

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 642

Session of  
1981

INTRODUCED BY LAUGHLIN, A. C. FOSTER, JR., FRYER, DeMEDIO, FEE,  
GEORGE, TRELLO, MISCEVICH, LEVI, CIMINI, DeWEESE,  
D. R. WRIGHT, LLOYD AND COLAFELLA, FEBRUARY 18, 1981

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF  
REPRESENTATIVES, AS AMENDED, SEPTEMBER 14, 1981

## AN ACT

1 Amending the act of May 1, 1933 (P.L.103, No.69), entitled "An  
2 act concerning townships of the second class; and amending,  
3 revising, consolidating, and changing the law relating  
4 thereto," providing for the manufacture and supply of  
5 electricity by townships of the second class. <—

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. The act of May 1, 1933 (P.L.103, No.69), known as  
9 "The Second Class Township Code," reenacted and amended July 10,  
10 1947 (P.L.1481, No.567), is amended by adding an article to  
11 read:

12 ARTICLE XVI A <—

13 Manufacture and Supply of Electricity

14 Section 1601 A. Manufacture and Purchase of Electricity.

15 Any township may manufacture or purchase electricity for the use  
16 of the inhabitants of such township. Any township owning or  
17 operating electric light plants may make contracts for supplying  
18 electricity for commercial purposes outside the limits of such

~~township, with the consent of the municipal corporation. Except for electricity supplied on the effective date of this amendatory act, no person, firm, or corporation shall introduce electric current for light, heat, or power purposes, without the consent of the township authorities, into the limits of any township which is furnishing electric current to the inhabitants: Provided, however, That this limitation shall not apply to any person, firm, or corporation manufacturing electricity exclusively for its own use: And provided further, That before any township shall construct an electric light plant, or purchase the property of any person, copartnership, or electric light company, the question of the increase of the debt of such township, for any of such purposes, shall first be submitted to the qualified voters of the township, in the manner provided by law for the increase of indebtedness of municipal corporations.~~

#### ARTICLE XVI-A

#### MANUFACTURE OF ELECTRICITY

SECTION 1601-A. MANUFACTURE OF ELECTRICITY.--ANY TOWNSHIP MAY MANUFACTURE ELECTRICITY BY MEANS OF A HYDROELECTRIC GENERATING FACILITY OWNED OR OPERATED BY THE TOWNSHIP FOR THE USE OF THE INHABITANTS OF SUCH TOWNSHIP. ANY TOWNSHIP OWNING OR OPERATING A HYDROELECTRIC GENERATING FACILITY MAY MAKE CONTRACTS FOR THE SALE OF ELECTRICITY TO PERSONS ENGAGED IN THE BUSINESS OF THE MANUFACTURE AND SALE OF ELECTRICITY.

Section 1602-A. May Regulate Use and Prices.--Any township furnishing electricity PURSUANT TO THIS ARTICLE may regulate the use of SAID electricity in dwellings, business places, and other places in such township, and the rate to be charged for the same.

1     ~~Section 1603-A. Sale of Electric Light Works~~ HYDROELECTRIC <—  
2     ~~GENERATING FACILITIES.--By ordinance, a township may sell all or~~  
3     ~~part of its electric light works~~ HYDROELECTRIC GENERATING <—  
4     ~~FACILITIES to a purchaser for such sale price as the parties may~~  
5     ~~agree upon, and thereafter for all purposes that price shall be~~  
6     ~~deemed to be the purchaser's original cost less accrued~~  
7     ~~depreciation of the plant at the date of purchase.~~

8     ~~Section 1604 A. Purchase of Electric Light Works. Whenever~~ <—  
9     ~~any person, copartnership, or any electric light company~~  
10    ~~organized under the laws of the Commonwealth, is furnishing~~  
11    ~~light to any township or the public within such township, such~~  
12    ~~township may purchase the works of such person, copartnership,~~  
13    ~~or corporation, at such price as may be agreed upon by the~~  
14    ~~township and such person or copartnership, or a majority in~~  
15    ~~value of the stockholders of such corporation.~~

