

Section 1. Clause (17) of section 2, act of May 28, 1937 (P. L. 1053), known as the "Public Utility Law," is amended to read:

Section 2. Definitions.—The following words, terms and phrases shall have the meanings ascribed to them in this section, unless the context clearly indicates otherwise:

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(17) "Public Utility" means persons or corporations now or hereafter owning or operating in this Commonwealth equipment, or facilities for:

(a) Producing, generating, transmitting, distributing or furnishing natural or artificial gas, electricity, or steam for the production of light, heat, or power to or for the public for compensation;

(b) Diverting, developing, pumping, impounding, distributing, or furnishing water to or for the public for compensation;

(c) Transporting passengers or property as a common carrier;

(d) Use as a canal, turnpike, tunnel, bridge, wharf, and the like for the public for compensation;

(e) Transporting or conveying natural or artificial gas, crude oil, gasoline, or petroleum products, materials for refrigeration, or oxygen or nitrogen, or other fluid substance, by pipe line or conduit, for the public for compensation;

(f) Conveying or transmitting messages or communications by telephone or telegraph for the public for compensation;

(g) Sewage collection, treatment, or disposal for the public for compensation.

The term "Public Utility" shall not include (a) any person or corporation, not otherwise a public utility, who or which furnishes service only to himself or itself; or (b) any bona fide cooperative association which furnishes service only to its stockholders or members on a nonprofit basis; or (c) any producer of natural gas not engaged in distributing such gas directly to the public for compensation.

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APPROVED—The 18th day of November, A. D. 1968.

RAYMOND P. SHAFER.

No. 321

AN ACT

SB 1359

Providing for the exercise of the right of eminent domain by certain corporations for the transportation of oxygen or nitrogen with certain restrictions,

exceptions and limitations, and preserving the jurisdiction of the Pennsylvania Public Utility Commission.

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

Section 1. Scope of Act.—This act shall apply to, and the term “corporation” as used in this act shall mean, any public utility corporation authorized by the Pennsylvania Public Utility Commission to transport or convey oxygen or nitrogen, or both, by pipeline or conduit for the public for compensation.

Section 2. Power to condemn lands, easements and rights of way and to enter upon public ways.—A corporation shall have the power to appropriate and condemn lands, easements and rights of way within this Commonwealth for the purpose of transporting oxygen or nitrogen, or both, by pipeline or conduit for the public for compensation. A corporation shall have the power to enter upon and occupy streets, highways, waters and other public ways and places for such purposes, subject to the restrictions and regulations now or hereafter applicable to the transportation of natural gas by a public utility.

Section 3. Procedure for adding oxygen and nitrogen transportation purposes to certain corporate charters.—A corporation incorporated under or governed by the act of April 29, 1874 (P. L. 73), entitled “An act to provide for the incorporation and regulation of certain corporations,” may add the transportation of oxygen or nitrogen, or both, by pipeline or conduit to its corporate objects and purposes by charter amendment adopted under the act of June 13, 1883 (P. L. 122), entitled “A supplement to an act, entitled ‘An act to provide for the incorporation and regulation of certain corporations,’ approved April twenty-ninth, one thousand eight hundred and seventy-four, providing for the improvement, amendment and alteration of the charters of corporations of the second class, and authorizing the incorporation of traction motor companies,” and a corporation incorporated under or governed by the act of May 29, 1885 (P. L. 29), entitled “An act to provide for the incorporation and regulation of natural gas companies,” may add such purposes to its corporate objects and purposes by filing a certificate of enlargement and alteration of its territory of production and supply under section 5 of said last-mentioned act with respect to such transportation.

Section 4. Exceptions.—This act shall not authorize any corporation to condemn any burial grounds, places of public worship, property of a Commonwealth institution or property exempted by act of Assembly from condemnation or entry. No corporation shall have the right under this act to occupy longitudinally the right of way, roadbed or bridge of any railroad company without the consent of the railroad company.

Section 5. Repeals and Savings Clause.—(a) Section 4, act of June 13, 1883 (P. L. 122), entitled “A supplement to an act, entitled ‘An act to provide for the incorporation and regulation of certain corporations,’ approved April twenty-ninth, one thousand eight hundred and seventy-four, providing for the improvement, amendment and alteration of the charters of corporations of the second class, and authorizing the incorporation of traction motor companies,” is repealed in so far as inconsistent with this act.

(b) The act of May 28, 1937 (P. L. 1053), known as the “Public Utility Law,” is hereby expressly saved from repeal.

Section 6. Effective Date.—This act shall take effect immediately.

APPROVED—The 18th day of November, A. D. 1968.

RAYMOND P. SHAFER.

No. 322

AN ACT

SB 513

Providing for the certification of sewage treatment plant and waterworks operators; creating the State Board for Certification of Sewage Treatment Plant and Waterworks Operators and prescribing its powers and duties; conferring powers and duties upon the Department of Health; and providing penalties.

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

Section 1. Short Title.—This act shall be known, and may be cited, as the “Sewage Treatment Plant and Waterworks Operators’ Certification Act.”

Section 2. Definitions.—The following words and phrases, when used in this act, shall have the meanings ascribed to them in this section, unless the context clearly indicates otherwise.

(1) “Board” means the State Board for Certification of Sewage Treatment Plant and Waterworks Operators.

(2) “Certified operator” means any operator who holds a valid certificate in accordance with this act.

(3) “Department” means the Department of Health of the Commonwealth.

(4) “Distribution system” means a system, not including a treatment plant, comprising structures which, operating alone or with other structures, result in the derivation, conveyance or distribution of water for potable purposes to the public.

(5) “Operator” means the individual who has the direct responsibility for the operation of a treatment plant or distribution system.