

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1036 Session of 2019

INTRODUCED BY MOUL, JAMES, EVERETT, FREEMAN, SAPPEY AND KORTZ, APRIL 5, 2019

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, MAY 27, 2020

AN ACT

1 Amending Title 8 (Boroughs and Incorporated Towns) of the
2 Pennsylvania Consolidated Statutes, IN CREATION AND <--
3 ALTERATION, FURTHER PROVIDING FOR DEFINITIONS AND FOR
4 JUDICIAL ADJUSTMENT; in elections of officers, further
5 providing for decrease in number of members of council; AND, <--
6 IN MANUFACTURE AND SUPPLY OF ELECTRICITY, FURTHER PROVIDING
7 FOR SPECIFIC POWERS.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 818(a) and (b) of Title 8 of the <--
11 Pennsylvania Consolidated Statutes are amended to read:

12 SECTION 1. THE DEFINITION OF "TOWNSHIP" IN SECTION 200 OF <--
13 TITLE 8 OF THE PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED TO
14 READ:

15 § 200. DEFINITIONS.

16 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER
17 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
18 CONTEXT CLEARLY INDICATES OTHERWISE:

19 \* \* \*

20 "TOWNSHIP." A TOWNSHIP OF THE FIRST OR SECOND CLASS OR ANY

1 HOME RULE TOWNSHIP.

2 SECTION 2. SECTIONS 214(A), 818 AND 24A03(A) (1) OF TITLE 8  
3 ARE AMENDED TO READ:

4 § 214. JUDICIAL ADJUSTMENT.

5 (A) PETITION.--IF THE GOVERNING BODIES OF THE TOWNSHIP AND  
6 THE BOROUGH CANNOT MAKE AN AMICABLE ADJUSTMENT AND APPORTIONMENT  
7 OF THE PROPERTY AND INDEBTEDNESS WITHIN SIX MONTHS AFTER THE  
8 GOVERNMENT OF THE NEWLY INCORPORATED BOROUGH IS ESTABLISHED, THE  
9 SUPERVISORS OR COMMISSIONERS OF THE TOWNSHIP OR THE COUNCIL OF  
10 THE BOROUGH MAY PRESENT A PETITION TO THE COURT OF COMMON PLEAS  
11 REQUESTING A JUDICIAL ADJUSTMENT.

12 \* \* \*

13 § 818. Decrease in number of members of council.

14 (a) Petition by electors.--The court of common pleas [may]  
15 shall, upon petition of at least 5% of the registered electors  
16 of any borough not divided into wards, which, according to the  
17 latest official census, had a population of not more than 3,000,  
18 certify the question of a proposal to reduce the total number of  
19 members of council for the borough from seven to five or to  
20 three[.], as specified by the petition, to the board of election  
21 of the county for a referendum vote of the residents at the next  
22 general election held not sooner than the thirteenth Tuesday  
23 after the date of the petition. The sufficiency of the number of  
24 signers to the petition shall be ascertained as of the date when  
25 the petition is presented to court. Upon receipt of the  
26 certified election results, the court shall enter a final decree  
27 granting or denying the request of the petitioners. A petition  
28 under this section may not be considered more than once in five  
29 years.

30 [(b) Notice.--The court shall give notice of the filing of

1 the petition by advertisement in the legal newspaper of the  
2 county, if one is published in the county, and in one newspaper  
3 of general circulation and fix a day and time for hearing. After  
4 the hearing, the court may decrease the number of members of  
5 council elected in the borough from seven to five or to three,  
6 as requested in the petition.]

7 \* \* \*

8 § 24A03. SPECIFIC POWERS. <--

9 (A) SPECIFIC POWERS ENUMERATED.--IN ADDITION TO EXERCISING  
10 ITS GENERAL POWERS UNDER SECTION 24A02 (RELATING TO GENERAL  
11 POWERS), A BOROUGH, THROUGH ITS GOVERNING BODY, SHALL HAVE THE  
12 FOLLOWING POWERS:

13 (1) TO CONTRACT FOR THE PURCHASE, SALE, EXCHANGE,  
14 INTERCHANGE, WHEELING, POOLING OR TRANSMISSION OF ELECTRIC  
15 POWER AND ENERGY OR FOR THE RIGHT TO THE CAPACITY OF ELECTRIC  
16 POWER, INSIDE AND OUTSIDE OF THIS COMMONWEALTH, TO AND FROM  
17 ANY PUBLIC OR PRIVATE POWER ENTITIES, PRIVATE POWER  
18 COMPANIES, OTHER BOROUGHS AND ELECTRIC COOPERATIVE  
19 CORPORATIONS. THE SALE OF ELECTRIC POWER TO A BOROUGH FOR  
20 RESALE INSIDE THE LIMITS OF THE BOROUGH AND THE SALE OF  
21 ELECTRIC POWER BY A BOROUGH INSIDE THE LIMITS OF THE BOROUGH  
22 SHALL BE EXEMPT FROM THE TAX IMPOSED UNDER SECTION 1101 OF  
23 THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX  
24 REFORM CODE OF 1971.

25 \* \* \*

26 SECTION 3. THE AMENDMENT OF 8 PA.C.S. § 24A03(A) (1) SHALL  
27 APPLY AS FOLLOWS:

28 (1) TO GROSS RECEIPTS RECEIVED AFTER DECEMBER 31, 2016.

29 (2) TO SALES TO OR BY A MUNICIPAL POWER AGENCY OR ANY  
30 BOROUGH OWNED OR OPERATED UTILITY ESTABLISHED ON OR BEFORE

1 THE EFFECTIVE DATE OF THIS SECTION.

2 Section ~~2~~ 4. This act shall take effect in 60 days.

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