

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 510 Session of 2019

INTRODUCED BY SCHEMEL, SAYLOR, MILLARD, KAUFFMAN, RYAN,
BERNSTINE, ZIMMERMAN, MENTZER AND NESBIT, FEBRUARY 12, 2019

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, FEBRUARY 12, 2019

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) Ordinance or resolution.--A local government may enter
14 into intergovernmental cooperation with or delegate any
15 functions, powers or responsibilities to another governmental
16 unit [or], local government or authority as defined in section
17 5602 (relating to definitions) upon the passage of an ordinance
18 or resolution by its governing body. If mandated by initiative
19 and referendum in the area affected, the local government shall
20 adopt such an ordinance or resolution.

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

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

11 § 2307. Content of ordinance or resolution.

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

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

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

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

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

27 (5) The organizational structure necessary to implement
28 the agreement.

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

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

5 § 2310. Joint purchases with private educational
6 establishments.

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

20 § 2314. Required review of specified agreements.

21 (a) General rule.--An agreement between a local government
22 and the Federal Government, the Commonwealth, any other state or
23 government of another state under the provisions of this
24 subchapter shall, prior to and as a condition precedent to
25 enactment of an ordinance or resolution, be submitted to the
26 Local Government Commission for review and recommendation. An
27 agreement exclusively between a local government and an
28 authority as defined in section 5602 (relating to definitions)
29 shall not be subject to the requirements under this section.

30 * * *

1 § 2315. Effect of joint cooperation agreements.

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

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

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