

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1903 Session of 2023

INTRODUCED BY CERRATO, WEBSTER, MADDEN, HILL-EVANS, GIRAL, HOHENSTEIN, BOYD, KHAN, DONAHUE, SANCHEZ, DALEY, GREEN AND CEPEDA-FREYTIZ, DECEMBER 11, 2023

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, APRIL 15, 2024

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, providing for water and sewer
3 projects.

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

6 Section 1. Title 53 of the Pennsylvania Consolidated
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 62

9 WATER AND SEWER PROJECTS

10 Sec.

11 6201. Definitions.

12 6202. Private sewer lateral and private water lateral projects.

13 § 6201. Definitions.

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

17 "AMERICAN-MADE." PRODUCED, MANUFACTURED, MINED, GROWN OR

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1 PERFORMED IN THE UNITED STATES. FOR THE PURPOSE OF THIS
2 DEFINITION, PRODUCED OR MANUFACTURED SHALL MEAN ASSEMBLED IN A
3 LOCATION WITHIN THE UNITED STATES.

4 "Municipality." A city, borough, incorporated town or
5 township in this Commonwealth.

6 "Private sewer lateral." A line on a property upon which a
7 building or structure is located that connects to a public sewer
8 system.

9 "Private water lateral." A line on a property upon which a
10 building or structure is located that connects to a public water
11 supply system.

12 § 6202. Private sewer lateral and private water lateral
13 projects.

14 (a) Replacement or remediation.--A municipality may perform
15 the replacement or remediation of a private sewer lateral or
16 private water lateral for residents of the municipality if the
17 municipality determines that the replacement or remediation will
18 benefit the public health, public water supply system or public
19 sewer system. A municipality that has performed a replacement or
20 remediation authorized under this subsection may not be deemed
21 to be the owner of a private sewer lateral or private water
22 lateral and may not be required to perform any other duties
23 unless determined necessary by the municipality.

24 (b) Public money and municipal employees.--A municipality
25 may use public money or municipal employees for the replacement
26 or remediation of a private sewer lateral or private water
27 lateral if the municipality determines that the replacement or
28 remediation will benefit the public health, public water supply
29 system or public sewer system. Before using public money or
30 municipal employees as authorized under this subsection, the

1 municipality shall consider the availability of public money,
2 equipment, municipal employees and facilities and the competing
3 demands of the municipality for the public funds, equipment,
4 municipal employees and facilities.

5 (C) PRIORITIZATION.-- <--

6 (1) A MUNICIPALITY SHALL UTILIZE AMERICAN-MADE SUPPLIES
7 IN THE REPLACEMENT OR REMEDIATION AUTHORIZED UNDER SUBSECTION
8 (A).

9 (2) IF THE GOVERNING BODY OF THE MUNICIPALITY DETERMINES
10 THAT A PARTICULAR SUPPLY IS NOT AMERICAN-MADE, OR IS
11 AMERICAN-MADE BUT NOT AVAILABLE IN SUFFICIENT QUANTITIES TO
12 MEET THE NEEDS OF THE MUNICIPALITY, THE GOVERNING BODY OF THE
13 MUNICIPALITY SHALL PUBLISH A NOTICE OF THE DETERMINATION IN
14 NO LESS THAN TWO NEWSPAPERS OF GENERAL CIRCULATION WITHIN THE
15 MUNICIPALITY AND ON EACH OF THE MUNICIPALITY'S SOCIAL MEDIA
16 AND PUBLICLY ACCESSIBLE INTERNET WEBSITES.

17 (3) BEGINNING ON THE DATE OF PUBLICATION OF THE NOTICE
18 UNDER PARAGRAPH (2) AND UNTIL 30 DAYS THEREAFTER, A PERSON OR
19 BUSINESS MAY FILE AN OBJECTION TO THE DETERMINATION IN A FORM
20 AND MANNER DETERMINED BY THE GOVERNING BODY OF THE
21 MUNICIPALITY. A PERSON OR BUSINESS SHALL INCLUDE EVIDENCE OF
22 THE PARTICULAR SUPPLY BEING AMERICAN-MADE OR EVIDENCE OF THE
23 PARTICULAR SUPPLY BEING AMERICAN-MADE AND AVAILABLE IN
24 SUFFICIENT QUANTITIES. AN OBJECTION UNDER THIS PARAGRAPH
25 SHALL BE CONSIDERED AN APPEAL UNDER 2 PA.C.S. CH. 7 SUBCH. B
26 (RELATING TO JUDICIAL REVIEW OF LOCAL AGENCY ACTION).

27 (4) IF, AFTER THE ADJUDICATION OF THE OBJECTION UNDER
28 PARAGRAPH (3), THE DETERMINATION UNDER PARAGRAPH (2) IS
29 AFFIRMED, THE REQUIREMENTS UNDER SUBSECTION (A) SHALL NOT
30 APPLY FOR THE PARTICULAR SUPPLY.

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