

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 195

Session of  
1981

INTRODUCED BY WILSON, PUNT AND CLARK, JANUARY 26, 1981

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JANUARY 26, 1981

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 acquisition of existing  
15 facilities and providing for the composition of the board of  
16 certain Authorities.

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

19 Section 1. Section 9, act of May 2, 1945 (P.L.382, No.164),  
20 known as the "Municipality Authorities Act of 1945," is amended  
21 by adding a subsection to read:

22 Section 9. Transfer of Existing Facilities to Authority.--

23 \* \* \*

24 B.1 No Authority shall acquire by any device or means

1 whatsoever, including a consolidation, merger, purchase or  
2 lease, or through the purchase of stock, bonds or other  
3 securities, the title to or the possession or use of all or any  
4 substantial portion of any existing facilities constituting a  
5 project as defined in this act without first advising in writing  
6 the municipality in which the facilities are located and all  
7 users of the existing facilities of its intention to acquire  
8 said facilities at least ninety (90) days prior to the date of  
9 acquisition. The Authority shall also conduct a public hearing  
10 prior to the acquisition in the municipality in which the  
11 existing facilities are located.

12 The proposed agreement to acquire the existing facilities  
13 shall be subject to approval by the governing body of the  
14 municipality in which the existing facilities are located.  
15 Notwithstanding the provisions of section 7, the governing body  
16 of the municipality in which the existing facilities are located  
17 shall appoint one user of the existing facilities to serve on  
18 the board of the acquiring Authority. The term of office of the  
19 user member(s) shall be the same as the term of the municipal  
20 member on such board.

21 Notwithstanding the provisions of section 7, in any case  
22 where an Authority has heretofore acquired any facilities  
23 constituting a project the governing body of the municipality in  
24 which the facilities are located shall, within ninety (90) days  
25 of the effective date of this amendatory act, appoint one user  
26 of such facilities to serve on the board of the Authority that  
27 acquired such facilities. The term of office of the user  
28 member(s) shall be the same as the term of the municipal member  
29 on such board.

30 \* \* \*

1       Section 2. This act shall take effect immediately and shall  
2 be retroactive and apply to all rates and services furnished on  
3 and after January 1, 1980.