

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 930 Session of
2001

INTRODUCED BY HERMAN, HENNESSEY, CURRY, FREEMAN, HARHAI,
YUDICHAK, BROWNE, CALTAGIRONE, CAPPELLI, DeLUCA, GEIST,
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WOJNAROSKI AND YOUNGBLOOD, MARCH 13, 2001

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MARCH 13, 2001

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, further providing for definitions
3 relating to consolidation or merger, for initiative of
4 electors seeking consolidation or merger without home rule;
5 providing for initiative of electors seeking consolidation or
6 merger with a new home rule charter; further providing for
7 conduct of referenda and for consolidation or merger
8 agreement; and making editorial changes.

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

11 Section 1. The definition of "initiative" in section 732 of
12 Title 53 of the Pennsylvania Consolidated Statutes is amended
13 and the section is amended by adding definitions to read:

14 § 732. Definitions.

15 The following words and phrases when used in this subchapter
16 shall have the meanings given to them in this section unless the
17 context clearly indicates otherwise:

18 "Commission." A board of members elected under the
19 provisions of section 735.1 (relating to initiative of electors

1 seeking consolidation or merger with new home rule charter) to
2 consider the advisability of the adoption of a new home rule
3 charter for the proposed consolidated or merged municipality
4 and, if advisable, to draft and recommend a new home rule
5 charter to the electorate.

6 * * *

7 "Electors." The registered voters of a municipality involved
8 in proceedings relating to the adoption and repeal of optional
9 forms of government.

10 * * *

11 "Initiative." The filing with applicable election officials
12 of a petition containing a proposal for a referendum to be
13 placed on the ballot of the next election. The petition shall
14 be:

15 (1) Filed not later than the 13th Tuesday prior to the
16 next election in which it will appear on the ballot.

17 (2) Signed by voters comprising 5% [of the persons] of
18 the number of electors voting for the office of Governor in
19 the last gubernatorial general election in the municipality
20 where the proposal will appear on the ballot.

21 (3) Placed on the ballot by election officials in a
22 manner fairly representing the content of the petition for
23 decision by referendum at the election.

24 (4) Submitted not more than once in five years.

25 * * *

26 "New home rule charter." A written document that defines the
27 powers, structure, privileges, rights and duties of the proposed
28 consolidated or merged municipality, the limitations thereon and
29 that provides for the composition and election of the governing
30 body chosen by popular elections.

1 * * *

2 Section 2. Sections 734(b)(4) and 735 of Title 53 are
3 amended to read:

4 § 734. Joint agreement of governing bodies.

5 * * *

6 (b) Elements.--The joint agreement shall include, but not be
7 limited to:

8 * * *

9 (4) Whether a consolidated or merged municipality shall
10 be governed solely by the code and other general laws
11 applicable to the kind and class of the consolidated or
12 merged municipality; whether it shall be governed by a home
13 rule charter or optional plan of government previously
14 adopted pursuant to [the act of April 13, 1972 (P.L.184,
15 No.62), known as the Home Rule Charter and Optional Plans
16 Law,] Subpart E of Part III (relating to home rule and
17 optional plan government), by one of the municipalities to be
18 consolidated or merged; or whether it shall be governed by a
19 home rule charter or optional plan of government that has not
20 been previously adopted in accordance with [the Home Rule
21 Charter and Optional Plans Law] Subpart E of Part III by any
22 of the municipalities to be consolidated or merged, but
23 which, in the case of an optional plan of government, has
24 been selected and approved by the governing body of each of
25 the municipalities to be consolidated or merged from among
26 the options provided for in [the Home Rule Charter and
27 Optional Plans Law] Subpart E of Part III or, in the case of
28 a home rule charter, has been formulated and approved by the
29 governing body of each of the municipalities to be
30 consolidated or merged; provided, however, that nothing in

1 this subchapter shall be construed as authorizing a
2 municipality adopting a home rule charter or optional plan of
3 government pursuant to this subchapter to exercise powers not
4 granted to a municipality adopting a home rule charter or an
5 optional plan of government pursuant to [the Home Rule
6 Charter and Optional Plans Law] Subpart E of Part III.

7 * * *

8 § 735. Initiative of electors seeking consolidation or merger
9 without new home rule charter.

