
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 698 Session of
2021

INTRODUCED BY BAKER, KEARNEY, PITTMAN, DiSANTO, SANTARSIERO,
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MAY 20, 2021

REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,
MAY 20, 2021

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.

1 (iii) Services, including administrative support,
2 coordination of service delivery and financing services,
3 relating to fire protection services and emergency
4 medical services.

5 (2) Excludes police services.

6 * * *

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

8 § 5606.1. Public safety authorities.

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

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

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

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

23 (2) Except as provided in paragraph (3), a public safety
24 authority may not provide services or assess rates or other
25 charges without the municipality opting by ordinance to enter
26 into a contract with the authority.

27 (3) In the case of an authority operating as a dedicated
28 emergency response organization as defined in 35 Pa.C.S. §
29 7332 (relating to definitions), nothing in this subsection is
30 intended to interfere with or relieve the dedicated emergency

1 response organization from an obligation or commitment to
2 respond to a dispatch from a public safety answering point or
3 mutual aid system, or invoice and receive payment from an
4 appropriate party for the services rendered.

5 (d) Rates and other charges.--In addition to any other power
6 of an authority to fix, alter, charge and collect rates and
7 other charges in the area served by its facilities, a public
8 safety authority may fix, alter, charge and collect rates and
9 other charges for the services the authority provides, which
10 rates and charges shall be reasonable and uniform.

11 (e) Existing authorities.--Notwithstanding any provision of
12 this section, an authority that provides public safety services
13 in existence on the effective date of this section shall be
14 permitted to continue operation, without limitation, as a public
15 safety project as provided under this section.

16 (f) Duties of Department of Community and Economic
17 Development.--The Department of Community and Economic
18 Development, in consultation with the State Fire Commissioner in
19 relation to fire authorities and the Director of the Bureau of
20 Emergency Medical Services of the Department of Health in
21 relation to emergency medical services authorities, shall:

22 (1) Work with relevant stakeholders to develop guidance
23 and assistance for counties to create public safety
24 authorities under this section.

25 (2) Contract with educational and technical assistance
26 providers to aid counties in starting and operating public
27 safety authorities.

28 (g) Municipal authorization.--Municipalities representing at
29 least 51% of a county's population or 40% of the total number of
30 municipalities in a county may create a joint public safety

1 authority if:

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

4 (2) municipalities representing at least 51% of the
5 county's population or 40% of the total number of
6 municipalities in the county petition the county, by passing
7 resolutions, to create a public safety authority and the
8 county does not create the authority within 120 days of
9 receiving the petition.

10 (h) Limitation on fire protection services.--The following
11 shall apply:

12 (1) A public safety authority may not employ
13 firefighters.

14 (2) Fire protection services may not be directly
15 provided by employees of a public safety authority.

16 Section 3. Section 5607(b) (2) of Title 53 is amended and
17 subsection (a) is amended by adding a paragraph to read:
18 § 5607. Purposes and powers.

19 (a) Scope of projects permitted.--Every authority
20 incorporated under this chapter shall be a body corporate and
21 politic and shall be for the purposes of financing working
22 capital; acquiring, holding, constructing, financing, improving,
23 maintaining and operating, owning or leasing, either in the
24 capacity of lessor or lessee, projects of the following kind and
25 character and providing financing for insurance reserves:

26 * * *

27 (19) Only in the case of an authority authorized under
28 section 5606.1 (relating to public safety authorities),
29 public safety projects.

30 (b) Limitations.--This section is subject to the following

1 limitations:

2 * * *

3 (2) The purpose and intent of this chapter being to
4 benefit the people of the Commonwealth by, among other
5 things, increasing their commerce, health, safety and
6 prosperity and not to unnecessarily burden or interfere with
7 existing business by the establishment of competitive
8 enterprises, none of the powers granted by this chapter shall
9 be exercised in the construction, financing, improvement,
10 maintenance, extension or operation of any project or
11 projects or providing financing for insurance reserves which
12 in whole or in part shall duplicate or compete with existing
13 enterprises serving substantially the same purposes. This
14 limitation shall not apply to the exercise of the powers
15 granted under this section:

16 (i) for facilities and equipment for the collection,
17 removal or disposal of ashes, garbage, rubbish and other
18 refuse materials by incineration, landfill or other
19 methods if each municipality organizing or intending to
20 use the facilities of an authority having such powers
21 shall declare by resolution or ordinance that it is
22 desirable for the health and safety of the people of such
23 municipality that it use the facilities of the authority
24 and state if any contract between such municipality and
25 any other person, firm or corporation for the collection,
26 removal or disposal of ashes, garbage, rubbish and other
27 refuse material has by its terms expired or is terminable
28 at the option of the municipality or will expire within
29 six months from the date such ordinance becomes
30 effective;

1 (ii) for industrial development projects if the
2 authority does not develop industrial projects which will
3 compete with existing industries;

4 (iii) for authorities created for the purpose of
5 providing business improvements and administrative
6 services if each municipality organizing an authority for
7 such a project shall declare by resolution or ordinance
8 that it is desirable for the entire local government unit
9 to improve the business district;

10 (iv) to hospital projects or health centers to be
11 leased to or financed with loans to public hospitals,
12 nonprofit corporation health centers or nonprofit
13 hospital corporations serving the public or to school
14 building projects and facilities to be leased to or
15 financed with loans to private, nonprofit, nonsectarian
16 secondary schools, colleges and universities, State-
17 related universities and community colleges or to
18 facilities, as limited under the provisions of this
19 section, to produce steam or to generate electric power
20 if each municipality organizing an authority for such a
21 project shall declare by resolution or ordinance that it
22 is desirable for the health, safety and welfare of the
23 people in the area served by such facilities to have such
24 facilities provided by or financed through an authority;

25 (v) to provide financing for insurance reserves if
26 each municipality or authority intending to use any
27 proceeds thereof shall declare by resolution or ordinance
28 that it is desirable for the health, safety and welfare
29 of the people in such local government unit or served by
30 such authority; [or]

1 (vi) to projects for financing working capital[.];
2 or
3 (vii) to public safety projects that support
4 existing enterprises serving substantially the same
5 purposes.

6 * * *

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