

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 1496 Session of  
2008

INTRODUCED BY REGOLA, PIPPY, FERLO, ARMSTRONG, BAKER, BOSCOLA,  
BROWNE, BRUBAKER, CORMAN, COSTA, EARLL, EICHELBERGER,  
ERICKSON, FOLMER, FUMO, GORDNER, GREENLEAF, KITCHEN, LOGAN,  
McILHINNEY, ORIE, PILEGGI, RAFFERTY, RHOADES, WAUGH,  
D. WHITE, WONDERLING, WOZNIAK AND ROBBINS, JUNE 19, 2008

AS AMENDED ON THIRD CONSIDERATION, SEPTEMBER 18, 2008

## AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania  
2 Consolidated Statutes, in area government and  
3 intergovernmental cooperation, providing for agreements and <—  
4 ~~cooperation~~ with municipal authorities; AND FURTHER PROVIDING <—  
5 FOR REVIEW OF AGREEMENT BY LOCAL GOVERNMENT COMMISSION.

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 section to read:

10 ~~§ 2310.1~~ 2303.1. ~~Agreements and cooperation~~ with municipal <—  
11 authorities.

12 (a) General rule.--One or more local governments in this  
13 Commonwealth, ~~pursuant to~~ UPON THE PASSAGE OF AN ordinance <—  
14 containing the elements set forth under section 2307 (relating  
15 to content of ordinance), and one or more municipal authorities  
16 created under Chapter 56 (relating to municipal authorities) or  
17 under the former act of May 2, 1945 (P.L.382, No.164), known as  
18 the Municipality Authorities Act of 1945, ~~pursuant to~~ UPON THE <—

1 PASSAGE OF a resolution containing the elements set forth under  
2 section 2307, may JOINTLY enter into an agreement to cooperate <—  
3 in the exercise or in the performance of their respective  
4 functions, powers or responsibilities.

5 (b) Limitations.--An agreement entered into pursuant to this  
6 section shall not do any of the following:

7 (1) Delegate or transfer the governmental powers or  
8 functions of a local government to a municipal authority,  
9 unless the municipal authority, by law, has been granted the  
10 authority to exercise the governmental powers or functions in <—  
11 question.

12 (2) Enlarge or diminish the powers of a municipal  
13 authority beyond those authorized and permitted by law.

14 (c) Review.--Agreements executed pursuant to this section  
15 need not be submitted to the Local Government Commission for  
16 review.

17 SECTION 2. SECTION 2314 OF TITLE 53 IS AMENDED TO READ: <—

18 § 2314. REVIEW OF AGREEMENT BY LOCAL GOVERNMENT COMMISSION.

19 EVERY AGREEMENT BETWEEN A LOCAL GOVERNMENT AND THE  
20 COMMONWEALTH, ANY OTHER STATE, GOVERNMENT OF ANOTHER STATE OR  
21 THE FEDERAL GOVERNMENT UNDER THE PROVISIONS OF THIS SUBCHAPTER  
22 SHALL, PRIOR TO AND AS A CONDITION PRECEDENT TO ENACTMENT OF AN  
23 ORDINANCE, BE SUBMITTED TO THE LOCAL GOVERNMENT COMMISSION FOR  
24 REVIEW AND RECOMMENDATION. THE COMMISSION SHALL WITHIN [60] 90  
25 DAYS OF RECEIPT OF THE AGREEMENT DETERMINE WHETHER IT IS IN  
26 PROPER FORM AND COMPATIBLE WITH THE LAWS OF THIS COMMONWEALTH.  
27 FAILURE OF THE COMMISSION TO MAKE RECOMMENDATIONS WITHIN [60] 90  
28 DAYS OF RECEIPT OF THE AGREEMENT SHALL CONSTITUTE A  
29 RECOMMENDATION IN FAVOR OF THE AGREEMENT.

30 Section ~~2~~ 3. This act shall take effect in 60 days. <—