10 (a) General rule.--In order for consolidation or merger
11 proceedings to be initiated by petition of electors, petitions
12 containing signatures of at least 5% of the number of electors
13 voting for the office of Governor in the last gubernatorial
14 general election in each municipality proposed to be
15 consolidated or merged shall be filed with the county board of
16 elections of the county in which the municipality, or the
17 greater portion of its territory, is located.

18 (b) Notice to governing bodies affected.--When election
19 officials find that a petition is in proper order, they shall
20 send copies of the initiative petition without the signatures
21 thereon to the governing bodies of each of the municipalities
22 affected by the proposed consolidation or merger.

23 (c) Contents.--A petition shall set forth:

24 (1) The name of the municipality from which the signers
25 of the petition were obtained.

26 (2) The names of the municipalities proposed to be
27 consolidated or merged.

28 (3) The name of the consolidated or merged municipality.

29 (4) The type and class of the consolidated or merged
30 municipality.

1 (5) Whether a consolidated or merged municipality shall
2 be governed solely by the code and other general laws
3 applicable to the kind and class of the consolidated or
4 merged municipality; whether it shall be governed by a home
5 rule charter or optional plan of government previously
6 adopted pursuant to the [act of April 13, 1972 (P.L.184,
7 No.62), known as the Home Rule Charter and Optional Plans
8 Law,] Subpart E of Part III (relating to home rule and
9 optional plan government), by one of the municipalities to be
10 consolidated or merged; or whether it shall be governed by an
11 optional plan of government that has not been previously
12 adopted in accordance with [the Home Rule Charter and
13 Optional Plans Law] Subpart E of Part III by any of the
14 municipalities to be consolidated or merged, but which has
15 been selected from among the options provided for in [the
16 Home Rule Charter and Optional Plans Law] Subpart E of Part
17 III and is identified in the petition; provided, however,
18 that nothing in this subchapter shall be construed as
19 authorizing a municipality adopting an optional plan of
20 government pursuant to this subchapter to exercise powers not
21 granted to a municipality adopting an optional plan of
22 government pursuant to [the Home Rule Charter and Optional
23 Plans Law] Subpart E of Part III.

24 (6) In the case of a merger, where the surviving
25 municipality is a city which had previously adopted an
26 optional charter pursuant to the act of July 15, 1957
27 (P.L.901, No.399), known as the Optional Third Class City
28 Charter Law, whether the resulting merged municipality will
29 continue to operate under the optional charter.

30 (7) The number of districts or wards, if any, into which

1 the consolidated or merged municipality will be divided for
2 the purpose of electing all or some members of its governing
3 body.

4 (d) Filing of petition.--The consolidation or merger
5 petition shall be filed with the election officials not later
6 than the 13th Tuesday prior to the next primary, municipal or
7 general election. The petition and proceedings on the petition
8 shall be conducted in the manner and subject to the provisions
9 of the election laws which relate to the signing, filing and
10 adjudication of nomination petitions insofar as the provisions
11 are applicable, except that no referendum petition shall be
12 signed or circulated prior to the 20th Tuesday before the
13 election, nor later than the 13th Tuesday before the election.

14 Section 3. Title 53 is amended by adding a section to read:

15 § 735.1. Initiative of electors seeking consolidation or merger
16 with new home rule charter.

17 (a) General rule.--In order for a commission and
18 consolidation or merger proceedings to be initiated by petition
19 of electors, petitions containing signatures of at least 5% of
20 the number of electors voting for the office of Governor in the
21 last gubernatorial general election in each municipality
22 proposed to be consolidated or merged shall be filed with the
23 county board of elections of the county in which the
24 municipality, or the greater portion of its territory, is
25 located.

26 (b) Notice to governing bodies affected.--When election
27 officials find that a petition is in proper order, they shall
28 send copies of the initiative petition without the signatures
29 thereon to the governing bodies of each of the municipalities
30 affected by the proposed consolidation or merger.

1 (c) Contents.--A petition shall set forth:

2 (1) The name of the municipality from which the signers
3 of the petition were obtained.

4 (2) The names of the municipalities proposed to be
5 consolidated or merged.

6 (3) The name of the consolidated or merged municipality.

7 (4) The type and class of the consolidated or merged
8 municipality.

9 (5) The number of persons to compose the commission.

10 (d) Filing of petition.--

11 (1) A commission and consolidation or merger proceedings
12 petition under this section shall be filed with the election
13 officials not later than the 13th Tuesday prior to the next
14 primary, municipal or general election.

