

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 99 Session of 2017

INTRODUCED BY ZIMMERMAN, BAKER, GREINER, MILLARD, PICKETT, HICKERNELL, MENTZER, PEIFER, WARD, FLYNN, RADER, B. MILLER, GILLEN AND MEHAFFIE, JANUARY 23, 2017

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, FEBRUARY 8, 2017

AN ACT

1 Amending Title 8 (Boroughs and Incorporated Towns) of the
2 Pennsylvania Consolidated Statutes, in contracts, further
3 providing for regulation of contracts.

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

6 Section 1. Section 1402(d)(1) of Title 8 of the Pennsylvania <--
7 Consolidated Statutes is amended and the subsection is amended
8 by adding a paragraph to read:

9 SECTION 1. SECTION 1402(D)(1), (4)(II) AND (III) AND (6) OF <--
10 TITLE 8 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED
11 AND THE SUBSECTION IS AMENDED BY ADDING A PARAGRAPH TO READ:

12 § 1402. Regulation of contracts.

13 * * *

14 (d) Contracts or purchases.--The contracts or purchases made
15 by council, which shall not require advertising, bidding or
16 price quotations as provided in this part, are as follows:

17 (1) Those for emergencies or for maintenance, repairs or

1 replacements for water, electricity or public works of the
2 borough, if they do not constitute new additions, extensions
3 or enlargements of existing facilities and equipment, but
4 security may be required by council, as in other cases of
5 work done. For those contracts or purchases made in cases of
6 emergencies, the actual emergency and the nature of the
7 procurement shall be stated in a resolution by council and
8 adopted at the next public meeting.

9 * * *

10 (4) * * *

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11 (II) THOSE MADE FOR UTILITY SERVICE FOR BOROUGH
12 PURPOSES, INCLUDING, BUT NOT LIMITED TO, THOSE MADE FOR
13 NATURAL GAS OR TELECOMMUNICATIONS SERVICES AND
14 ELECTRICITY.

15 [(III) THOSE MADE FOR ELECTRICITY WITH THE ENTITIES
16 SET FORTH IN PARAGRAPH (6) (I), (II), (III), (IV), (V),
17 (VI) AND (VII) (A).]

18 * * *

19 (6) THOSE MADE RELATING TO THE PURCHASE OF ELECTRICITY
20 AND ASSOCIATED ENERGY AND RELATED SERVICES BY A BOROUGH
21 OWNING OR OPERATING ELECTRIC GENERATION OR DISTRIBUTION
22 FACILITIES [ON JANUARY 1, 1966,] WITH ANY OF THE FOLLOWING:

23 (I) A POLITICAL SUBDIVISION.

24 (II) ANOTHER STATE.

25 (III) THE COMMONWEALTH OR A COMMONWEALTH AGENCY.

26 (IV) THE FEDERAL GOVERNMENT.

27 (V) A PRIVATE CORPORATION.

28 (VI) AN ELECTRIC COOPERATIVE CORPORATION UNDER 15
29 PA.C.S. CH. 73 (RELATING TO ELECTRIC COOPERATIVE
30 CORPORATIONS).

1 (VII) A NONPROFIT MEMBERSHIP CORPORATION. AS USED IN
2 THIS SUBPARAGRAPH, THE TERM "NONPROFIT MEMBERSHIP
3 CORPORATION" MEANS AN ENTITY, THE MEMBERSHIP OF WHICH:

4 (A) CONSISTS SOLELY OF COMMONWEALTH BOROUGHS,
5 SUCH AS A CONSORTIUM, BUYING GROUP OR MUNICIPAL POWER
6 AGENCY UNDER SECTION 24A04 (RELATING TO MUNICIPAL
7 POWER AGENCIES); OR

8 (B) CONSISTS OF COMMONWEALTH BOROUGHS AND
9 POLITICAL SUBDIVISIONS OF ANOTHER STATE.

10 (VIII) AN ELECTRIC COOPERATIVE OF ANOTHER STATE.

11 NOTHING IN THIS PARAGRAPH PROHIBITS COUNCIL FROM ENGAGING IN
12 ADVERTISING, BIDDING OR PRICE QUOTATIONS IF THE COUNCIL
13 DETERMINES THAT THE ADVERTISING, BIDDING OR PRICE QUOTATIONS
14 ARE IN THE PUBLIC INTEREST.

15 (7) Those made for materials and supplies or equipment
16 rental under emergency conditions under 35 Pa.C.S. Pt. V
17 (relating to emergency management services).

18 * * *

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