

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2537 Session of
2022

INTRODUCED BY GUENST, HILL-EVANS, N. NELSON, HERRIN, CIRESI,
SANCHEZ, WEBSTER AND ROZZI, APRIL 25, 2022

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, APRIL 25, 2022

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in municipal authorities, further
3 providing for definitions, providing for public safety
4 authorities and further providing for purposes and powers.

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

7 Section 1. Section 5602 of Title 53 of the Pennsylvania
8 Consolidated Statutes is amended by adding a definition to read:
9 § 5602. Definitions.

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

13 * * *

14 "Public safety projects." The term:

15 (1) Includes any or all of the following:

16 (i) Fire protection services.

17 (ii) Emergency medical services.

18 (iii) Services, including administrative support,

1 coordination of service delivery and financing services,
2 relating to fire protection services and emergency
3 medical services.

4 (2) Excludes police services.

5 * * *

6 Section 2. Title 53 is amended by adding a section to read:

7 § 5606.1. Public safety authorities.

8 (a) Authorization.--Except as provided under subsection (g),
9 the creation of an authority for the purpose of public safety
10 projects shall be restricted to a county. Counties may enter
11 into an agreement to create a joint authority under this
12 subsection.

13 (b) Municipal representation.--A county that creates a
14 public safety authority shall make a reasonable effort to
15 include representatives of the municipalities the county serves
16 in the governance structure of the public safety authority.

17 (c) Contracts.--The following shall apply:

18 (1) Municipalities within or adjoining a county where a
19 public safety authority exists may enter into contracts or
20 agreements with the authority as may be deemed necessary or
21 convenient in connection with a public safety project.

22 (2) Except as provided in paragraph (3), a public safety
23 authority may not provide services or assess rates or other
24 charges without the municipality opting by ordinance to enter
25 into a contract with the authority.

26 (3) In the case of an authority operating as a dedicated
27 emergency response organization as defined in 35 Pa.C.S. §
28 7332 (relating to definitions), nothing in this subsection is
29 intended to interfere with or relieve the dedicated emergency
30 response organization from an obligation or commitment to

1 respond to a dispatch from a public safety answering point or
2 mutual aid system, or invoice and receive payment from an
3 appropriate party for the services rendered.

4 (d) Rates and other charges.--In addition to any other power
5 of an authority to fix, alter, charge and collect rates and
6 other charges in the area served by its facilities, a public
7 safety authority may fix, alter, charge and collect rates and
8 other charges for the services the authority provides, which
9 rates and charges shall be reasonable and uniform.

10 (e) Existing authorities.--Notwithstanding any provision of
11 this section, an authority that provides public safety services
12 in existence on the effective date of this section shall be
13 permitted to continue operation, without limitation, as a public
14 safety project as provided under this section.

15 (f) Duties of Department of Community and Economic
16 Development.--The Department of Community and Economic
17 Development, in consultation with the State Fire Commissioner in
18 relation to fire authorities and the Director of the Bureau of
19 Emergency Medical Services of the Department of Health in
20 relation to emergency medical services authorities, shall:

21 (1) Work with relevant stakeholders to develop guidance
22 and assistance for counties to create public safety
23 authorities under this section.

24 (2) Contract with educational and technical assistance
25 providers to aid counties in starting and operating public
26 safety authorities.

27 (g) Municipal authorization.--Municipalities representing at
28 least 51% of a county's population or 40% of the total number of
29 municipalities in a county may create a joint public safety
30 authority if:

1 (1) the county, by resolution, states it does not intend
2 to create a public safety authority; or

3 (2) municipalities representing at least 51% of the
4 county's population or 40% of the total number of
5 municipalities in the county petition the county, by passing
6 resolutions, to create a public safety authority and the
7 county does not create the authority within 120 days of
8 receiving the petition.

9 (h) Limitation on fire protection services.--The following
10 shall apply:

11 (1) A public safety authority may not employ
12 firefighters.

13 (2) Fire protection services may not be directly
14 provided by employees of a public safety authority.

15 Section 3. Section 5607(b)(2) of Title 53 is amended and
16 subsection (a) is amended by adding a paragraph to read:
17 § 5607. Purposes and powers.

18 (a) Scope of projects permitted.--Every authority
19 incorporated under this chapter shall be a body corporate and
20 politic and shall be for the purposes of financing working
21 capital; acquiring, holding, constructing, financing, improving,
22 maintaining and operating, owning or leasing, either in the
23 capacity of lessor or lessee, projects of the following kind and
24 character and providing financing for insurance reserves:

25 * * *

26 (19) Only in the case of an authority authorized under
27 section 5606.1 (relating to public safety authorities),
28 public safety projects.

29 (b) Limitations.--This section is subject to the following
30 limitations:

1 * * *

2 (2) The purpose and intent of this chapter being to
3 benefit the people of the Commonwealth by, among other
4 things, increasing their commerce, health, safety and
5 prosperity and not to unnecessarily burden or interfere with
6 existing business by the establishment of competitive
7 enterprises, none of the powers granted by this chapter shall
8 be exercised in the construction, financing, improvement,
9 maintenance, extension or operation of any project or
10 projects or providing financing for insurance reserves which
11 in whole or in part shall duplicate or compete with existing
12 enterprises serving substantially the same purposes. This
13 limitation shall not apply to the exercise of the powers
14 granted under this section:

15 (i) for facilities and equipment for the collection,
16 removal or disposal of ashes, garbage, rubbish and other
17 refuse materials by incineration, landfill or other
18 methods if each municipality organizing or intending to
19 use the facilities of an authority having such powers
20 shall declare by resolution or ordinance that it is
21 desirable for the health and safety of the people of such
22 municipality that it use the facilities of the authority
23 and state if any contract between such municipality and
24 any other person, firm or corporation for the collection,
25 removal or disposal of ashes, garbage, rubbish and other
26 refuse material has by its terms expired or is terminable
27 at the option of the municipality or will expire within
28 six months from the date such ordinance becomes
29 effective;

30 (ii) for industrial development projects if the

1 authority does not develop industrial projects which will
2 compete with existing industries;

3 (iii) for authorities created for the purpose of
4 providing business improvements and administrative
5 services if each municipality organizing an authority for
6 such a project shall declare by resolution or ordinance
7 that it is desirable for the entire local government unit
8 to improve the business district;

9 (iv) to hospital projects or health centers to be
10 leased to or financed with loans to public hospitals,
11 nonprofit corporation health centers or nonprofit
12 hospital corporations serving the public or to school
13 building projects and facilities to be leased to or
14 financed with loans to private, nonprofit, nonsectarian
15 secondary schools, colleges and universities, State-
16 related universities and community colleges or to
17 facilities, as limited under the provisions of this
18 section, to produce steam or to generate electric power
19 if each municipality organizing an authority for such a
20 project shall declare by resolution or ordinance that it
21 is desirable for the health, safety and welfare of the
22 people in the area served by such facilities to have such
23 facilities provided by or financed through an authority;

24 (v) to provide financing for insurance reserves if
25 each municipality or authority intending to use any
26 proceeds thereof shall declare by resolution or ordinance
27 that it is desirable for the health, safety and welfare
28 of the people in such local government unit or served by
29 such authority; [or]

30 (vi) to projects for financing working capital[.];

1 or
2 (vii) to public safety projects that support
3 existing enterprises serving substantially the same
4 purposes.

5 * * *

6 Section 4. This act shall take effect in 60 days.