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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2583 Session of  
2020

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INTRODUCED BY ZIMMERMAN, BERNSTINE, T. DAVIS, CALTAGIRONE,  
HEFFLEY AND GILLEN, JUNE 8, 2020

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REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JUNE 8, 2020

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AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania  
2 Consolidated Statutes, in municipal authorities, further  
3 providing for method of incorporation, for municipalities  
4 withdrawing from and joining in joint authorities, for  
5 amendment of articles and for governing body.

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

8 Section 1. Sections 5603 and 5604 of Title 53 of the  
9 Pennsylvania Consolidated Statutes are amended by adding a  
10 subsection to read:

11 § 5603. Method of incorporation.

12 \* \* \*

13 (g) Notification of county.--After an authority has received  
14 the certificate of incorporation from the Secretary of the  
15 Commonwealth under subsection (e), the authority shall notify  
16 the county or counties of the incorporating municipalities  
17 within 10 days to prepare for municipal elections.

18 § 5604. Municipalities withdrawing from and joining in joint  
19 authorities.

1 \* \* \*

2 (f) Notification of county.--

3 (1) After a municipality receives a certificate of  
4 joinder from the Secretary of the Commonwealth under  
5 subsection (e), the municipality shall notify the county in  
6 which it is located within 10 days in order to prepare for  
7 municipal elections.

8 (2) After a municipality receives a certificate of  
9 withdrawal from the Secretary of the Commonwealth under  
10 subsection (e), the municipality shall notify the county that  
11 the municipality's elected board members of the authority  
12 will be abolished on the date specified in the certificate of  
13 withdrawal.

14 Section 2. Sections 5605(a)(4) and 5610(a), (b), (c), (d)  
15 and (f) of Title 53 are amended to read:

16 § 5605. Amendment of articles.

17 (a) Purpose.--An authority may amend its articles for the  
18 following reasons:

19 \* \* \*

20 [(4) To increase or decrease the number of members of  
21 the board of the authority, to reapportion the representation  
22 on the board of the authority and to revise the terms of  
23 office of members, all in a manner consistent with the  
24 provisions of section 5610 (relating to governing body).]

25 \* \* \*

26 § 5610. Governing body.

27 (a) Board.--Except as set forth in subsection (a.1), the  
28 powers of each authority shall be exercised by a board composed  
29 as follows:

30 (1) (i) If the authority is incorporated by one

1 municipality, the board shall consist of [a number of]  
2 five members, [not less than five,] as enumerated in the  
3 articles of incorporation. The governing body of the  
4 municipality shall appoint the members of the board,  
5 whose terms of office shall commence on the effective  
6 date of their appointment[. One member shall serve for  
7 one year, one for two years, one for three years, one for  
8 four years and one for five years commencing with the  
9 first Monday in January next succeeding the date of  
10 incorporation or amendment. If there are more than five  
11 members of the board, their terms shall be staggered in a  
12 similar manner for terms of one to five years from the  
13 first Monday in January next succeeding.] until the first  
14 Monday in January following a municipal election  
15 occurring more than 90 days after the later of the  
16 incorporation of the authority or the effective date of  
17 this subparagraph.

18 (ii) Thereafter, whenever a vacancy [has occurred by  
19 reason of the expiration of the term of any member, the]  
20 occurs, the governing body of the authority shall appoint  
21 a member of the board [for a term of five years from the  
22 date of expiration of the prior term to succeed the  
23 member whose term has expired.] who meets the residency  
24 requirements of the vacancy for a term until the first  
25 Monday of January next succeeding the election at which  
26 the officers are to be elected to fulfill the remainder  
27 of the term.

