
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1365 Session of
2013

INTRODUCED BY GODSHALL, SWANGER, MILLARD, KORTZ, GINGRICH AND
DeLUCA, MAY 9, 2013

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, MAY 9, 2013

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in municipal authorities, further
3 providing for transfer of existing facilities to authority.

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

6 Section 1. Section 5613(b) of Title 53 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 5613. Transfer of existing facilities to authority.

9 * * *

10 (b) Acquisition.--

11 (1) An authority may not acquire by any device or means,
12 including a consolidation, merger, purchase or lease or
13 through the purchase of stock, bonds or other securities,
14 title to or possession or use of all or a substantial portion
15 of any existing facilities constituting a project [as defined
16 under this chapter] if the project is subject to the
17 jurisdiction of the Pennsylvania Public Utility Commission
18 without first reporting to and advising the municipality

1 which created or which are members of the authority of the
2 agreement to acquire, including all its terms and conditions.

3 (2) The proposed action of the authority and the
4 proposed agreement to acquire shall be approved by the
5 governing body of the municipality which created or which are
6 members of the authority and to which the report is made.

7 Where there are one or two member municipalities of the
8 authority, such approval shall be by two-thirds vote of all
9 of the members of the governing body or of each of the
10 governing bodies. If there are more than two member
11 municipalities of the authority, approval shall be by
12 majority vote of all the members of each governing body of
13 two-thirds of the member municipalities.

14 (3) An authority may not acquire by a device or means,
15 including a consolidation, merger, purchase or lease or
16 through the purchase of stock, bonds or other security, title
17 to or possession or use of all or a substantial portion of a
18 facility constituting a project, unless the authority has
19 discussed the acquisition at a public meeting and the written
20 minutes of the meeting contain details relating to the
21 anticipated or projected public benefit that will be realized
22 by the acquisition. For purposes of this paragraph, a public
23 benefit may include rate reduction, improved service quality,
24 improved service reliability or other clearly defined benefit
25 to a ratepayer of the authority.

26 * * *

27 Section 2. The addition of 53 Pa.C.S. § 5613(b)(3) shall
28 apply to title to or possession or use of all or a substantial
29 portion of a facility constituting a project which is acquired
30 on or after the effective date of this section.

1 Section 3. This act shall take effect in 60 days.