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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 780 Session of  
2001

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INTRODUCED BY ROBBINS, PUNT, EARLL, THOMPSON, WOZNIAK, WENGER,  
LEMMOND, CORMAN, M. WHITE, RHOADES, WAUGH, MOWERY AND CONTI,  
APRIL 4, 2001

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AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF  
REPRESENTATIVES, AS AMENDED, JUNE 5, 2001

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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 of an  
15 authority and for governing body residency requirements.

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

18 Section 1. Section 7A of the act of May 2, 1945 (P.L.382,  
19 No.164), known as the Municipality Authorities Act of 1945,  
20 amended December 20, 2000 (P.L.792, No.112), is amended to read:

21 Section 7. Governing Body.--A. The powers of each Authority  
22 shall be exercised by a governing body (herein called the  
23 "Board") composed as follows:

1 (a) If the Authority is incorporated by one municipality the  
2 board shall consist of such number of members not less than five  
3 as shall be set forth in the articles of incorporation or  
4 amendment thereto. The governing body of such municipality shall  
5 appoint the members of the board, whose terms of office shall  
6 commence on the date of appointment. One member shall serve for  
7 one year, one for two years, one for three years, one for four  
8 years and one for five years from the first Monday in January  
9 next succeeding the date of incorporation or amendment, and if  
10 there are more than five members of the board, their terms shall  
11 be staggered in a similar manner for terms of from one to five  
12 years from the first Monday in January next succeeding.

13 Thereafter whenever a vacancy has occurred by reason of the  
14 expiration of the term of any member, the said governing body  
15 shall appoint a member of the board for a term of five years  
16 from the date of expiration of the prior term to succeed the  
17 member whose term has expired.

18 (b) If the Authority is incorporated by two or more  
19 municipalities, the board shall consist of a number of members  
20 at least equal to the number of municipalities incorporating the  
21 Authority, but in no event less than five. When one or more  
22 additional municipalities join an existing Authority, each of  
23 such joining municipalities shall have such membership on the  
24 board as the municipalities then members of the Authority and  
25 the joining municipalities may determine by appropriate  
26 resolutions. The members of the board of a joint Authority shall  
27 each be appointed by the governing body of the incorporating or  
28 joining municipality he represents and their terms of office  
29 shall commence on the date of appointment. One member shall  
30 serve for one year, one for two years, one for three years, one

1 for four years and one for five years from the first Monday in  
2 January next succeeding the date of incorporation, amendment or  
3 joinder, and if there are more than five members of the board,  
4 their terms shall be staggered in a similar manner for terms of  
5 from one to five years from the first Monday in January next  
6 succeeding. Thereafter, whenever a vacancy has occurred by  
7 reason of the expiration of the term of any member, the  
8 governing body of the municipality which has the power of  
9 appointment shall appoint a member of the board for a term of  
10 five years from the date of expiration of the prior term.

11 Except as herein provided for transit authorities created for  
12 the purpose of eliminating grade crossings the members of the  
13 board, each of whom shall be a [resident] taxpayer in, maintain  
14 a business in, or be a citizen of the municipality by which he  
15 is appointed or be a taxpayer in, maintain a business in, or be  
16 a citizen of a municipality into which one or more of the  
17 projects of the Authority extends or is to extend or to which  
18 one or more of said projects has been or is to be leased, shall  
19 be appointed, their terms fixed and staggered, and vacancies  
20 filled, and where two or more municipalities are members of the  
21 Authority, shall be apportioned in such manner as the articles  
22 of incorporation, the amendments thereof or the application for  
23 membership required by section three point one of this act[.]  
24 shall provide. A EXCEPT FOR SPECIAL SERVICE DISTRICTS LOCATED IN <—  
25 WHOLE OR IN PART IN CITIES OF THE FIRST CLASS, A majority of an  
26 Authority's board members shall be citizens residing in the  
27 incorporating municipality or incorporating municipalities of  
28 the Authority.

29 If the Authority, is created for the purpose of eliminating  
30 grade crossings, the members of the board, the majority of whom

1 shall be citizens of the municipality by which they are  
2 appointed or of a municipality into which one or more of the  
3 projects of the Authority extends or is to extend or to which  
4 one or more of said projects has been or is to be leased, shall  
5 be appointed, their terms fixed and staggered, and vacancies  
6 filled, and where two or more municipalities are members of the  
7 Authority, shall be apportioned in such manner as the articles  
8 of incorporation, the amendments thereof or the application for  
9 membership required by section 3.1 of this act shall provide.

10 Unless excused by the board, a member of a board who fails to  
11 attend three consecutive meetings of the board may be removed by  
12 the appointing municipality up to sixty days after the date of  
13 the third meeting of the board which the member failed to  
14 attend.

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16 Section 2. Notwithstanding any provision of section 2 of the  
17 act of December 20, 2000 (P.L.792, No.112) entitled "An act  
18 amending the act of May 2, 1945 (P.L.382, No.164), entitled 'An  
19 act providing for the incorporation as bodies corporate and  
20 politic of "Authorities" for municipalities, counties and  
21 townships; prescribing the rights, powers and duties of such  
22 Authorities heretofore or hereafter incorporated; authorizing  
23 such Authorities to acquire, construct, improve, maintain and  
24 operate projects, and to borrow money and issue bonds therefor;  
25 providing for the payment of such bonds, and prescribing the  
26 rights of the holders thereof; conferring the right of eminent  
27 domain on such Authorities; authorizing such Authorities to  
28 enter into contracts with and to accept grants from the Federal  
29 Government or any agency thereof; and conferring exclusive  
30 jurisdiction on certain courts over rates,'" to the contrary,

1 any member of a board of an Authority who was appointed prior to  
2 the effective date of the act of December 20, 2000 (P.L.792,  
3 No.112) and who was qualified to be a member of a board under  
4 section 7A of the act immediately prior to enactment of the act  
5 of December 20, 2000 (P.L.792, No.112) shall remain and be  
6 deemed to have remained at all times qualified to be a member of  
7 such board until the regular expiration of such member's term.

8 Section 3. This act shall take effect in 30 days.