

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 375 Session of 2011

INTRODUCED BY PILEGGI, ALLOWAY, EICHELBERGER, ERICKSON, ORIE, FONTANA, YAW, SOLOBAY, WAUGH, RAFFERTY, SMUCKER, FOLMER, EARLL, PIPPY, MENSCH AND BROWNE, FEBRUARY 4, 2011

AMENDMENTS TO HOUSE AMENDMENTS, IN SENATE, JUNE 12, 2012

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in municipal authorities, further
3 providing FOR ADMINISTRATION AND for money. ←

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

6 Section 1. Section 5612 of Title 53 of the Pennsylvania ←
7 Consolidated Statutes is amended by adding a subsection to read:

8 SECTION 1. SECTION 5610 (A) INTRODUCTORY PARAGRAPH OF TITLE ←
9 53 OF THE PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED AND THE
10 SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

11 § 5610. GOVERNING BODY.

12 (A) BOARD.--[THE] EXCEPT AS SET FORTH IN SUBSECTION (A.1),
13 THE POWERS OF EACH AUTHORITY SHALL BE EXERCISED BY A BOARD
14 COMPOSED AS FOLLOWS:

15 * * *

16 (A.1) WATER AUTHORITIES AND SEWER AUTHORITIES.--IF A WATER
17 OR SEWER AUTHORITY INCORPORATED BY ONE MUNICIPALITY PROVIDES

1 WATER OR SEWER SERVICES TO RESIDENTS IN AT LEAST TWO COUNTIES
2 AND HAS WATER OR SEWER PROJECTS IN MORE THAN TWO COUNTIES WHERE
3 THE COMBINED POPULATION OF THE SERVED MUNICIPALITIES, EXCLUDING
4 THE INCORPORATING MUNICIPALITY, IS AT LEAST FIVE TIMES THE
5 POPULATION OF THE INCORPORATING MUNICIPALITY, ALL OF THE
6 FOLLOWING APPLY:

7 (1) NINETY DAYS AFTER THE EFFECTIVE DATE OF THIS
8 SUBSECTION, THE GOVERNING BODY IN EXISTENCE ON THE EFFECTIVE
9 DATE OF THIS SUBSECTION SHALL BE REPLACED BY A GOVERNING BODY
10 COMPRISED OF THE FOLLOWING:

11 (I) THREE MEMBERS APPOINTED BY THE GOVERNING BODY
12 FROM EACH COUNTY IN WHICH THE SERVICES TO RESIDENTS ARE
13 PROVIDED. A MEMBER UNDER THIS SUBPARAGRAPH MUST RESIDE IN
14 A TOWN, TOWNSHIP OR BOROUGH, WHICH RECEIVES SERVICES FROM
15 THE AUTHORITY.

16 (II) THREE MEMBERS APPOINTED BY THE GOVERNING BODY
17 OF THE INCORPORATING MUNICIPALITY.

18 (2) A MEMBER SERVING UNDER PARAGRAPH (1) SHALL SERVE FOR
19 A TERM OF FIVE YEARS.

20 * * *

21 (G) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
22 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
23 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

24 "WATER OR SEWER AUTHORITY." AN AUTHORITY INCORPORATED BY A
25 CITY OF THE THIRD CLASS, A BOROUGH, A TOWN OR A TOWNSHIP TO
26 PROVIDE WATER OR SEWER SERVICES.

27 "WATER OR SEWER PROJECT." ANY PUMPING STATION, FILTERING
28 PLANT, IMPOUNDMENT FACILITY, DAM, SPILLWAY OR RESERVOIR.

29 SECTION 1.1. SECTION 5612 OF TITLE 53 IS AMENDED BY ADDING A
30 SUBSECTION TO READ:

1 § 5612. Money of authority.

2 * * *

3 (a.1) Prohibition.--

4 (1) Money of the authority may not be used for any
5 grant, loan or other expenditure for any purpose other than a
6 service or project directly related to the mission or purpose
7 of the authority as set forth in the articles of
8 incorporation or in the resolution or ordinance establishing
9 the authority under section 5603 (relating to method of
10 incorporation).

11 (2) A ratepayer to an authority shall have a cause of
12 action in the court of common pleas where the authority is
13 located to seek the return of money expended in violation of
14 paragraph (1) from the recipient.

15 (3) Paragraph (1) shall not apply to the following:

16 (i) A monetary contribution to a nonprofit community
17 organization or activity that does not exceed \$1,000.

18 (ii) An in-kind service, including the provision of
19 water or other resources to a nonprofit community
20 organization or activity, the value of which does not
21 exceed \$1,000.

22 (iii) An agreement for the joint purchase and use of
23 equipment.

24 (iv) An agreement for the sharing of equipment
25 during emergency situations.

26 * * *

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