28 (2) (i) If the authority is incorporated by two or more  
29 municipalities, the board shall consist of a number of  
30 members at least equal to the number of municipalities

1 incorporating the authority, but in no event less than  
2 five. [When one or more additional municipalities join an  
3 existing authority, each of the joining municipalities  
4 shall have similar membership on the board as the  
5 municipalities then members of the authority and the  
6 joining municipalities may determine by appropriate  
7 resolutions.] Three board members shall be at-large  
8 members from the entire service area of the authority.  
9 Each municipality in the authority shall have one board  
10 member from the municipality. One at-large board member  
11 shall be in each of the three election classes mentioned  
12 in subsection (b) (7) (ii) (B). The members of the board of  
13 a joint authority shall each be appointed by the  
14 governing body of the incorporating or joining  
15 municipality he represents, and their terms of office  
16 shall commence on the effective date of their  
17 appointment[. One member shall serve for one year, one  
18 for two years, one for three years, one for four years  
19 and one for five years from the first Monday in January  
20 next succeeding the date of incorporation, amendment or  
21 joinder, and if there are more than five members of the  
22 board, their terms shall be staggered in a similar manner  
23 for terms of from one to five years commencing with the  
24 first Monday in January next succeeding.] until the first  
25 Monday in January following a municipal election  
26 occurring more than 90 days after the later of the  
27 incorporation of the authority or the effective date of  
28 this subparagraph.

29 (ii) Thereafter, whenever a vacancy [has occurred by  
30 reason of the expiration of the term of any member, the]

1 occurs, the governing body of the [municipality which has  
2 the power of appointment] authority shall appoint a  
3 member of the board [for a term of five years from the  
4 date of expiration of the prior term.] who meets the  
5 residency requirements of the vacancy until the first  
6 Monday of January next succeeding the election at which  
7 the officers are to be elected to fulfill the remainder  
8 of the term.

9 \* \* \*

10 (b) [Residency.] Election of board members.--

11 (1) Except as provided for in subsection (c), the  
12 members of the board, each of whom shall be at least 18 years  
13 of age, a taxpayer in, maintain a business in or be a citizen  
14 of the municipality by which he is appointed or be a taxpayer  
15 in, maintain a business in or be a citizen of a municipality  
16 into which one or more of the projects of the authority  
17 extends or is to extend or to which one or more projects has  
18 been or is to be leased, shall be appointed, their terms  
19 fixed and staggered and vacancies filled pursuant to the  
20 articles of incorporation or the application of membership  
21 under section 5604 (relating to municipalities withdrawing  
22 from and joining in joint authorities). Where two or more  
23 municipalities are members of the authority, they shall be  
24 apportioned pursuant to the articles of incorporation or the  
25 application for membership under section 5604. Except for  
26 special service districts located in whole or in part in  
27 cities of the first class or as provided in paragraph (2), a  
28 majority of an authority's board members shall be citizens  
29 residing in the incorporating municipality or incorporating  
30 municipality or incorporating municipalities of the

1 authority.

2 (2) Each member of the board of a business improvement  
3 district authority that was established by a borough pursuant  
4 to the act of May 2, 1945 (P.L.382, No.164), known as the  
5 Municipality Authorities Act of 1945, on or before the  
6 effective date of this paragraph shall be at least 18 years  
7 of age, a taxpayer in, maintain a business in or be a citizen  
8 of the borough by which that member is appointed.

9 (3) Elections for authority board members shall be at  
10 the time and place designated by law for the holding of  
11 municipal elections.

12 (4) Certificates of election of all authority board  
13 members shall be filed with the authority and preserved among  
14 the records of the authority for a period of six years.

15 (5) (i) Except as provided under subparagraph (ii), an  
16 individual elected to the authority bond shall serve for  
17 the term for which the individual was elected.

18 (ii) If a vacancy in office occurs, it shall be  
19 filled in the manner provided under this part.

20 (6) If an elected official of the authority is required  
21 to give a bond for the faithful performance of the elected  
22 official's duties, the authority may pay the premium for the  
23 bond.

24 (7) (i) The board members of an authority shall be  
25 elected at the appropriate municipal election and take  
26 office on the first Monday of January succeeding the  
27 election.