15 (2) The petition and proceedings on the petition shall
16 be conducted in the manner and subject to the provisions of
17 the election laws which relate to the signing, filing and
18 adjudication of nomination petitions insofar as the
19 provisions are applicable, except that no referendum petition
20 shall be signed or circulated prior to the 20th Tuesday
21 before the election, nor later than the 13th Tuesday before
22 the election.

23 (e) Election of members of commission.--

24 (1) A commission of seven, nine or eleven members, as
25 designated in the question, shall be elected by the qualified
26 voters at the same election the question is submitted to the
27 electors.

28 (2) Each candidate for the office of member of the
29 commission shall be nominated and placed upon the ballot
30 containing the question in the manner provided by and subject

1 to the provisions of the act of June 3, 1937 (P.L.1333,
2 No.320), known as the Pennsylvania Election Code, which
3 relate to the nomination of a candidate nominated by
4 nomination papers filed for other offices elective by the
5 voters. Each candidate shall be nominated and listed without
6 any political designation or slogan and no nomination paper
7 shall be signed or circulated prior to the 13th Tuesday
8 before the election nor later than the tenth Tuesday before
9 the election. No signature shall be counted unless it bears a
10 date within this period.

11 (3) Each elector shall be instructed to vote on the
12 question and, regardless of the manner of his vote on the
13 question, to vote for the designated number of members of a
14 commission who shall serve if the question is or has been
15 determined in the affirmative.

16 (4) If an insufficient number of nominating papers is
17 filed to fill all of the designated positions on the
18 commission, the question of establishing a commission shall
19 be placed on the ballot and, unless a sufficient number of
20 commission members are elected by receiving at least as many
21 votes as signatures are required to file a nominating
22 petition, then the question of creating a commission shall be
23 deemed to have been rejected.

24 (f) Nomination of candidates.--

25 (1) All candidates for the commission shall be electors.
26 Each candidate shall be nominated from the area of the
27 proposed consolidated or merged municipality by nomination
28 papers signed by a number of electors equal at least to 2% of
29 the number of electors voting for the office of Governor in
30 the last gubernatorial general election in each municipality

1 proposed to be consolidated or merged or 200 electors from
2 each municipality, whichever is less, and filed with the
3 county board of elections of the county in which the
4 municipality, or the greater portion of its territory, is
5 located not later than the tenth Tuesday prior to the date of
6 the election.

7 (2) Each nomination paper shall set forth the name,
8 place of residence and post office address of the candidate
9 thereby nominated, that the nomination is for the office of
10 commissioner and that the signers are legally qualified to
11 vote for the candidate. An elector may not sign nomination
12 papers for more candidates for the commission than he could
13 vote for at the election. Every elector signing a nomination
14 paper shall write his place of residence, post office address
15 and street number, if any, on the petition.

16 (3) Each nomination paper shall, before it may be filed
17 with the county board of elections, contain under oath of the
18 candidate an acceptance of the nomination in writing, signed
19 by the candidate therein nominated, upon or annexed to the
20 paper, or, if the same person be named in more than one
21 paper, upon or annexed to one of the papers. The acceptance
22 shall certify that the candidate is an elector, that the
23 nominee consents to run as a candidate at the election and
24 that, if elected, the candidate agrees to take office and
25 serve.

26 (4) Each nomination paper shall be verified by an oath
27 of one or more of the signers, taken and subscribed before a
28 person qualified under the laws of this Commonwealth to
29 administer an oath, to the effect that the paper was signed
30 by each of the signers in his proper handwriting, that the

1 signers are, to the best knowledge and belief of the affiant,
2 electors and that the nomination paper is prepared and filed
3 in good faith for the sole purpose of endorsing the person
4 named therein for election as stated in the paper.

5 (g) Results of election.--The result of the votes cast for
6 and against the question as to the election of a commission and
7 consolidation and merger proceedings shall be returned by the
8 election officers, and a canvass of the election had, as is
9 provided by law in the case of other public questions put to the
10 electors. The votes cast for members of the commission shall be
11 counted and the result returned by the county board of electors
12 of the county in which the municipality, or the greater portion
13 of its territory, is located, and a canvass of the election had,
14 as is provided by law in the case of election of members of
15 municipal councils or boards. The designated number of
16 candidates receiving the greatest number of votes shall be
17 elected and shall constitute the commission. If a majority of
18 those voting on the question vote against the election of a
19 commission, none of the candidates shall be elected. If two or
20 more candidates for the last seat shall be equal in number of
21 votes, they shall draw lots to determine which one shall be
22 elected.

