

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 275 Session of 2021

INTRODUCED BY YAW, STEFANO, PITTMAN, ARGALL, MENSCH, YUDICHAK, HUTCHINSON, PHILLIPS-HILL, SCHWANK, J. WARD, DiSANTO, BREWSTER AND MARTIN, FEBRUARY 24, 2021

SENATOR DUSH, LOCAL GOVERNMENT, AS AMENDED, OCTOBER 19, 2021

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in preemptions, providing for
3 restrictions on utility services prohibited.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 53 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 ~~§ 306~~ 307. Restrictions on utility services prohibited. <--

9 (a) Prohibitions.--

10 (1) A municipality may not:

11 (i) Adopt a policy that restricts or prohibits, or
12 has the effect of restricting or prohibiting, the
13 connection or reconnection of a utility service based
14 upon the type of source of energy to be delivered to an
15 individual consumer within the municipality.

16 (ii) Discriminate against a utility service provider
17 based in whole or in part on the nature or source of the
18 utility service provided for an individual consumer

1 within the municipality.

2 (2) A policy, or part of a policy, that is adopted by a
3 municipality may not restrict or prohibit, or have the effect
4 of restricting or prohibiting, the ability of an individual
5 or entity within the municipality to use the services of a
6 utility service provider that is capable and authorized to
7 provide utility service for the property of the individual or
8 entity.

9 (b) Effect.--This section does not affect the authority of a
10 municipality to ~~manage or operate a publicly owned utility.~~ <--

11 (1) MANAGE OR OPERATE A PUBLICLY OWNED UTILITY; OR

12 (2) TAKE STEPS DESIGNED TO REDUCE GREENHOUSE GAS
13 EMISSIONS FROM MUNICIPAL FACILITIES AND OPERATIONS, INCLUDING
14 PURCHASING RENEWABLE ENERGY.

15 (C) CONSTRUCTION.--A MUNICIPALITY'S EXERCISE OF ITS LAND USE
16 AUTHORITY IN ACCORDANCE WITH THE ACT OF JULY 31, 1968 (P.L.805,
17 NO.247), KNOWN AS THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE,
18 SHALL NOT BE CONSTRUED AS RESTRICTING OR PROHIBITING AN
19 INDIVIDUAL OR ENTITY FROM CHOOSING A UTILITY SERVICE PROVIDER.

20 ~~(e)~~ (D) Definitions.--As used in this section, the following <--
21 words and phrases shall have the meanings given to them in this
22 subsection unless the context clearly indicates otherwise:

23 "Municipality." Any of the following:

24 (1) A county, city, borough, incorporated town or
25 township.

26 (2) A home rule, optional plan or optional charter
27 municipality.

28 (3) Any other general purpose unit of government
29 established by the General Assembly.

30 (4) A municipal authority.

1 (5) An entity formed under Subchapter A of Chapter 23
2 (relating to intergovernmental cooperation).

3 "Policy." A requirement, including a zoning or building code
4 requirement or restriction, which is imposed by ordinance,
5 resolution, rule, code, land use regulation, general or specific
6 plan provision or otherwise.

7 "Utility service." Service from a utility service provider,
8 which includes electric, manufactured gas, liquefied petroleum
9 gas, natural gas, hydrogen, fuel oil, a renewable source or any
10 other source, and which is capable of providing and authorized
11 to provide the service for the property of an individual or
12 entity.

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