

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 143 Session of 2023

INTRODUCED BY YAW, SCHWANK, DiSANTO, STEFANO, DUSH, MARTIN AND BREWSTER, JANUARY 30, 2023

SENATOR BROWN, LOCAL GOVERNMENT, AS AMENDED, MARCH 6, 2023

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 § 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 OR ENTITY 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 OR <--

1 ENTITY 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) Construction.--

10 (1) Nothing in this section shall be construed to affect
11 the authority of a municipality to:

12 (i) manage or operate a publicly owned utility; or

13 (ii) take steps designed to reduce greenhouse gas
14 emissions from municipal facilities and operations,
15 including purchasing renewable energy.

16 (2) A municipality's exercise of its land use authority
17 in accordance with the act of July 31, 1968 (P.L.805,
18 No.247), known as the Pennsylvania Municipalities Planning
19 Code, shall not be construed as restricting or prohibiting an
20 individual or entity from choosing a utility service
21 provider.

22 (c) Definitions.--As used in this section, the following
23 words and phrases shall have the meanings given to them in this
24 subsection unless the context clearly indicates otherwise:

25 "Municipality." Any of the following:

26 (1) A county, city, borough, incorporated town or
27 township.

28 (2) A home rule, optional plan or optional charter
29 municipality.

30 (3) Any other general purpose unit of government

1 established by the General Assembly.

2 (4) A municipal authority.

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

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

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

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