
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1560 Session of
2023

INTRODUCED BY SCOTT, JULY 6, 2023

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JULY 6, 2023

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 project." The term:

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

16 (i) Fire protection services.

17 (ii) Services, including administrative support,
18 coordination of service delivery and financing services,
19 relating to fire protection services.

1 (2) Excludes police services.

2 * * *

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

4 § 5606.1. Public safety authorities.

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

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

14 (c) Contracts.--

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

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

23 (3) In the case of an authority operating as a dedicated
24 emergency response organization as defined in 35 Pa.C.S. §
25 7332 (relating to definitions), nothing in this subsection is
26 intended to interfere with or relieve the dedicated emergency
27 response organization from an obligation or commitment to
28 respond to a dispatch from a public safety answering point or
29 mutual aid system, or invoice and receive payment from an
30 appropriate party for the services rendered.

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

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

12 (f) Duties of Department of Community and Economic
13 Development.--The Department of Community and Economic
14 Development, in consultation with the State Fire Commissioner in
15 relation to fire authorities, shall:

16 (1) Work with relevant stakeholders to develop guidance
17 and assistance for counties to create public safety
18 authorities under this section.

19 (2) Contract with educational and technical assistance
20 providers to aid counties in starting and operating public
21 safety authorities.

22 (g) Municipal authorization.--Municipalities representing at
23 least 51% of a county's population or 40% of the total number of
24 municipalities in a county may create a joint public safety
25 authority if:

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

28 (2) municipalities representing at least 51% of the
29 county's population or 40% of the total number of
30 municipalities in the county petition the county, by passing

1 resolutions, to create a public safety authority and the
2 county does not create the authority within 120 days of
3 receiving the petition.

4 (h) Limitation on fire protection services.--

5 (1) A public safety authority may not employ
6 firefighters.

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

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

11 § 5607. Purposes and powers.

12 (a) Scope of projects permitted.--Every authority
13 incorporated under this chapter shall be a body corporate and
14 politic and shall be for the purposes of financing working
15 capital; acquiring, holding, constructing, financing, improving,
16 maintaining and operating, owning or leasing, either in the
17 capacity of lessor or lessee, projects of the following kind and
18 character and providing financing for insurance reserves:

19 * * *

20 (19) Only in the case of an authority authorized under
21 section 5606.1 (relating to public safety authorities),
22 public safety projects.

23 (b) Limitations.--This section is subject to the following
24 limitations:

25 * * *

26 (2) The purpose and intent of this chapter being to
27 benefit the people of the Commonwealth by, among other
28 things, increasing their commerce, health, safety and
29 prosperity and not to unnecessarily burden or interfere with
30 existing business by the establishment of competitive

1 enterprises, none of the powers granted by this chapter shall
2 be exercised in the construction, financing, improvement,
3 maintenance, extension or operation of any project or
4 projects or providing financing for insurance reserves which
5 in whole or in part shall duplicate or compete with existing
6 enterprises serving substantially the same purposes. This
7 limitation shall not apply to the exercise of the powers
8 granted under this section:

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

24 (ii) for industrial development projects if the
25 authority does not develop industrial projects which will
26 compete with existing industries;

27 (iii) for authorities created for the purpose of
28 providing business improvements and administrative
29 services if each municipality organizing an authority for
30 such a project shall declare by resolution or ordinance

1 that it is desirable for the entire local government unit
2 to improve the business district;

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

18 (v) to provide financing for insurance reserves if
19 each municipality or authority intending to use any
20 proceeds thereof shall declare by resolution or ordinance
21 that it is desirable for the health, safety and welfare
22 of the people in such local government unit or served by
23 such authority; [or]

24 (vi) to projects for financing working capital[.];
25 or

26 (vii) to public safety projects that support
27 existing enterprises serving substantially the same
28 purposes.

29 * * *

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