

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 791 Session of
2017

INTRODUCED BY DAVIS, MILLARD, GALLOWAY, McNEILL, M. QUINN,
NEILSON, O'NEILL, FREEMAN, SCHWEYER, D. COSTA AND GILLEN,
MARCH 10, 2017

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MARCH 10, 2017

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, providing for municipal-owned
3 infrastructure.

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

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

8 CHAPTER 62

9 MUNICIPAL-OWNED INFRASTRUCTURE

10 Sec.

11 6201. Definitions.

12 6202. Sale or transfer of water or sewer infrastructure to
13 municipality.

14 6203. Sale or transfer of municipal-owned water or sewer
15 infrastructure.

16 § 6201. Definitions.

17 The following words and phrases when used in this chapter
18 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Public benefit." The term includes a rate reduction,
3 improved service quality, improved service reliability or other
4 clearly defined benefit to a ratepayer of the municipality.

5 § 6202. Sale or transfer of water or sewer infrastructure to
6 municipality.

7 A municipality may not acquire by a device or means,
8 including a consolidation, merger, purchase or lease or through
9 the purchase of stock, bonds or other security, title to or
10 possession or use of all or a substantial portion of water or
11 sewer infrastructure, unless the municipality has discussed the
12 acquisition at a public meeting and the written minutes of the
13 meeting contain details relating to the anticipated or projected
14 public benefit that will be realized by the acquisition.

15 § 6203. Sale or transfer of municipal-owned water or sewer
16 infrastructure.

17 (a) General rule.--A municipality may not sell or transfer
18 to title to all or a portion of the water or sewer
19 infrastructure of the municipality, unless the municipality has
20 discussed the sale or transfer at a public meeting and the
21 written minutes of the meeting contain details relating to the
22 anticipated or projected public benefit that will be realized by
23 the sale or transfer.

24 (b) Public meeting.--

25 (1) The public meeting must include a public comment
26 period.

27 (2) A ratepayer of the municipality shall be notified of
28 the public meeting on a monthly billing statement not more
29 than 60 days nor less than 30 days prior to the public
30 meeting. The notification shall:

1 (i) be posted in a clear and conspicuous manner on
2 the billing statement; and
3 (ii) state that the ratepayer is entitled to comment
4 at the public meeting.

5 Section 2. This act shall apply as follows:

6 (1) The addition of 53 Pa.C.S. § 6202 shall apply to
7 title to or possession or use of all or a substantial portion
8 of the water or sewer infrastructure which is acquired on or
9 after the effective date of this section.

10 (2) The addition of 53 Pa.C.S. § 6203 shall apply to the
11 sale or transfer of title to all or a portion of the water or
12 sewer infrastructure sold or transferred on or after the
13 effective date of this section.

14 Section 3. This act shall take effect in 60 days.