23 (h) Oath of office of members of commission.--

24 (1) As soon as possible and in any event no later than
25 ten days after its certification of election, the members of
26 a commission elected on a countywide basis shall, before a
27 judge of a court of common pleas, make oath to support the
28 Constitution of the United States and the Constitution of
29 Pennsylvania and to perform the duties of the office with
30 fidelity.

1 (2) As soon as possible and in any event no later than
2 ten days after its certification of election, the members of
3 a commission elected on other than a countywide basis shall,
4 before a district justice, make oath to support the
5 Constitution of the United States and the Constitution of
6 Pennsylvania and to perform the duties of the office with
7 fidelity.

8 (i) First meeting of commission.--

9 (1) As soon as possible and in any event no later than
10 15 days after its certification of election, a commission
11 shall organize and hold its first meeting and elect one of
12 its members chairman and another member vice chairman, fix
13 its hours and place of meeting and adopt rules for the
14 conduct of business it deems necessary and advisable.

15 (2) A majority of the members of the commission shall
16 constitute a quorum for the transaction of business, but no
17 recommendation of the commission shall have any legal effect
18 unless adopted by a majority of the whole number of the
19 members of the commission.

20 (j) Vacancies.--In case of a vacancy in a commission, the
21 remaining members of the commission shall fill it by appointing
22 thereto some other properly qualified elector.

23 (k) Function and duty of commission.--

24 (1) A commission shall study the advisability of a new
25 home rule charter form of government for the proposed
26 consolidated or merged municipality and compare it with other
27 available forms under the laws of this Commonwealth and
28 determine in its judgment which form of government is more
29 clearly responsible or accountable to the people and its
30 operation more economical and efficient.

1 (2) If a new home rule charter is found to be the most
2 effective form of government for the proposed consolidated or
3 merged municipality, the commission shall draft and recommend
4 a new home rule charter for the proposed consolidated or
5 merged municipality to the electorate.

6 (1) Compensation and personnel.--

7 (1) Members of the government study commission shall
8 serve without compensation, but shall be reimbursed by the
9 municipalities proposed to be consolidated or merged for
10 their necessary expenses incurred in the performance of their
11 duties. Each governing body shall appropriate moneys
12 necessary for this purpose.

13 (2) Within the limits of the appropriations and other
14 publicly and privately contributed funds and services made
15 available to it, the commission may appoint one or more
16 consultants and clerical and other assistants to serve at the
17 pleasure of the commission and may fix reasonable
18 compensation therefor to be paid the consultants and clerical
19 and other assistants.

20 (m) Hearings and public forums.--A commission shall hold one
21 or more public hearings, may hold private hearings and sponsor
22 public forums and generally shall provide for the widest
23 possible public information and discussion respecting the
24 purposes and progress of its work.

25 (n) Report of findings and recommendations.--

26 (1) A commission shall report its findings and
27 recommendations to the citizens of the proposed consolidated
28 or merged municipalities within nine months from the date of
29 its election except that it shall be permitted an additional
30 nine months if it elects to prepare and submit a proposed new

1 home rule charter and an additional two months if it chooses
2 to provide for the election of its governing body by
3 districts. It shall publish or cause to be published
4 sufficient copies of its final report for public study and
5 information and shall deliver to the municipal clerk or
6 secretary of each municipality proposed to be consolidated or
7 merged sufficient copies of the report to supply it to any
8 interested citizen upon request. If the commission recommends
9 the adoption of a new home rule charter, the report shall
10 contain the complete plan as recommended.

11 (2) There shall be attached to each copy of the report
12 of the commission, as a part thereof, a statement sworn to by
13 the members of the commission listing in detail the funds,
14 goods, materials and services, both public and private, used
15 by the commission in the performance of its work and the
16 preparation and filing of the report and identifying
17 specifically the supplier of each item thereon.

18 (3) A copy of the final report of the commission with
19 its findings and recommendations shall be filed with the
20 Department of Community and Economic Development.

21 (4) All the records, reports, tapes, minutes of meetings
22 and written discussions of the commission shall, upon its
23 discharge, be turned over to the municipal clerk or secretary
24 of each municipality proposed to be consolidated or merged
25 for permanent safekeeping and made available for public
26 inspection at any time during regular business hours.

