

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1012 Session of
1977

INTRODUCED BY BENNETT, LAUDADIO, MANDERINO, L. E. SMITH,
FISCHER, YAHNER, WILT, ZELLER, WAGNER AND MILLER,
APRIL 27, 1977

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, APRIL 27, 1977

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 rates and charges to be fixed
15 and altered pursuant to the provisions of the Public Utility
16 Law.

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

19 Section 1. Clause (h) of subsection B of section 4, act of
20 May 2, 1945 (P.L.382, No.164), known as the "Municipality
21 Authorities Act of 1945," amended December 16, 1975 (P.L.489,
22 No.146), is amended to read:

23 Section 4. Purposes and Powers; General.--* * *

24 B. Every Authority is hereby granted, and shall have and may

1 exercise all powers necessary or convenient for the carrying out
2 of the aforesaid purposes, including but without limiting the
3 generality of the foregoing, the following rights and powers:

4 * * *

5 (h) To fix, alter, charge and collect rates and other
6 charges in the area served by its facilities at reasonable and
7 uniform rates to be determined [exclusively by it,] in
8 accordance with the provisions of the act of May 28, 1937
9 (P.L.1053, No.286), known as the "Public Utility Law," for the
10 purpose of providing for the payment of the expenses of the
11 Authority, the construction, improvement, repair, maintenance
12 and operation of its facilities and properties, the payment of
13 the principal of and interest on its obligations, and to fulfill
14 the terms and provisions of any agreements made with the
15 purchasers or holders of any such obligations, or with the
16 municipality incorporating or municipalities which are members
17 of said Authority or with any municipality, served or to be
18 served by said Authority, and to determine by itself exclusively
19 the services and improvements required to provide adequate, safe
20 and reasonable service, including extensions thereof, in the
21 areas served: Provided, That if the service area includes more
22 than one municipality, the revenues from any project shall not
23 be expended directly or indirectly on any other project, unless
24 such expenditures are made for the benefit of the entire service
25 area. Any person questioning the reasonableness or uniformity of
26 any rate fixed by any Authority or the adequacy, safety and
27 reasonableness of the Authority's services, including extensions
28 thereof, may bring suit against the Authority in the court of
29 common pleas of the county wherein the project is located, or if
30 the project is located in more than one county then in the court

1 of common pleas of the county wherein the principal office of
2 the project is located. The court of common pleas shall have
3 exclusive jurisdiction to determine all such questions involving
4 rates or service. Except in municipal corporations having a
5 population density of three hundred persons or more per square
6 mile, all owners of real property in eighth class counties may
7 decline, in writing, the services of a solid waste authority.

8 * * *

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