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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 800 Session of  
2015

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INTRODUCED BY READSHAW, HARKINS, RAVENSTAHL, McNEILL, COHEN,  
THOMAS, DAVIS, DEASY, D. COSTA, D. MILLER AND DeLUCA,  
MARCH 17, 2015

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REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
MARCH 17, 2015

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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; and making editorial changes.

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, carrying sewage wastes from the  
15 structure or dwelling to a public sewer line.

16 "Public Fund" means a sewage disposal system fund created,  
17 invested and expended in accordance with this act.

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

21 ["Special Fund" means a sewage disposal system fund created,  
22 invested and expended in accordance with this act.]

23 "Sanitary Water Board" means the Sanitary Water Board of the  
24 Commonwealth.

25 Section 2. Sections 2, 3, 4 and 6 of the act are amended to  
26 read:

27 Section 2. Creation of a Sewage Disposal System Fund.--Any  
28 municipality shall have power to create a [special] public fund  
29 and to accumulate therein moneys for expenditure in accordance  
30 with the provisions of this act. Such [special] public fund may

1 consist of, (1) moneys transferred during any fiscal year from  
2 appropriations made for any particular purpose, which may not be  
3 needed, (2) surplus moneys in the general fund of the treasury  
4 of the municipality at the end of any fiscal year, and (3)  
5 moneys appropriated to the fund in the annual budget. All moneys  
6 appropriated or transferred to this [special] public fund shall  
7 be used only for the planning, construction, improvement or  
8 replacement of a sewage disposal system: Provided, That no  
9 moneys shall be used for any construction, improvement or  
10 replacement unless the plans therefor have been approved by the  
11 [Sanitary Water Board] department.

12 Section 3. Investment of Fund.--The moneys in the fund shall  
13 be kept separate and apart from any other fund, by the treasurer  
14 of the municipality, and the moneys in the [special] public fund  
15 may be invested by the corporate authorities of the municipality  
16 in obligations issued by the United States of America and  
17 general obligation bonds of the Commonwealth of Pennsylvania or  
18 and political subdivision thereof. All income derived from any  
19 investment of the said fund shall be paid into the [special]  
20 public fund. The corporate authorities may sell any such  
21 securities and reinvest the moneys in other securities, or  
22 convert such securities into cash when the same may be needed  
23 for expenditure under the provisions of this act.

24 Section 4. Expenditure of Fund.--

25 (1) The moneys in any such special fund may be expended by  
26 the municipality singly, or jointly with the Federal Government,  
27 the Commonwealth or any department or agency thereof, or with  
28 one or more other municipalities or [municipality] municipal  
29 authorities, only for preparing plans for a sewage disposal  
30 system and for the construction, improvement or replacement of a

1 sewage disposal system for which plans have been approved by the  
2 [Sanitary Water Board] department.

3 (2) Municipalities and municipal authorities shall have the  
4 right, but not the duty, in its sole discretion, to use public  
5 funds for the improvement, extension, repair or rehabilitation  
6 of private lateral sewer lines connected to public sewer  
7 systems, where the municipality or municipal authority  
8 determines that such activities will benefit the public sewer  
9 system. No municipality or municipal authority which has  
10 completed such activities shall be deemed to be the owner of  
11 such private lateral sewer lines, or to have any further  
12 responsibility to conduct such activities, unless a municipality  
13 or municipal authority makes an affirmative determination to  
14 accept such obligations.

15 Section 6. Funds Heretofore Created.--Where any municipality  
16 has, prior to the effective date of this act, created a  
17 [special] public fund, or set moneys aside, for construction of  
18 a sewage disposal system, such action of the municipality is  
19 hereby ratified, confirmed and validated, and the moneys in such  
20 fund, or so set aside, shall be placed in a [special] public  
21 fund, shall be invested and shall be expended only in accordance  
22 with the provisions of this act.

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