

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1262 Session of 2014

INTRODUCED BY FONTANA, ERICKSON, BREWSTER, SMITH, RAFFERTY, WILLIAMS, HUGHES, YUDICHAK AND COSTA, FEBRUARY 28, 2014

SENATOR YAW, ENVIRONMENTAL RESOURCES AND ENERGY, AS AMENDED, JUNE 3, 2014

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-; PROVIDING FOR EXPENDITURE OF PUBLIC FUNDS FOR <--
11 PRIVATE LATERAL SEWER LINES; AND FURTHER PROVIDING FOR GRANTS
12 OF MONEYS.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

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

1 Section 1. Definitions.--[As used in this act, the word or
2 phrase] The following words and phrases when used in this act
3 shall have the meanings given to them in this section unless the
4 context clearly indicates otherwise:

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

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

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

14 "Private Lateral Sewer Line" means a private sewer line
15 serving a structure or dwelling, ~~running~~ AND CARRYING SEWAGE <--
16 WASTES from the structure or dwelling to a ~~public sewer line~~ <--
17 SEWAGE DISPOSAL SYSTEM. <--

18 "Sewage Disposal System" means a PUBLIC system for the <--
19 disposal of sewage, including all MAINLINES, pipes, PUMP <--
20 STATIONS AND RELATED FACILITIES TRANSPORTING OR carrying the
21 sewage and all sewage treatment works.

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

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

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

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

1 (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 fund shall be used
7 only for the planning, construction, improvement or replacement
8 of a sewage disposal system: Provided, That no moneys shall be
9 used for any construction, improvement or replacement unless the
10 plans therefor have been approved by the [Sanitary Water Board]
11 department.

12 ~~Section 4. Expenditure of Fund.~~ <--

13 ~~(1) The moneys in any such special fund may be expended by~~

14 SECTION 4. EXPENDITURE OF FUND.--THE MONEYS IN ANY SUCH <--

15 SPECIAL FUND MAY BE EXPENDED BY the municipality singly, or
16 jointly with the Federal Government, the Commonwealth or any
17 department or agency thereof, or with one or more other
18 municipalities or [municipality] municipal authorities, only for
19 preparing plans for a sewage disposal system and for the
20 construction, improvement or replacement of a sewage disposal
21 system for which plans have been approved by the [Sanitary Water
22 Board.] department.

23 ~~(2) Municipalities and municipal authorities are authorized~~ <--

24 to

25 SECTION 3. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <--

26 SECTION 4.1. EXPENDITURE OF PUBLIC FUNDS FOR PRIVATE LATERAL

27 SEWER LINES.--(A) A MUNICIPALITY OR MUNICIPAL TO AUTHORITY MAY

28 use public funds for the improvement, extension, repair or

29 rehabilitation of private lateral sewer lines connected to

30 public sewer SEWAGE DISPOSAL systems, where the municipality or <--

1 municipal authority determines that those activities will
2 benefit the ~~public sewer~~ SEWAGE DISPOSAL system. A municipality <--
3 or municipal authority that has completed those activities shall
4 not be deemed to be the owner of the private lateral sewer
5 lines, or to have any further responsibility to conduct those
6 activities, unless a municipality or municipal authority makes
7 an affirmative determination to accept such obligations. OR THE <--
8 PUBLIC HEALTH, OR WILL PREVENT DAMAGES TO PUBLIC PROPERTY.

9 (B) BEFORE USING PUBLIC FUNDS UNDER SUBSECTION (A), THE
10 MUNICIPALITY OR MUNICIPAL AUTHORITY SHALL CONSIDER THE AVAILABLE
11 PUBLIC FUNDS, EQUIPMENT, PERSONNEL AND FACILITIES AND THE
12 COMPETING DEMANDS OF THE MUNICIPALITY FOR THE THE PUBLIC FUNDS,
13 EQUIPMENT, PERSONNEL AND FACILITIES.

14 (C) NO MUNICIPALITY OR MUNICIPAL AUTHORITY THAT HAS
15 COMPLETED THE IMPROVEMENT, EXTENSION, REPAIR OR REHABILITATION
16 OF PRIVATE SEWER LINES UNDER SUBSECTION (A) SHALL BE DEEMED TO
17 BE THE OWNER OF THE PRIVATE LATERAL SEWER LINES, OR TO HAVE ANY
18 FURTHER RESPONSIBILITY TO CONDUCT THOSE ACTIVITIES, UNLESS THE
19 MUNICIPALITY OR MUNICIPAL AUTHORITY MAKES AN AFFIRMATIVE
20 DETERMINATION TO ACCEPT SUCH OBLIGATIONS.

21 SECTION 4. SECTION 5 OF THE ACT IS AMENDED TO READ:

22 SECTION 5. GRANTS OF MONEYS.--ANY MUNICIPALITY MAY
23 APPROPRIATE OR TRANSFER MONEYS TO A [MUNICIPALITY] MUNICIPAL
24 AUTHORITY TO BE USED BY IT FOR PLANNING, CONSTRUCTING, IMPROVING
25 OR REPLACING A SEWAGE DISPOSAL SYSTEM TO SERVE SUCH
26 MUNICIPALITY.

27 Section ~~3~~ 5. This act shall take effect in 60 days. <--