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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 704 Session of  
2013

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INTRODUCED BY READSHAW, DEASY, P. DALEY, CALTAGIRONE, COHEN,  
D. COSTA, KORTZ, HARKINS, KAVULICH, KIRKLAND, MOUL, FABRIZIO  
AND GALLOWAY, FEBRUARY 14, 2013

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REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
FEBRUARY 14, 2013

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AN ACT

1 Amending the act of April 8, 1949 (P.L.418, No.58), entitled,  
2 "An act to provide for and regulate the accumulation,  
3 investment, and expenditure of funds by cities, boroughs,  
4 incorporated towns and townships for preparing plans for  
5 sewage disposal systems, and for the construction,  
6 improvement or replacement of sewage disposal systems for  
7 which plans have been approved by the Sanitary Water Board of  
8 the Commonwealth," further providing for definitions, for  
9 creation of a Sewage Disposal System Fund and for expenditure  
10 of fund.

11 The General Assembly of the Commonwealth of Pennsylvania  
12 hereby enacts as follows:

13 Section 1. Section 1 of the act of April 8, 1949 (P.L.418,  
14 No.58), entitled, "An act to provide for and regulate the  
15 accumulation, investment, and expenditure of funds by cities,  
16 boroughs, incorporated towns and townships for preparing plans  
17 for sewage disposal systems, and for the construction,  
18 improvement or replacement of sewage disposal systems for which  
19 plans have been approved by the Sanitary Water Board of the  
20 Commonwealth," is amended to read:

21 Section 1. Definitions.--[As used in this act, the word or

1 phrase] The following words and phrases when used in this act  
2 shall have the meanings given to them in this section unless the  
3 context clearly indicates otherwise:

4 "Department" means the Department of Environmental Protection  
5 of the Commonwealth.

6 "Municipality" means any city, borough, incorporated town, or  
7 township.

8 "[Municipality] Municipal Authority" means a body politic and  
9 corporate created pursuant to the provisions of the former  
10 Municipality Authorities Act of 1945 [or], the former  
11 Municipality Authorities Act of 1935[.] or 53 Pa.C.S. Ch. 56  
12 (relating to municipal authorities).

13 "Private Lateral Sewer Line" means a private sewer line  
14 serving a structure or dwelling, running from the structure or  
15 dwelling to a public sewer line.

16 "Sewage Disposal System" means a system for the disposal of  
17 sewage, including all pipes carrying the sewage and all sewage  
18 treatment works.

19 "Special Fund" means a sewage disposal system fund created,  
20 invested and expended in accordance with this act.

21 "Sanitary Water Board" means the Sanitary Water Board of the  
22 Commonwealth.

23 Section 2. Sections 2 and 4 of the act are amended to read:

24 Section 2. Creation of a Sewage Disposal System Fund.--Any  
25 municipality shall have power to create a special fund and to  
26 accumulate therein moneys for expenditure in accordance with the  
27 provisions of this act. Such special fund may consist of, (1)  
28 moneys transferred during any fiscal year from appropriations  
29 made for any particular purpose, which may not be needed, (2)  
30 surplus moneys in the general fund of the treasury of the

1 municipality at the end of any fiscal year, and (3) moneys  
2 appropriated to the fund in the annual budget. All moneys  
3 appropriated or transferred to this special fund shall be used  
4 only for the planning, construction, improvement or replacement  
5 of a sewage disposal system: Provided, That no moneys shall be  
6 used for any construction, improvement or replacement unless the  
7 plans therefor have been approved by the [Sanitary Water Board]  
8 department.

9 Section 4. Expenditure of Fund.--

10 (1) The moneys in any such special fund may be expended by  
11 the municipality singly, or jointly with the Federal Government,  
12 the Commonwealth or any department or agency thereof, or with  
13 one or more other municipalities or [municipality] municipal  
14 authorities, only for preparing plans for a sewage disposal  
15 system and for the construction, improvement or replacement of a  
16 sewage disposal system for which plans have been approved by the  
17 [Sanitary Water Board.] department.

18 (2) Municipalities and municipal authorities are authorized  
19 to use public funds for the improvement, extension, repair or  
20 rehabilitation of private lateral sewer lines connected to  
21 public sewer systems, where the municipality or municipal  
22 authority determines that such activities will benefit the  
23 public sewer system. No municipality or municipal authority  
24 which has completed such activities shall be deemed to be the  
25 owner of such private lateral sewer lines, or to have any  
26 further responsibility to conduct such activities, unless a  
27 municipality or municipal authority makes an affirmative  
28 determination to accept such obligations.

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