

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 715 Session of  
1989

INTRODUCED BY STUBAN, GAMBLE, LESCOVITZ, FOSTER AND NAHILL,  
MARCH 13, 1989

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MARCH 13, 1989

AN ACT

1 Amending the act of July 12, 1972 (P.L.762, No.180), entitled  
2 "An act relating to intergovernmental cooperation," providing  
3 for municipal authorities.

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

6 Section 1. Sections 1, 2, 3, 4 and 5 of the act of July 12,  
7 1972 (P.L.762, No.180), referred to as the Intergovernmental  
8 Cooperation Law, are amended to read:

9 Section 1. (a) As used in this act, "municipality" means a  
10 county, city of the second class, second class A and third  
11 class, borough, incorporated town, township, school district or  
12 any other similar general purpose unit of government which shall  
13 hereafter be created by the General Assembly.

14 (b) As used in this act, "municipal authority" means a body  
15 corporate and politic created pursuant to the act of May 2, 1945  
16 (P.L.382, No.164), known as the "Municipality Authorities Act of  
17 1945."

18 Section 2. This act shall not apply to any agreement entered

1 into by a city of the first class nor to any agreement entered  
2 into between either a municipality [and] or a municipal  
3 authority and a city of the first class.

4 Section 3. Two or more municipalities or municipal  
5 authorities in this Commonwealth may jointly cooperate, or any  
6 municipality or municipalities may jointly cooperate with any  
7 municipality or municipalities located in any other state, in  
8 the exercise or in the performance of their respective  
9 governmental functions, powers or responsibilities. For the  
10 purpose of carrying the provisions of this act into effect the  
11 municipalities or municipal authorities cooperating shall enter  
12 into such joint agreements as may be deemed appropriate for such  
13 purposes.

14 Section 4. A municipality by act of its governing body may,  
15 or upon being required by initiative and referendum in the area  
16 affected shall, cooperate or agree in the exercise of any  
17 function, power or responsibility with, or delegate or transfer  
18 any function, power or responsibility to one or more other  
19 governmental units including other municipalities or districts,  
20 the Federal Government, any other state or its governmental  
21 units, or any newly created governmental unit. The provisions of  
22 this section relating to the powers of initiatives and  
23 referendum shall not apply to a municipal authority.

24 Section 5. A municipality may enter into intergovernmental  
25 cooperation with or delegate any functions, powers or  
26 responsibilities to another governmental unit or political  
27 subdivision upon the passage of an ordinance by its governing  
28 body. If mandated by initiative and referendum in the area  
29 affected, it shall adopt such an ordinance. No municipal  
30 authority shall, without the consent of the governing body of

1 the municipality or governing bodies of the municipalities that  
2 organized the authority, delegate its powers or purposes.

3 Section 2. Section 7 of the act, amended October 9, 1986  
4 (P.L.1439, No.137), is amended to read:

5 Section 7. The ordinance adopted by the governing body of a  
6 municipality entering into intergovernmental cooperation or  
7 delegating or transferring any functions, powers or  
8 responsibilities to another municipality or to a council of  
9 governments, consortium or any other similar entity shall  
10 specify:

11 (1) The conditions of agreement in the case of cooperation  
12 with or delegation to other municipalities or municipal  
13 authorities, the Commonwealth of Pennsylvania, other states, or  
14 the Federal Government;

15 (2) The duration of the term of the agreement;

16 (3) The purpose and objectives of the agreement, including  
17 the powers and scope of authority delegated in the agreement;

18 (4) The manner and extent of financing the agreement;

19 (5) The organizational structure necessary to implement the  
20 agreement;

21 (6) The manner in which property, real or personal, shall be  
22 acquired, managed, licensed or disposed of;

23 (7) That the entity created under this section shall be  
24 empowered to enter into contracts for policies of group  
25 insurance and employe benefits, including social security, for  
26 its employes.

27 Section 3. Sections 8 and 9 of the act are amended to read:

28 Section 8. Every agreement entered into between either a  
29 municipality [and] or a municipal authority and the Commonwealth  
30 of Pennsylvania, any other state, municipality of another state

1 or the Federal Government under the provisions of this act  
2 shall, prior to and as a condition precedent to enactment of an  
3 ordinance be submitted to the Local Government Commission for  
4 review and recommendation. The Local Government Commission shall  
5 within sixty days of receipt of said agreement determine whether  
6 it is in proper form and compatible with the laws of this  
7 Commonwealth. Failure of the Local Government Commission to make  
8 recommendations within sixty days of receipt of the agreement  
9 shall constitute a recommendation in favor of the agreement.

10 Section 9. Any joint cooperation agreement shall be deemed  
11 in force as to any municipality or municipal authority, when the  
12 same has been adopted by ordinance by all cooperating  
13 municipalities or municipal authorities. After adoption by all  
14 cooperating municipalities or municipal authorities, any such  
15 agreement shall be binding upon the municipality or municipal  
16 authority, and the covenants thereof may be enforced by  
17 appropriate remedy by any one or more of the municipalities or  
18 municipal authorities against any other municipality or  
19 municipal authority party thereto.

20 Section 4. This act shall take effect in 60 days.