

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 43

Session of
1985

INTRODUCED BY FRYER, BROUJOS, NAHILL, SCHEETZ, DUFFY, DeLUCA,
SHOWERS, BELFANTI, MACKOWSKI, WOZNIAK, BALDWIN, RUDY AND
LIVENGOD, JANUARY 23, 1985

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JANUARY 23, 1985

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," imposing limitations on the use of the power of
15 eminent domain.

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

18 Section 1. Section 11 of the act of May 2, 1945 (P.L.382,
19 No.164), known as the Municipality Authorities Act of 1945,
20 amended June 12, 1947 (P.L.571, No.249), is amended to read:

21 Section 11. Acquisition of Lands, Water and Water Rights.--

22 (a) The Authority shall have the power to acquire, by purchase
23 or eminent domain proceedings, either the fee or such right,
24 title, interest or easement in such lands, water and water

1 rights as the Authority may deem necessary for any of the
2 purposes mentioned in this act: Provided, however, That water
3 and water rights may not be acquired unless and until approval
4 is obtained from the Water and Power Resources Board in
5 accordance with the law in such cases made and provided: And
6 provided further, That no property owned or used by the United
7 States, the Commonwealth of Pennsylvania, any political
8 subdivision thereof, or any body politic and corporate organized
9 as an "Authority" under any law of the Commonwealth or by any
10 agency of any of them, nor any property of a public service
11 company, property used for burial purposes, places of public
12 worship, shall be taken under the right of eminent domain. The
13 right of eminent domain shall be exercised by the Authority in
14 the manner provided by law for the exercise of such right by
15 municipalities of the same class, as the municipality by which
16 such Authority was organized.

17 (b) In the case of a joint Authority eminent domain shall be
18 exercised by the Authority in the same manner as is provided by
19 law for the exercise of such right by municipalities of the same
20 class as the municipality in which the right of eminent domain
21 is to be exercised.

22 (c) The right of eminent domain herein conferred by this
23 section may be exercised either within or without the
24 municipality or municipalities: Provided, however, That the
25 right of eminent domain shall not be exercised outside the
26 geographical boundaries of the member municipality or
27 municipalities for the acquisition of property to be used or
28 used for an incinerator, landfill, garbage disposal plant or a
29 facility for the disposal of ashes or other refuse.

30 Section 2. This act shall take effect immediately.