

AMENDMENTS TO HOUSE BILL NO. 2455

Sponsor: SENATOR COSTA

Printer's No. 4009

1 Amend Bill, page 1, line 25, by inserting after "reporting"
2 and for water and sewer authorities in cities of the second
3 class

4 Amend Bill, page 3, lines 20 and 21, by striking out "AN
5 ARTICLE" and inserting
6 articles

7 Amend Bill, page 8, by inserting between lines 5 and 6

8 ARTICLE XXVIII-G
9 WATER AND SEWER AUTHORITIES IN
10 CITIES OF THE SECOND CLASS
11 Section 2801-G. Definitions.

12 The following words and phrases when used in this article
13 shall have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 "Authority." A water and sewer authority of a city.

16 "City." A city of the second class located in a county of
17 the second class.

18 "City park." A city-owned park that consists of at least 50
19 contiguous acres.

20 "Commission." The Pennsylvania Public Utility Commission.

21 "Cooperation agreement." The cooperation agreement entered
22 into between the city and the authority on October 3, 2019.

23 "System." The following, owned or operated by the authority
24 and used in the rendering of water service and sewer service by
25 the authority:

26 (1) Plants, warehouses, equipment, structures,
27 facilities, lands, easements, rights of way, public water
28 lines and public sewer lines.

29 (2) Patents, copyrights, contracts with municipalities
30 or authorities outside the boundaries of the city.

31 (3) Water treatment plants, pumping facilities,
32 reservoirs, storage tanks, distribution mains, public service
33 lines and appurtenances, public sewers, inlets, sewer grates,
34 manholes, diversion structures, pumping stations, force mains
35 public subsurface storm water conveyance lines and related

1 facilities conveying storm water.

2 (4) Patents and copyrights obtained by the city,
3 assigned to the authority, or retained directly by authority
4 and related to the design, operation, maintenance,
5 replacement or abandonment of water, sewer or storm water
6 systems.

7 (5) Tangible public property, fixed or moveable.

8 (6) Capital additions constructed or acquired relating
9 to water service and sewer service.

10 (7) Franchises used or useful to the authority in the
11 rendering of water, sewer and storm water service by the
12 authority and other agreements between the city and
13 authority.

14 Section 2802-G. Cooperation agreement.

15 The cooperation agreement shall have the force and effect of
16 law until January 1, 2025, or an earlier termination date to
17 which the city and authority mutually agree. The cooperation
18 agreement shall govern:

19 (1) Changes in the city and authority's rights and
20 obligations resulting from the enactment of the act of
21 December 21, 2017 (P.L.1208, No.65), entitled "An act
22 amending Title 66 (Public Utilities) of the Pennsylvania
23 Consolidated Statutes, in rates and distribution systems,
24 further providing for rates to be just and reasonable; and
25 providing for water and sewer authorities in cities of the
26 second class," including rates paid by the city to the
27 authority for public utility service.

28 (2) The division of services related to the system.

29 (3) Payments by the city and authority to the other
30 based on actual, verifiable, direct expenses and in
31 accordance with customary utility practices under 66 Pa.C.S.
32 Pt. I (relating to Public Utility Code).

33 (4) Payments by the authority to the city that shall be
34 subordinate to each debt obligation of the authority.

35 (5) Cooperation by the city and authority in their
36 respective capital projects which may impact each other.

37 (6) Responsibilities of the authority with respect to
38 city parks and other city properties.

39 (7) Ownership of the system.

40 (8) Roles and responsibilities of the city and authority
41 with respect to the system.

42 Section 2803-G. Effect of cooperation agreement.

43 A cooperation agreement entered into between the city and
44 authority on or before January 1, 2020, shall:

45 (1) Notwithstanding 66 Pa.C.S. Pt. I (relating to Public
46 Utility Code) supersede, during the term of the cooperation
47 agreement, any provision of 66 Pa.C.S. Pt. I, a commission
48 regulation, policy statement, order and regulatory proceeding
49 as they pertain to issues covered by the cooperation
50 agreement, including the authority's rates, terms and
51 conditions of service rendered to the city and the respective

- 1 rights and duties between the authority and the city.
- 2 (2) Remain subject to the home rule charter of a city.