

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 479 Session of
2017

INTRODUCED BY SCHEMEL, BENNINGHOFF, A. HARRIS, IRVIN, KAUFER,
KAUFFMAN, LONGIETTI, MILLARD, MOUL, NESBIT, PICKETT,
M. QUINN, SAYLOR, ZIMMERMAN, MENTZER, GILLEN AND GABLER,
FEBRUARY 14, 2017

SENATOR WAGNER, LOCAL GOVERNMENT, IN SENATE, AS AMENDED,
APRIL 24, 2018

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in intergovernmental cooperation,
3 further providing for ordinance, for content of ordinance,
4 for joint purchases with private educational establishments,
5 for required review of specified agreements and for effect of
6 joint cooperation agreements.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Sections 2305, 2307, 2310, 2314(a) and 2315 of
10 Title 53 of the Pennsylvania Consolidated Statutes are amended
11 to read:

12 § 2305. [Ordinance] Adoption of ordinance or resolution.

13 (a) ~~Ordinances~~ ORDINANCE OR RESOLUTION.--A local government <--
14 may enter into intergovernmental cooperation with or delegate
15 any functions, powers or responsibilities to another
16 governmental unit [or], local government or authority as defined
17 in section 5602 (relating to definitions) upon the passage of an
18 ordinance or resolution by its governing body. If mandated by

1 initiative and referendum in the area affected, the local
2 government shall adopt such an ordinance or resolution.

3 (b) Compliance by authorities.--An authority as defined in
4 section 5602 may not share or be delegated any function, power
5 or responsibility through an agreement under this subchapter
6 unless the function, power or responsibility is consistent with
7 both the law under which the authority was created and the
8 powers or purposes of the authority contained within its
9 articles of incorporation.

10 (c) Council of governing bodies.--A council or consortium of
11 governing bodies or similar entity may not be entered into
12 unless by ordinance.

13 § 2307. Content of ordinance or resolution.

14 The ordinance or resolution adopted by the governing body of
15 a local government entering into intergovernmental cooperation
16 or delegating or transferring any functions, powers or
17 responsibilities to another local government, an authority as
18 defined in section 5602 (relating to definitions) or to a
19 council of governments, consortium or any other similar entity
20 shall specify:

21 (1) The conditions of agreement in the case of
22 cooperation with or delegation to other local governments,
23 the Commonwealth, other states or the Federal Government.

24 (2) The duration of the term of the agreement.

25 (3) The purpose and objectives of the agreement,
26 including the powers and scope of authority delegated in the
27 agreement.

28 (4) The manner and extent of financing the agreement.

29 (5) The organizational structure necessary to implement
30 the agreement.

1 (6) The manner in which real or personal property shall
2 be acquired, managed, licensed or disposed of.

3 (7) That the entity created under this section shall be
4 empowered to enter into contracts for policies of group
5 insurance and employee benefits, including Social Security,
6 for its employees.

7 § 2310. Joint purchases with private educational
8 establishments.

9 Any local government may, by ordinance or resolution,
10 authorize joint purchases of materials, supplies and equipment
11 with any private school, parochial school, private college or
12 university or nonprofit human services agency within the local
13 government. The ordinance or resolution shall require that the
14 school, college or agency shall be bound by the terms and
15 conditions of purchasing agreements which the local government
16 prescribes and that the school, college or agency shall be
17 responsible for payment directly to the vendor under each
18 purchase contract. Schools, colleges and agencies shall be
19 exempt from any existing statutory requirements governing
20 competitive bidding and execution of contracts with respect to
21 purchases under this section.

22 § 2314. Required review of specified agreements.

23 (a) General rule.--An agreement between a local government
24 and the Federal Government, the Commonwealth, any other state or
25 government of another state under the provisions of this
26 subchapter shall, prior to and as a condition precedent to
27 enactment of an ordinance or resolution, be submitted to the
28 Local Government Commission for review and recommendation. An
29 agreement exclusively between a local government and an
30 authority as defined in section 5602 (relating to definitions)

1 shall not be subject to the requirements under this section.

2 * * *

3 § 2315. Effect of joint cooperation agreements.

4 Any joint cooperation agreement shall be deemed in force as
5 to any local government when the agreement has been adopted by
6 ordinance or resolution by all cooperating local governments.

7 After adoption by all cooperating local governments, the
8 agreement shall be binding upon the local government, and its
9 covenants may be enforced by appropriate remedy by any one or
10 more of the local governments against any other local government
11 which is a party to the agreement.

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