

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1176 Session of
1997

INTRODUCED BY FICHTER, McCALL, ADOLPH, HERSHEY, RAYMOND, TULLI,
M. N. WRIGHT, WOGAN, SEMMEL, LaGROTTA, SAINATO, WOJNAROSKI,
COLAIZZO, RUBLEY AND KENNEY, APRIL 28, 1997

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 9, 1997

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 purposes and powers
15 relating to waterworks, water supply works and water
16 distribution systems.

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

19 Section 1. ~~Section 4A(a)(10)~~ SUBCLAUSE (10) OF CLAUSE (A) OF <—
20 SUBSECTION A OF SECTION 4 of the act of May 2, 1945 (P.L.382,
21 No.164), known as the Municipality Authorities Act of 1945,
22 amended June 22, 1990 (P.L.236, No.54) and November 21, 1990
23 (P.L.535, No.132), is amended to read:

24 Section 4. Purposes and Powers; General.--A. Every

1 Authority incorporated under this act shall be a body corporate
2 and politic, and shall be for the purpose of acquiring, holding,
3 constructing, improving, maintaining and operating, owning,
4 leasing, either in the capacity of lessor or lessee, projects of
5 the following kind and character and providing financing for
6 insurance reserves.

7 (a) The Authority shall be for the purpose of financing
8 working capital and of acquiring, holding, constructing,
9 financing, improving, maintaining and operating, owning,
10 leasing, either in the capacity of lessor or lessee, projects of
11 the kind and character described in the following subclauses and
12 for the purpose of providing financing for insurance reserves:

13 * * *

14 (10) waterworks, water supply works, water distribution
15 systems[;], provided that, with the exception of those
16 facilities owned, operated or leased by an Authority on or
17 before January 1, 1997, no Authority may extend its facilities,
18 or acquire, construct, finance, operate or lease any other water
19 project or facilities, within a municipality which is not a
20 member of the Authority, unless said municipality approves by
21 resolution or ordinance the proposed action of the Authority, <—
22 AND FURTHER PROVIDED THAT, IF THE REQUISITE MUNICIPAL APPROVAL
23 IS DENIED, THE ABOVE PROVISION SHALL NOT APPLY WHERE THE
24 EXTENSION, ACQUISITION, CONSTRUCTION, FINANCE, OPERATION OR
25 LEASE IS SUBSEQUENTLY DIRECTED BY THE ORDER OF A STATE AGENCY;

26 * * *

27 Section 2. This act shall take effect immediately.