27 (o) Discharge of petition and amended reports.--

28 (1) A commission shall be discharged upon the filing of
29 its report, but, if the commission's recommendations require
30 further procedure in the form of a referendum on the part of

1 the electors, the commission shall not be discharged until
2 the procedure has been concluded. At any time prior to 60
3 days before the date of the referendum, the commission may
4 modify or change any recommendation set forth in the final
5 report by publishing an amended report.

6 (2) Whenever a commission issues an amended report
7 pursuant to paragraph (1), the amended report shall supersede
8 the final report and the final report shall cease to have any
9 legal effect.

10 (3) The procedure to be taken under the amended report
11 shall be governed by the provisions of this subpart
12 applicable to the final report of a commission submitted
13 pursuant to subsection (n).

14 (p) Types of action recommended.--A commission shall report
15 and recommend in accordance with this section:

16 (1) That a referendum should be held to submit to the
17 electors the question of consolidating or merging the
18 specific municipalities and adopting a new home rule charter
19 as prepared by the commission and as authorized by this
20 subpart.

21 (2) That the form of government of the respective
22 municipalities should remain unchanged and that under this
23 section no consolidation or merger should take place.

24 (3) Such other action as it deems advisable consistent
25 with its functions as set forth in this subpart.

26 (q) Specificity of recommendations.--

27 (1) If a commission recommends the adoption of a new
28 home rule charter, it shall specify the number to be on the
29 governing body, all offices to be filled by election and
30 whether elections shall be on an at-large, district or

1 combination district and at-large basis.

2 (2) Notwithstanding any other provisions of this
3 subpart, if an approved new home rule charter adopted
4 pursuant to the provisions of this subpart specifies that the
5 election of the governing body should be on an at-large,
6 district or combination district and at-large basis and the
7 basis recommended differs from the existing basis and
8 therefore required eliminating districts or establishing
9 revised or new districts, then election of municipal
10 officials shall not take place on the new basis until the
11 municipal election following the next primary election taking
12 place more than 180 days after the election at which the
13 referendum on the question of a consolidation or merger and
14 new home rule charter has been approved by the electorate.
15 The consolidation or merger and new home rule charter shall
16 not go into effect until the first Monday in January
17 following the election of municipal officials on the new
18 basis as provided in section 738 (relating to effectuation of
19 consolidation or merger). New or revised districts shall be
20 established by the commission and included in the proposed
21 charter.

22 (r) Form of question on consolidation or merger and new home
23 rule charter.--The question to be submitted to the voters for
24 the adoption of consolidation or merger and a new home rule
25 charter shall be submitted in the following form or such part as
26 shall be applicable.

27 Shall the municipalities of (insert names of
28 municipalities consolidating or merging) be (insert
29 consolidated or merged) to become (insert name of new
30 municipality, type and class of municipality) under a new

1 home rule charter contained in the report, dated (insert
2 date), of the commission?

3 (s) Submission of question on consolidation or merger and
4 new home rule charter.--If a commission recommends that the
5 question of adopting consolidation or merger and a new home rule
6 charter authorized by this subpart should be submitted to the
7 electors, the municipal clerk or secretary of each municipality
8 proposed to be consolidated or merged shall, within five days
9 thereafter, certify a copy of the commission's report to the
10 county board of elections of the county in which the
11 municipality, or the greater portion of its territory, is
12 located, which shall cause the question of adoption or rejection
13 to be placed upon the ballot or voting machines at the time as
14 the commission specifies in its report. The commission may cause
15 the question to be submitted to the electors at the next
16 primary, municipal or general election occurring not less than
17 60 days following the filing of a copy of the commission's
18 report with the county board of elections, at the time the
19 commission's report directs. At the election, the question of
20 adopting consolidation or merger and a new home rule charter
21 recommended by the commission shall be submitted to the electors
22 by the county board of elections in the same manner as other
23 questions are submitted to the electors under the Pennsylvania
24 Election Code. The commission shall frame the question to be
25 placed upon the ballot as provided for in subsection (r) and, if
26 it deems appropriate, an interpretative statement to accompany
27 the question.

28 (t) Amendment of new home rule charter.--The procedure for
29 amending the new home rule charter of the consolidated or merged
30 municipality created under this subpart shall be through the

initiative procedure and referendum or ordinance of the governing body as provided for in Subchapter C of Chapter 29 (relating to amendment of existing charter or optional plan).

