

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1601

Session of
1995

INTRODUCED BY CLARK, DURHAM, McCALL, M. N. WRIGHT, BATTISTO AND
PICCOLA, MAY 9, 1995

AS REPORTED FROM COMMITTEE ON CONSUMER AFFAIRS, HOUSE OF
REPRESENTATIVES, AS AMENDED, MAY 10, 1995

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 membership of the governing
15 body.

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

18 ~~Section 1. Section 7 of the act of May 2, 1945 (P.L.382,~~ <—
19 ~~No.164), known as the Municipality Authorities Act of 1945, is~~
20 ~~amended by adding a subsection to read:~~

21 ~~Section 7. Governing Body. * * *~~

22 SECTION 1. SUBSECTION A OF SECTION 7 OF THE ACT OF MAY 2, <—
23 1945 (P.L.382, NO.164), KNOWN AS THE MUNICIPALITY AUTHORITIES

1 ACT OF 1945, IS AMENDED BY ADDING A PARAGRAPH AND THE SECTION IS
2 AMENDED BY ADDING A SUBSECTION TO READ:

3 SECTION 7. GOVERNING BODY.--A. THE POWERS OF EACH AUTHORITY
4 SHALL BE EXERCISED BY A GOVERNING BODY (HEREIN CALLED THE
5 "BOARD") COMPOSED AS FOLLOWS:

6 * * *

7 (A.1) WHENEVER A VACANCY OCCURS ON AN AUTHORITY BOARD, THE
8 MUNICIPALITY RESPONSIBLE FOR FILLING THE VACANCY SHALL PUBLICLY
9 ADVERTISE THAT SUCH VACANCY EXISTS AND THAT INDIVIDUALS HAVE TEN
10 DAYS FROM THE DATE OF THE LAST ADVERTISEMENT TO INFORM THE
11 GOVERNING BODY IN WRITING, AT THE ADDRESS INDICATED IN THE AD,
12 OF THEIR INTEREST IN BEING APPOINTED TO FILL THE VACANCY.

13 * * *

14 A.1. If an Authority provides water or sewer service outside
15 of the boundary of the incorporating municipality or
16 municipalities, the governing body of the other nonincorporating
17 municipality to which water or sewer service is provided may
18 appoint one member to the board of the Authority. If more than
19 one nonincorporating municipality receives service, the
20 membership of the board shall be adjusted in order to maintain a
21 board in which the number of members from the incorporating
22 municipality or municipalities is greater than the total number
23 of members from nonincorporating municipalities. The number of <—
24 THE AUTHORITY SHALL BE SUBJECT TO REGULATION AND CONTROL BY THE <—
25 PENNSYLVANIA PUBLIC UTILITY COMMISSION AS TO RATES THROUGHOUT
26 ITS SERVICE TERRITORY WITH THE SAME FORCE AND IN LIKE MANNER AS
27 IF SUCH WATER SERVICE WERE RENDERED BY A PUBLIC UTILITY, IF:

28 (1) SUCH AUTHORITY DOES NOT HAVE ON THE GOVERNING BODY OF
29 THE AUTHORITY AT LEAST ONE VOTING MEMBER FROM EACH MUNICIPALITY
30 THAT IS PART OF THE SERVICE TERRITORY OF THE AUTHORITY; AND

1 (2) THE TOTAL NUMBER OF VOTING MEMBERS FROM THE MUNICIPALITY
2 OR MUNICIPALITIES THAT HAVE INCORPORATED THE AUTHORITY EXCEEDS
3 BY TWO OR MORE THE TOTAL NUMBER OF VOTING MEMBERS FROM THE OTHER
4 MUNICIPALITIES THAT ARE PART OF THE SERVICE TERRITORY OF THE
5 AUTHORITY.

6 THE NUMBER OF members on the board shall increase consistent
7 with this subsection. Terms of office for members appointed
8 under this subsection shall be the same as provided for in
9 subsection A of this section. Authorities incorporated within <—
10 cities of the first class, second class, second class A or third
11 class; counties of the first class or second class; and counties
12 governed under home rule charters are exempt from the provisions
13 of this subsection.

14 * * *

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