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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1754 Session of  
2021

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INTRODUCED BY ZIMMERMAN, IRVIN, HERSHEY AND MOUL, JULY 30, 2021

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REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JULY 30, 2021

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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  
10 subsections 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.

20 \* \* \*

1 (f) Notification of county.--

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

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

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

15 § 5605. Amendment of articles.

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

18 \* \* \*

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

24 \* \* \*

25 § 5610. Governing body.

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

29 (1) (i) If the authority is incorporated by one  
30 municipality, the board shall consist of [a number of]

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

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

27 (2) (i) If the authority is incorporated by two or more  
28 municipalities, the board shall consist of a number of  
29 members at least equal to the number of municipalities  
30 incorporating the authority, but in no event less than

1 five. [When one or more additional municipalities join an  
2 existing authority, each of the joining municipalities  
3 shall have similar membership on the board as the  
4 municipalities then members of the authority and the  
5 joining municipalities may determine by appropriate  
6 resolutions.] Three board members shall be at-large  
7 members from the entire service area of the authority.  
8 Each municipality in the authority shall have one board  
9 member from the municipality. One at-large board member  
10 shall be in each of the three election classes mentioned  
11 in subsection (b) (7) (ii) (B). The members of the board of  
12 a joint authority shall each be appointed by the  
13 governing body of the incorporating or joining  
14 municipality he represents, and their terms of office  
15 shall commence on the effective date of their  
16 appointment[. One member shall serve for one year, one  
17 for two years, one for three years, one for four years  
18 and one for five years from the first Monday in January  
19 next succeeding the date of incorporation, amendment or  
20 joinder, and if there are more than five members of the  
21 board, their terms shall be staggered in a similar manner  
22 for terms of from one to five years commencing with the  
23 first Monday in January next succeeding.] until the first  
24 Monday in January following a municipal election  
25 occurring more than 90 days after the later of the  
26 incorporation of the authority or the effective date of  
27 this subparagraph.

28 (ii) Thereafter, whenever a vacancy [has occurred by  
29 reason of the expiration of the term of any member, the]  
30 occurs, the governing body of the [municipality which has

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

8        \* \* \*

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

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

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

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

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

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

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

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

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

27           (ii) The following shall apply:

28           (A) Except as provided under clause (B) and at  
29 the election under subparagraph (i), if an authority  
30 is incorporated by one municipality, the following

1 board members shall be elected to coincide with the  
2 number of board members appointed to authorities  
3 existing on January 1, 2022, under paragraph (8):

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

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

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

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

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

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

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

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

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

30 (10) If a vacancy is created in the office of a board

1 member of the authority, it may be filled by nomination made  
2 by the committee as is authorized by the rules of the party  
3 to make nominations in the event of vacancies on the party  
4 ticket.

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

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

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

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

18 \* \* \*

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

24 \* \* \*

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