

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 847

Session of
1977

INTRODUCED BY LEWIS, MAY 3, 1977

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, NOVEMBER 29, 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 the membership of the board of
15 a joint 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," clause (a) amended July 10, 1957
21 (P.L.635, No.344) and clause (b) amended July 31, 1963 (P.L.431,
22 No.225), are amended to read:

23 Section 7. Governing Body.--A. The powers of each Authority
24 shall be exercised by a governing body (herein called the

1 "Board") composed as follows:

2 (a) If the Authority is incorporated by one municipality
3 the board shall consist of such number of members not less than
4 five as shall be set forth in the articles of incorporation or
5 amendment thereto. The governing body of such municipality shall
6 appoint the members of the board, whose terms of office shall
7 commence on the date of appointment. One member shall serve for
8 one year, one for two years, one for three years, one for four
9 years and one for five years from the [January first] first
10 Monday in January next succeeding the date of incorporation or
11 amendment, 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 [January first] first Monday in
14 January next succeeding. Thereafter whenever a vacancy has
15 occurred [or is about to occur] by reason of the expiration of
16 the term of any member, the said governing body shall appoint a
17 member of the board for a term of five years from the date of
18 expiration of the prior term to succeed the member whose term
19 has expired [or is about to expire.]

20 (b) If the Authority is incorporated by two or more
21 municipalities, the board shall consist of a number of members
22 at least equal to the number of municipalities incorporating the
23 Authority, but in no event less than five. When one or more
24 additional municipalities join an existing Authority, each of
25 such joining municipalities shall have such membership on the
26 board as the municipalities then members of the Authority and
27 the joining municipalities may determine by appropriate
28 resolutions. The members of the board of a joint Authority shall
29 each be appointed by the governing body of the incorporating or
30 joining municipality he represents and their terms of office

1 shall commence on the date of appointment. One member shall
2 serve for one year, one for two years, one for three years, one
3 for four years and one for five years from the [January first]
4 first Monday in January next succeeding the date of
5 incorporation, amendment or joinder, and if there are more than
6 five members of the board, their terms shall be staggered in a
7 similar manner for terms of from one to five years from the
8 [January first next succeeding] first Monday in January next
9 succeeding. Thereafter, whenever a vacancy has occurred [or is
10 about to occur] by reason of the expiration of the term of any
11 member, the governing body of the municipality which has the
12 power of appointment shall appoint a member of the board for a
13 term of five years from the date of expiration of the prior
14 term.

15 Except as herein provided for transit authorities created for
16 the purpose of eliminating grade crossings the members of the
17 board, each of whom shall be a taxpayer in, maintain a business
18 in, or be a citizen of the municipality by which he is appointed
19 or be a taxpayer in, maintain a business in, or be a citizen of
20 a municipality into which one or more of the projects of the
21 Authority extends or is to extend or to which one or more of
22 said projects has been or is to be leased, shall be appointed,
23 their terms fixed and staggered, and vacancies filled, and where
24 two or more municipalities are members of the Authority, shall
25 be apportioned in such manner as the articles of incorporation,
26 the amendments thereof or the application for membership
27 required by section three point one of this act shall provide
28 not more than one non-resident shall be appointed to any board.

29 If the Authority, is created for the purpose of eliminating
30 grade crossings, the members of the board, the majority of whom

1 shall be citizens of the municipality by which they are
2 appointed or of a municipality into which one or more of the
3 projects of the Authority extends or is to extend or to which
4 one or more of said projects has been or is to be leased, shall
5 be appointed, their terms fixed and staggered, and vacancies
6 filled, and where two or more municipalities are members of the
7 Authority, shall be apportioned in such manner as the articles
8 of incorporation, the amendments thereof or the application for
9 membership required by section 3.1 of this act shall provide.

10 * * *

11 Section 2. This act shall take effect ~~in 60 days.~~

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12 IMMEDIATELY.

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