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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 502 Session of  
2023

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INTRODUCED BY KEARNEY, BAKER, FONTANA, HUGHES, HUTCHINSON,  
CAPPELLETTI, PENNYCUICK, SCHWANK, KANE, STEFANO, BARTOLOTTA,  
COMITTA, COSTA AND DILLON, MARCH 14, 2023

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REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,  
MARCH 14, 2023

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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 includes any or all of  
15 the following:

16 (1) Fire protection services.

17 (2) Services, including administrative support,

18 coordination of service delivery and financing services,

1 relating to fire protection 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 (h),  
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. No more than two authorities may be created within a  
10 county.

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

15 (c) Satisfaction of requirement to provide fire protection  
16 services.--A municipality's requirement under the laws of this  
17 Commonwealth to provide fire protection services shall be  
18 satisfied by entering into a contract or agreement with a public  
19 safety authority under this section.

20 (d) Contracts.--

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

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

29 (3) In the case of an authority operating as a dedicated  
30 emergency response organization as defined in 35 Pa.C.S. §

1 7332 (relating to definitions), nothing in this subsection is  
2 intended to interfere with or relieve the dedicated emergency  
3 response organization from an obligation or commitment to  
4 respond to a dispatch from a public safety answering point or  
5 mutual aid system, or invoice and receive payment from an  
6 appropriate party for the services rendered.

7 (e) Rates and other charges.--

8 (1) In addition to any other power of an authority to  
9 fix, alter, charge and collect rates and other charges in the  
10 area served by its facilities, a public safety authority may  
11 fix, alter, charge and collect rates and other charges for  
12 the services the authority provides, which rates and charges  
13 shall be reasonable and uniform. The fixing or altering of a  
14 rate or other charge or a change to the manner in which a  
15 rate or other charge is charged or collected under this  
16 subsection must comply with all applicable notice  
17 requirements under 65 Pa.C.S. Ch. 7 (relating to open  
18 meetings) and 45 Pa.C.S. (relating to legal notices).

19 (2) A public safety authority must comply with section  
20 5612 (relating to money of authority).

21 (f) Existing authorities.--Notwithstanding any provision of  
22 this section, an authority that provides public safety services  
23 in existence on the effective date of this section shall be  
24 permitted to continue operation, without limitation, as a public  
25 safety project as provided under this section.

26 (g) Duties of Department of Community and Economic  
27 Development.--The Department of Community and Economic  
28 Development, in consultation with the State Fire Commissioner,  
29 shall:

30 (1) Work with relevant stakeholders to develop guidance

1 and assistance for counties to create public safety  
2 authorities under this section.

3 (2) Contract with educational and technical assistance  
4 providers to aid counties in starting and operating public  
5 safety authorities.

6 (h) Municipal authorization.--Municipalities in a county may  
7 create a joint public safety authority if:

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

10 (2) municipalities in the county petition the county, by  
11 passing resolutions, to create a public safety authority and  
12 the county does not create the authority within 120 days of  
13 receiving the petition.

14 (i) Limitation on public safety authority.--

15 (1) A public safety authority may not provide fire  
16 protection services or hire employees to work as  
17 firefighters.

18 (2) The limitation under paragraph (1) does not prohibit  
19 a public safety authority from hiring an individual who  
20 provides fire protection or firefighting services that are  
21 unrelated to the individual's employment with the public  
22 safety authority.

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

25 § 5607. Purposes and powers.

26 (a) Scope of projects permitted.--Every authority  
27 incorporated under this chapter shall be a body corporate and  
28 politic and shall be for the purposes of financing working  
29 capital; acquiring, holding, constructing, financing, improving,  
30 maintaining and operating, owning or leasing, either in the

1 capacity of lessor or lessee, projects of the following kind and  
2 character and providing financing for insurance reserves:

3 \* \* \*

4 (19) Only in the case of an authority authorized under  
5 section 5606.1 (relating to public safety authorities),  
6 public safety projects.

7 (b) Limitations.--This section is subject to the following  
8 limitations:

9 \* \* \*

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

23 (i) for facilities and equipment for the collection,  
24 removal or disposal of ashes, garbage, rubbish and other  
25 refuse materials by incineration, landfill or other  
26 methods if each municipality organizing or intending to  
27 use the facilities of an authority having such powers  
28 shall declare by resolution or ordinance that it is  
29 desirable for the health and safety of the people of such  
30 municipality that it use the facilities of the authority

1 and state if any contract between such municipality and  
2 any other person, firm or corporation for the collection,  
3 removal or disposal of ashes, garbage, rubbish and other  
4 refuse material has by its terms expired or is terminable  
5 at the option of the municipality or will expire within  
6 six months from the date such ordinance becomes  
7 effective;

8 (ii) for industrial development projects if the  
9 authority does not develop industrial projects which will  
10 compete with existing industries;

11 (iii) for authorities created for the purpose of  
12 providing business improvements and administrative  
13 services if each municipality organizing an authority for  
14 such a project shall declare by resolution or ordinance  
15 that it is desirable for the entire local government unit  
16 to improve the business district;

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

1 facilities provided by or financed through an authority;

2 (v) to provide financing for insurance reserves if  
3 each municipality or authority intending to use any  
4 proceeds thereof shall declare by resolution or ordinance  
5 that it is desirable for the health, safety and welfare  
6 of the people in such local government unit or served by  
7 such authority; [or]

8 (vi) to projects for financing working capital[.];  
9 or

10 (vii) to public safety projects that support  
11 existing enterprises serving substantially the same  
12 purposes.

13 \* \* \*

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