16    ~~Section 1605 A. Petition for Viewers. Upon failure so to~~  
17    ~~agree on purchase price the township may present a petition to~~  
18    ~~the court of common pleas, asking for the appointment of viewers~~  
19    ~~to assess the value of the plant and works so proposed to be~~  
20    ~~purchased whereupon the court shall appoint three viewers from~~  
21    ~~the county board of viewers, neither of whom shall be interested~~  
22    ~~in such works, or be stockholders in such corporation, or~~  
23    ~~taxpayers in such township, and shall appoint a time for their~~  
24    ~~meeting, of which ten days' notice shall be given to all parties~~  
25    ~~in interest.~~

26    ~~Section 1606 A. Duty of Viewers. The viewers, having been~~  
27    ~~sworn or affirmed justly and impartially to appraise the~~  
28    ~~property, and having viewed the premises and taken such~~  
29    ~~testimony as may be offered by any party touching the value of~~  
30    ~~the property and franchises, they shall determine the amount of~~

~~damages that such person, copartnership, or corporation will sustain, and to whom payable, and make report thereof to the court; which report shall be confirmed "nisi" by the court, and if no appeal is taken as hereinafter provided, shall be confirmed absolutely.~~

~~Section 1607 A. Appeal from Report; Trial by Jury. Either party may, at any time within thirty days after the confirmation "nisi" of any such report, appeal therefrom to the court of common pleas of the county. After such appeal, either party may put the cause at issue, in the form directed by the court, and the same shall be tried before a jury.~~

~~Section 1608 A. Exceptions to Report. If any exceptions are filed with any appeal, they shall be speedily disposed of, and, if allowed, a new view shall be ordered; but if disallowed, the appeal shall proceed as before provided.~~

~~Section 1609 A. Notices. The court shall have power to order what notice shall be given in connection with any part of such proceedings.~~

~~SECTION 1604-A. CONSTRUCTION OR PURCHASE OF HYDROELECTRIC GENERATION FACILITIES.--ANY TOWNSHIP MAY CONSTRUCT FACILITIES FOR THE PURPOSE OF MANUFACTURING ELECTRICITY BY HYDROELECTRIC GENERATION. ANY TOWNSHIP MAY PURCHASE A HYDROELECTRIC GENERATING FACILITY AT SUCH PRICE AS MAY BE AGREED UPON BY THE TOWNSHIP AND THE PERSON, COPARTNERSHIP OR A MAJORITY OF THE STOCKHOLDERS OF A CORPORATION THAT OWNS SUCH FACILITIES.~~

~~SECTION 1605-A. SUBMISSION TO ELECTORS.--BEFORE ANY TOWNSHIP SHALL CONSTRUCT OR PURCHASE A HYDROELECTRIC GENERATING FACILITY, THE QUESTION OF THE INCREASE OF THE DEBT OF THE TOWNSHIP SHALL FIRST BE SUBMITTED TO THE QUALIFIED VOTERS OF THE TOWNSHIP IN THE MANNER PROVIDED BY LAW FOR THE INCREASE OF INDEBTEDNESS OF~~

1 MUNICIPAL CORPORATIONS.

2 SECTION 1606-A. LIMITATION ON INDEBTEDNESS.--NO TOWNSHIP  
3 WHICH CONSTRUCTS OR PURCHASES A HYDROELECTRIC GENERATING  
4 FACILITY SHALL INCUR ANY INDEBTEDNESS FOR THE CONSTRUCTION OR  
5 ENLARGEMENT OF A DAM OR IMPOUNDMENT STRUCTURE OTHER THAN FOR  
6 REPAIRS OR RECONSTRUCTION IN CONNECTION WITH THE HYDROELECTRIC  
7 PROJECT.

8 Section 2. This act shall take effect in 60 days.