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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2431 Session of  
2010

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INTRODUCED BY CALTAGIRONE, DALEY, GIBBONS, HARHAI, HARKINS,  
MAHONEY, MARSHALL, McILVAINE SMITH, PRESTON, SWANGER AND  
YOUNGBLOOD, APRIL 20, 2010

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REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, APRIL 20, 2010

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A JOINT RESOLUTION

1 Proposing integrated amendments to the Constitution of the  
2 Commonwealth of Pennsylvania, reorganizing local government  
3 with a county basis.

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

6 Section 1. The following integrated amendments to the  
7 Constitution of Pennsylvania are proposed in accordance with  
8 Article XI:

9 (1) That section 1 of Article IX be amended to read:

10 § 1. Local government.

11 (a) The General Assembly shall provide by general law for  
12 local government within the Commonwealth.

13 (b) Such general law shall [be]:

14 (1) Establish the county as the basic unit of local  
15 government, with jurisdiction over:

16 (i) personnel;

17 (ii) law enforcement;

18 (iii) land use;

1     (iv) sanitation; and

2     (v) health and safety.

3     (2) Establish municipalities under the jurisdiction of the  
4 county and determine the relationship among these municipalities  
5 and the county.

6     (3) Establish classes of counties and municipalities on the  
7 basis of population.

8     (4) Be uniform as to all classes of local government  
9 regarding procedural matters.

10     (2) That section 5 of Article IX be amended to read:

11     § 5. Intergovernmental cooperation.

12     A municipality by act of its governing body may, upon its own  
13 volition or upon being required by initiative and referendum in  
14 the area affected [shall], and with the approval of the  
15 governing body of the county in which it is located, cooperate  
16 or agree in the exercise of any function, power or  
17 responsibility with, or delegate or transfer any function, power  
18 or responsibility to, one or more other governmental units  
19 including other municipalities or districts, the Federal  
20 government, any other state or its governmental units, or any  
21 newly created governmental unit.

22     (3) That section 7 of Article IX be amended to read:

23     § 7. Area-wide powers.

24     The General Assembly may grant powers to [area governments or  
25 to municipalities] counties within a given geographical area in  
26 which there exists intergovernmental cooperation or area  
27 government and designate the classes of municipalities subject  
28 to such legislation.

29     (4) That section 9 of Article IX be amended to read:

30     § 9. Appropriation for public purposes.

1 The General Assembly shall not authorize any county,  
2 municipality or incorporated district to become a stockholder in  
3 any company, association or corporation, or to obtain or  
4 appropriate money for, or to loan its credit to, any  
5 corporation, association, institution or individual. The General  
6 Assembly may provide standards by which counties, municipalities  
7 or school districts may give financial assistance or lease  
8 property to public service, industrial or commercial enterprises  
9 if it shall find that such assistance or leasing is necessary to  
10 the health, safety or welfare of the Commonwealth or any county,  
11 municipality or school district. Existing authority of any  
12 municipality or incorporated district to obtain or appropriate  
13 money for, or to loan its credit to, any corporation,  
14 association, institution or individual, is preserved.

15 (5) That section 10 of Article IX be amended to read:

16 § 10. Local government debt.

17 Subject only to the restrictions imposed by this section, the  
18 General Assembly shall prescribe the debt limits of all units of  
19 local government [including municipalities and school  
20 districts]. For such purposes, the debt limit base shall be a  
21 percentage of the total revenue, as defined by the General  
22 Assembly, of the unit of local government computed over a  
23 specific period immediately preceding the year of borrowing. The  
24 debt limit to be prescribed in every such case shall exclude all  
25 indebtedness (1) for any project to the extent that it is self-  
26 liquidating or self-supporting or which has heretofore been  
27 defined as self-liquidating or self-supporting, or (2) which has  
28 been approved by referendum held in such manner as shall be  
29 provided by law. The provisions of this paragraph shall not  
30 apply to the City or County of Philadelphia.

1 Any unit of local government[, including municipalities and  
2 school districts,] incurring any indebtedness, shall at or  
3 before the time of so doing adopt a covenant, which shall be  
4 binding upon it so long as any such indebtedness shall remain  
5 unpaid, to make payments out of its sinking fund or any other of  
6 its revenues or funds at such time and in such annual amounts  
7 specified in such covenant as shall be sufficient for the  
8 payment of the interest thereon and the principal thereof when  
9 due.

10 (6) That section 11 of Article IX be amended to read:

11 § 11. Local reapportionment.

12 Within the year following that in which the Federal decennial  
13 census is officially reported as required by Federal law, and at  
14 such other times as the governing body [of any municipality]  
15 shall deem necessary, each county or municipality having a  
16 governing body not entirely elected at large shall be  
17 reapportioned, by its governing body or as shall otherwise be  
18 provided by uniform law, into districts which shall be composed  
19 of compact and contiguous territory as nearly equal in  
20 population as practicable, for the purpose of describing the  
21 districts for those not elected at large.

22 (7) That the definition of "municipality" in section 14 of  
23 Article IX be amended to read:

24 § 14. Definitions.

25 As used in this article, the following words shall have the  
26 following meanings:

27 "Municipality" means a [county,] city, borough, incorporated  
28 town, township or any similar general purpose unit of government  
29 which shall hereafter be created by the General Assembly.

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1 Section 2. (a) Upon the first passage by the General  
2 Assembly of these proposed constitutional amendments, the  
3 Secretary of the Commonwealth shall proceed immediately to  
4 comply with the advertising requirements of section 1 of Article  
5 XI of the Constitution of Pennsylvania and shall transmit the  
6 required advertisements to two newspapers in every county in  
7 which such newspapers are published in sufficient time after  
8 passage of these proposed constitutional amendments.

9 (b) Upon the second passage by the General Assembly of these  
10 proposed constitutional amendments, the Secretary of the  
11 Commonwealth shall proceed immediately to comply with the  
12 advertising requirements of section 1 of Article XI of the  
13 Constitution of Pennsylvania and shall transmit the required  
14 advertisements to two newspapers in every county in which such  
15 newspapers are published in sufficient time after passage of  
16 these proposed constitutional amendments. The Secretary of the  
17 Commonwealth shall submit the proposed constitutional amendments  
18 under section 1 to the qualified electors of this Commonwealth  
19 as a single ballot question at the first primary, general or  
20 municipal election which meets the requirements of and is in  
21 conformance with section 1 of Article XI of the Constitution of  
22 Pennsylvania and which occurs at least three months after the  
23 proposed constitutional amendments are passed by the General  
24 Assembly.

25 Section 3. Upon the first passage of these proposed  
26 constitutional amendments, the Local Government Commission and  
27 the Legislative Reference Bureau shall prepare legislation to  
28 implement the reorganization of local government in accordance  
29 with the amendment section 1(b)(1), (2) and (3) of Article IX.