of whom shall be a taxpayer in, maintain a business
29 in, or be a citizen of the municipality by which he is appointed
30 or be a taxpayer in, maintain a business in, or be a citizen of

1 a municipality into which one or more of the projects of the
2 Authority extends or is to extend or to which one or more of
3 said projects has been or is to be leased, shall be appointed,
4 their terms fixed and staggered, and vacancies filled, and where
5 two or more municipalities are members of the Authority, shall
6 be apportioned in such manner as the articles of incorporation,
7 the amendments thereof or the application for membership
8 required by section three point one of this act shall provide
9 not more than one non-resident shall be appointed to any board.

10 If the Authority, is created for the purpose of eliminating
11 grade crossings, the members of the board, the majority of whom
12 shall be citizens of the municipality by which they are
13 appointed or of a municipality into which one or more of the
14 projects of the Authority extends or is to extend or to which
15 one or more of said projects has been or is to be leased, shall
16 be appointed, their terms fixed and staggered, and vacancies
17 filled, and where two or more municipalities are members of the
18 Authority, shall be apportioned in such manner as the articles
19 of incorporation, the amendments thereof or the application for
20 membership required by section 3.1 of this act shall provide.

21 * * *

22 Section 2. This act shall take effect immediately.