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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2533 Session of  
2018

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INTRODUCED BY DAVIS, DEAN, THOMAS, A. DAVIS, HILL-EVANS,  
DRISCOLL, DALEY AND SCHWEYER, JUNE 27, 2018

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REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JUNE 27, 2018

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AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania  
2 Consolidated Statutes, establishing the Municipal Water and  
3 Wastewater Authority Oversight Commission and providing for  
4 its powers and duties; establishing the Municipal Water and  
5 Wastewater Authority Oversight Fund; and imposing a fee.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Title 53 of the Pennsylvania Consolidated  
9 Statutes is amended by adding a chapter to read:

10 CHAPTER 56A

11 MUNICIPAL WATER AND WASTEWATER

12 AUTHORITY OVERSIGHT COMMISSION

13 Sec.

14 56A01. Definitions.

15 56A02. Establishment of commission.

16 56A03. General powers.

17 56A04. Consumer protection.

18 56A05. Annual reports.

19 56A06. Reports by public utilities.

1 56A07. Enforcement proceedings.

2 56A08. Fund and fee.

3 § 56A01. Definitions.

4 The following words and phrases when used in this chapter  
5 shall have the meanings given to them in this section unless the  
6 context clearly indicates otherwise:

7 "Commission." The Municipal Water and Wastewater Authority  
8 Oversight Commission established under section 56A02 (relating  
9 to establishment of commission).

10 "Fund." The Municipal Water and Wastewater Authority  
11 Oversight Fund established under section 56A08 (relating to fund  
12 and fee).

13 "Municipal authority." As defined in section 5602 (relating  
14 to definitions).

15 "Municipal water/wastewater authority." A municipal  
16 authority established for the purposes under section 5607(a) (5),  
17 (6) or (7) (relating to purposes and powers).

18 § 56A02. Establishment of commission.

19 (a) Establishment.--The Municipal Water and Wastewater  
20 Authority Oversight Commission is established as an independent  
21 administrative board.

22 (b) Commissioners.--The commission shall consist of five  
23 commissioners appointed by the Governor, by and with the advice  
24 and consent of a majority of the members of the Senate, for a  
25 term of five years. The Governor shall submit the nomination of  
26 a commissioner to the Senate no later than 90 days prior to the  
27 expiration of the term or the effective date of the resignation  
28 of the commissioner whom the nominee would replace. A  
29 commissioner may continue to hold office for a period not to  
30 exceed six months beyond the expiration of the commissioner's

1 term if the successor has not been duly appointed and qualified  
2 according to law.

3 (c) Qualifications.--Each commissioner, at the time of  
4 appointment, must meet all of the following requirements:

5 (1) Be a resident of this Commonwealth.

6 (2) Have been a qualified elector in this Commonwealth  
7 for a period of at least one year prior to appointment.

8 (3) Be at least 25 years of age.

9 (d) Restrictions.--The following apply:

10 (1) No person may be appointed as a commissioner or hold  
11 any place, position or office under the commission who  
12 occupies any official relation to any municipal  
13 water/wastewater authority or who holds any other appointive  
14 or elected office of the Commonwealth or any political  
15 subdivision thereof.

16 (2) No commissioner may hold any office or position, the  
17 duties of which are incompatible with the duties of the  
18 commission.

19 (3) No commissioner or any individual or official  
20 employed or appointed to office under, in the service of or  
21 in connection with the work of the commission may, directly  
22 or indirectly, solicit from or recommend to a municipal  
23 water/wastewater authority, or any officer, attorney, agent  
24 or employee thereof, the appointment of an individual to any  
25 position in, or the employment of an individual in any  
26 capacity by, the municipal water/wastewater authority.

27 (e) Compensation.--Each of the commissioners shall receive  
28 an annual salary of \$55,000, except the chairman, who shall  
29 receive an annual salary \$60,000.

