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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1274 Session of  
2020

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INTRODUCED BY KEARNEY, KILLION, BAKER, BLAKE, BROWNE, FONTANA,  
HUGHES, MUTH, PITTMAN, SCHWANK, TARTAGLIONE AND YUDICHAK,  
AUGUST 24, 2020

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REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,  
AUGUST 24, 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 definitions, providing for public safety  
4 authorities and further providing for purposes and powers.

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

7 Section 1. Section 5602 of Title 53 of the Pennsylvania  
8 Consolidated Statutes is amended by adding a definition to read:  
9 § 5602. Definitions.

10 The following words and phrases when used in this chapter  
11 shall have the meanings given to them in this section unless the  
12 context clearly indicates otherwise:

13 \* \* \*

14 "Public safety projects." The term:

15 (1) Includes any or all of the following:

16 (i) Fire protection services.

17 (ii) Emergency medical services.

18 (iii) Services, including administrative support,

1 coordination of service delivery and financing services,  
2 relating to fire protection services and emergency  
3 medical services.

4 (2) Excludes police services.

5 \* \* \*

6 Section 2. Title 53 is amended by adding a section to read:

7 § 5606.1. Public safety authorities.

8 (a) Authorization.--Except as provided under subsection (g),  
9 the creation of an authority for the purpose of public safety  
10 projects shall be restricted to a county. Counties may enter  
11 into an agreement to create a joint authority under this  
12 subsection.

13 (b) Municipal representation.--A county that creates a  
14 public safety authority shall make a reasonable effort to  
15 include representatives of the municipalities the county serves  
16 in the governance structure of the public safety authority.

17 (c) Contracts.--The following shall apply:

18 (1) Municipalities within or adjoining a county where a  
19 public safety authority exists may enter into contracts or  
20 agreements with the authority as may be deemed necessary or  
21 convenient in connection with a public safety project.

22 (2) A public safety authority may not provide services  
23 or assess rates or other charges without the municipality  
24 opting by ordinance to enter into a contract with the  
25 authority.

26 (d) Rates and other charges.--In addition to any other power  
27 of an authority to fix, alter, charge and collect rates and  
28 other charges in the area served by its facilities, a public  
29 safety authority may fix, alter, charge and collect rates and  
30 other charges for the services the authority provides, which

1 rates and charges shall be reasonable and uniform.

2 (e) Existing authorities.--Notwithstanding any provision of  
3 this section, an authority that provides public safety services  
4 in existence on the effective date of this section shall be  
5 permitted to continue operation.

6 (f) Duties of Department of Community and Economic  
7 Development.--The Department of Community and Economic  
8 Development, in consultation with the State Fire Commissioner in  
9 relation to fire authorities and the Director of the Bureau of  
10 Emergency Medical Services of the Department of Health in  
11 relation to emergency medical services authorities, shall:

12 (1) Develop guidelines for counties to create public  
13 safety authorities under this section.

14 (2) Contract with an educational and technical  
15 assistance provider to aid counties in starting and operating  
16 public safety authorities.

17 (g) Municipal authorization.--Municipalities representing at  
18 least 51% of a county's population may create a joint public  
19 safety authority if:

20 (1) the county, by resolution, states it does not intend  
21 to create a public safety authority; or

22 (2) municipalities representing at least 51% of the  
23 county's population petition the county, by passing  
24 resolutions, to create a public safety authority and the  
25 county does not create the authority within 120 days of  
26 receiving the petition.

27 Section 3. Section 5607(b)(2) of Title 53 is amended and  
28 subsection (a) is amended by adding a paragraph to read:

29 § 5607. Purposes and powers.

30 (a) Scope of projects permitted.--Every authority

1 incorporated under this chapter shall be a body corporate and  
2 politic and shall be for the purposes of financing working  
3 capital; acquiring, holding, constructing, financing, improving,  
4 maintaining and operating, owning or leasing, either in the  
5 capacity of lessor or lessee, projects of the following kind and  
6 character and providing financing for insurance reserves:

7 \* \* \*

8 (19) Only in the case of an authority authorized under  
9 section 5606.1 (relating to public safety authorities),  
10 public safety projects.

11 (b) Limitations.--This section is subject to the following  
12 limitations:

13 \* \* \*

14 (2) The purpose and intent of this chapter being to  
15 benefit the people of the Commonwealth by, among other  
16 things, increasing their commerce, health, safety and  
17 prosperity and not to unnecessarily burden or interfere with  
18 existing business by the establishment of competitive  
19 enterprises, none of the powers granted by this chapter shall  
20 be exercised in the construction, financing, improvement,  
21 maintenance, extension or operation of any project or  
22 projects or providing financing for insurance reserves which  
23 in whole or in part shall duplicate or compete with existing  
24 enterprises serving substantially the same purposes. This  
25 limitation shall not apply to the exercise of the powers  
26 granted under this section:

27 (i) for facilities and equipment for the collection,  
28 removal or disposal of ashes, garbage, rubbish and other  
29 refuse materials by incineration, landfill or other  
30 methods if each municipality organizing or intending to

1 use the facilities of an authority having such powers  
2 shall declare by resolution or ordinance that it is  
3 desirable for the health and safety of the people of such  
4 municipality that it use the facilities of the authority  
5 and state if any contract between such municipality and  
6 any other person, firm or corporation for the collection,  
7 removal or disposal of ashes, garbage, rubbish and other  
8 refuse material has by its terms expired or is terminable  
9 at the option of the municipality or will expire within  
10 six months from the date such ordinance becomes  
11 effective;

12 (ii) for industrial development projects if the  
13 authority does not develop industrial projects which will  
14 compete with existing industries;

15 (iii) for authorities created for the purpose of  
16 providing business improvements and administrative  
17 services if each municipality organizing an authority for  
18 such a project shall declare by resolution or ordinance  
19 that it is desirable for the entire local government unit  
20 to improve the business district;

21 (iv) to hospital projects or health centers to be  
22 leased to or financed with loans to public hospitals,  
23 nonprofit corporation health centers or nonprofit  
24 hospital corporations serving the public or to school  
25 building projects and facilities to be leased to or  
26 financed with loans to private, nonprofit, nonsectarian  
27 secondary schools, colleges and universities, State-  
28 related universities and community colleges or to  
29 facilities, as limited under the provisions of this  
30 section, to produce steam or to generate electric power

1 if each municipality organizing an authority for such a  
2 project shall declare by resolution or ordinance that it  
3 is desirable for the health, safety and welfare of the  
4 people in the area served by such facilities to have such  
5 facilities provided by or financed through an authority;

6 (v) to provide financing for insurance reserves if  
7 each municipality or authority intending to use any  
8 proceeds thereof shall declare by resolution or ordinance  
9 that it is desirable for the health, safety and welfare  
10 of the people in such local government unit or served by  
11 such authority; [or]

12 (vi) to projects for financing working capital[.];  
13 or

14 (vii) to public safety projects that support  
15 existing enterprises serving substantially the same  
16 purposes.

17 \* \* \*

18 Section 4. This act shall take effect in 60 days.