28 (ii) The following shall apply:

29 (A) Except as provided under clause (B) and at  
30 the election under subparagraph (i), if an authority

1 is incorporated by one municipality, the following  
2 board members shall be elected to coincide with the  
3 number of board members appointed to authorities  
4 existing on January 1, 2022, under paragraph (8):

5 (I) Two board members of the authority shall  
6 be elected for terms of two years each.

7 (II) Two board members of the authority  
8 shall be elected for terms of four years each.

9 (III) One board member of the authority  
10 shall be elected for a term of six years.

11 (B) If an authority is incorporated by two or  
12 more municipalities, the board members shall be  
13 divided equally into three classes:

14 (I) Each board member of Class A shall be  
15 elected for a term of two years.

16 (II) Each board member of Class B shall be  
17 elected for a term of four years.

18 (III) Each board member of Class C shall be  
19 elected for a term of six years.

20 (8) Biennially, at the municipal election, a sufficient  
21 number of board members of an authority shall be elected to  
22 fill the places of board members whose terms shall, under  
23 this part, expire on the first Monday of January following  
24 the election. Members elected under this paragraph shall  
25 serve for a term of six years from the first Monday of  
26 January succeeding the municipal election.

27 (9) If an additional municipality joins the authority,  
28 the election of that municipality's board members shall be in  
29 a manner as not to interfere with the terms of those  
30 previously elected.

1           (10) If a vacancy is created in the office of a board  
2 member of the authority, it may be filled by nomination made  
3 by the committee as is authorized by the rules of the party  
4 to make nominations in the event of vacancies on the party  
5 ticket.

6           (11) A board member of an authority may not at the same  
7 time hold any other elective office. A board member of an  
8 authority may hold an appointed position within the board  
9 member's home municipality as long as the appointed position  
10 is not prohibited under this title or any other statute.

11       (c) Grade crossings.--If the authority is created for the  
12 purpose of eliminating grade crossings, the members of the  
13 board, the majority of whom shall be citizens at least 18 years  
14 of age of the municipality by which they are [appointed] elected  
15 or of a municipality into which one or more of the projects of  
16 the authority extends or is to extend or to which one or more of  
17 the projects has been or is to be leased, shall be [appointed]  
18 elected, their terms fixed and staggered and vacancies filled  
19 pursuant to the articles of incorporation or the application of  
20 membership under section 5604. Where two or more municipalities  
21 are members of the authority, they shall be apportioned pursuant  
22 to the articles of incorporation or the application for  
23 membership under section 5604.

24       (d) Successor.--Members shall hold office until their  
25 successors have been [appointed] elected and may succeed  
26 themselves and, except members of the boards of authorities  
27 organized or created by a school district, shall receive such  
28 salaries as may be determined by the governing body of the  
29 municipality[, ] at the time of incorporation. Thereafter, the  
30 governing body of the authority may determine their salaries if



1 one was originally determined by the governing body of the  
2 incorporating municipality, but no salaries shall be increased  
3 or diminished by a governing body during the term for which the  
4 member shall have been [appointed] elected. Members of the board  
5 of any authority organized or created by a school district shall  
6 receive no compensation for their services. [A member may be  
7 removed for cause by the court of common pleas of the county in  
8 which the authority is located after having been provided with a  
9 copy of the charges against him for at least ten days and after  
10 having been provided a full hearing by the court.] If a vacancy  
11 shall occur by reason of the death, disqualification,  
12 resignation or removal of a member, the municipal authorities  
13 shall appoint a successor to fill his unexpired term. In joint  
14 authorities such vacancies shall be filled by the municipal  
15 authorities of the municipality in the representation of which  
16 the vacancy occurs. If any municipality withdraws from a joint  
17 authority, the term of any member appointed from the  
18 municipality shall immediately terminate.

19 \* \* \*

20 [(f) Removal.--Unless excused by the board, a member of a  
21 board who fails to attend three consecutive meetings of the  
22 board may be removed by the appointing municipality up to 60  
23 days after the date of the third meeting of the board which the  
24 member failed to attend.]

25 \* \* \*

26 Section 3. This act shall take effect January 1, 2022.