30 (f) Chairman.--A commissioner designated by the Governor

1 shall be the chairman of the commission during the  
2 commissioner's term of office. Commissioners shall annually  
3 elect a member to serve as the vice chairman of the commission.  
4 When present, the chairman shall preside at all meetings, but,  
5 in the chairman's absence, the vice chairman or, in the vice  
6 chairman's absence, a member designated by the chairman, shall  
7 preside and exercise all the powers of the chairman.

8 (g) Removal.--The Governor, by consent of two-thirds of all  
9 of the members of the Senate, may remove a commissioner for  
10 inefficiency, neglect of duty or misconduct in office, giving  
11 the commissioner a copy of the charges and affording the  
12 commissioner an opportunity to be publicly heard in the  
13 commissioner's own defense upon not less than 10 days' notice.  
14 If the commissioner is removed, the Governor shall file with the  
15 Department of State a complete statement of all charges made  
16 against the commissioner, the Governor's findings and a complete  
17 record of the proceedings.

18 (h) Quorum.--A majority of the commissioners shall  
19 constitute a quorum. No vacancy in the commission may impair the  
20 right of a quorum of the commissioners to exercise all the  
21 rights and perform all the duties of the commission.

22 (i) Open proceedings.--The proceedings of the commission  
23 shall be conducted in accordance with the provisions of 65  
24 Pa.C.S. Ch.7 (relating to open meetings).

25 § 56A03. General powers.

26 The commission shall have the general administrative power  
27 and authority to supervise and regulate all municipal  
28 water/wastewater authorities doing business in this  
29 Commonwealth. The commission may adopt regulations as may be  
30 necessary or proper to exercise the powers or perform the duties

1 of the commission.

2 § 56A04. Consumer protection.

3 (a) Consumer protection.--The commission shall promulgate  
4 regulations by which a consumer may make informal complaints.

5 Complaints shall be filed with the Pennsylvania Public Utility  
6 Commission. The Pennsylvania Public Utility Commission shall  
7 forward complaints to the commission for resolution. The  
8 commission shall keep records of each informal complaint  
9 received, the subject of the complaint, the municipal  
10 water/wastewater authority involved and the disposition.

11 (b) Cooperation.--The commission shall cooperate with local  
12 agencies and officials regarding consumer complaints.

13 § 56A05. Annual reports.

14 The commission shall annually transmit to the Governor and  
15 the General Assembly and shall make available to municipal  
16 water/wastewater authorities and the public a report on the  
17 conduct of the commission. The report shall include, but shall  
18 not be limited to, a summary of significant regulatory issues  
19 which the commission resolved during the reporting period and a  
20 summary of significant anticipated issues and any commission  
21 action regarding the issues reported. In the annual report, and  
22 at other times as the commission determines, the commission  
23 shall make recommendations to the Governor and the General  
24 Assembly which the commission determines necessary or desirable  
25 to protect the public interest.

26 § 56A06. Reports by public utilities.

27 The commission may require a municipal water/wastewater  
28 authority to file periodic reports at times, in a form and  
29 containing information as the commission may prescribe  
30 concerning any matter about which the commission is authorized

1 to inquire or is required to enforce. The commission may require  
2 a municipal water/wastewater authority to file with the  
3 commission a copy of any report filed by the municipal  
4 water/wastewater authority with any Federal department or  
5 regulatory body. Reports shall be under oath or affirmation when  
6 required by the commission.

7 § 56A07. Enforcement proceedings.

8 The commission may institute injunction, mandamus or other  
9 appropriate legal proceedings to restrain a violation and  
10 enforce the provisions of this chapter or the regulations or  
11 orders of the commission.

12 § 56A08. Fund and fee.

13 (a) Establishment.--The Municipal Water and Wastewater  
14 Authority Oversight Fund is established in the State Treasury.

15 (b) Fee.--Each municipal water/wastewater authority shall  
16 pay a fee of 1% of its total operating revenue to the State  
17 Treasurer to be deposited in the fund.

18 (c) Use.--The money in the fund is appropriated on a  
19 continuing basis to the commission for the purpose of  
20 administering this chapter.

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