(u) General powers and limitation of consolidated or merged municipality under new home rule charter.--Nothing in this section shall be construed as authorizing a consolidated or merged municipality adopting a new home rule charter to exercise powers not granted to a municipality adopting a home rule charter pursuant to Subpart E of Part III (relating to home rule and optional plan government).

Section 4. Sections 736 and 737 of Title 53 are amended to read:

§ 736. Conduct of referenda.

(a) Duty to place on ballot.--Following initiation of proceedings for consolidation or merger by the procedures set forth either in section 734 (relating to joint agreement of governing bodies) or 735 (relating to initiative of electors[,]) seeking consolidation or merger without new home rule charter) or 735.1 (relating to initiative of electors seeking consolidation or merger with new home rule charter) the question of consolidation or merger as set forth in the joint agreement or initiative [petition] petitions shall be placed before the electors of each of the municipalities proposed to be consolidated or merged. A referendum shall be held at the first primary, municipal or general election occurring at least 13 weeks after either:

(1) the date of the general agreement entered into under the provisions of section 734; or

(2) the date of filing of the [petition] petitions filed under the provisions of [section 735.] sections 735 and

1 735.1. This subsection shall not prevent the provisions of
2 section 735.1(q) from being implemented.

3 (b) Approval.--[Consolidation] Pursuant to sections 734, 735
4 and 735.1 consolidation or merger shall not be effective unless
5 the referendum question is approved by a majority of the
6 electors voting in each of the municipalities in which the
7 referendum is held. If in any one of the municipalities in which
8 the referendum is held a majority vote in favor of consolidation
9 or merger does not result, the referendum shall fail and
10 consolidation or merger shall not take place. The same question
11 described in the consolidation or merger proposal shall not be
12 voted on again for a period of five years.

13 (c) Subsequent referenda.--The five-year moratorium on
14 voting the same consolidation or merger question as provided in
15 subsection (b) shall be deemed not to apply to any subsequent
16 referendum question involving a consolidation or merger of any
17 combination of two or more contiguous municipalities if the
18 referendum question differs or is dissimilar in any way from a
19 previous referendum question which was not approved as provided
20 for in subsection (b).

21 § 737. Consolidation or merger agreement.

22 (a) Form.--Upon favorable action by the electorate on
23 consolidation or merger, in cases where consolidation or merger
24 was initiated by petition of electors under section 735
25 (relating to initiative of electors seeking consolidation or
26 merger without new home rule charter) or section 735.1 (relating
27 to initiative of electors seeking consolidation or merger with
28 new home rule charter), the governing bodies of the
29 municipalities to be consolidated or merged shall meet within 60
30 days after the certification of the favorable vote and shall

1 within a reasonable time after certification make a
2 consolidation or merger agreement as follows:

3 (1) [If] Under section 735 if the governing body, or
4 part of the governing body, of the consolidated or merged
5 municipality is to be elected on a district or ward basis,
6 the agreement shall set forth the district or ward boundaries
7 and the district or ward designation, by number, and the
8 number of members of the municipal governing body to be
9 elected from each district or ward. The boundaries of the
10 districts or wards shall be established to achieve
11 substantially equal representation.

12 (2) The agreement shall set forth terms for:

13 (i) The disposition of the existing assets of each
14 municipality.

15 (ii) The liquidation of the existing indebtedness of
16 each municipality.

17 (iii) The assumption, assignment and disposition of
18 the existing liabilities of each municipality, either
19 jointly, separately or in certain defined proportions, by
20 separate rates of taxation within each of the constituent
21 municipalities until consolidation or merger becomes
22 effective pursuant to section 738 (relating to
23 effectuation of consolidation or merger).

24 (3) The agreement shall set forth the governmental
25 organization of the consolidated or merged municipality
26 insofar as it concerns elected officers and shall contain a
27 transitional plan and schedule applicable to elected
28 officers.

29 (4) The agreement shall provide for common
30 administration and uniform enforcement of ordinances within

1 the consolidated or merged municipality.

2 (5) The agreement shall also provide, consistent with
3 existing law, for the implementation of a uniform tax system
4 throughout the consolidated or merged municipality which
5 shall provide the revenue necessary to fund required
6 municipal services.

7 (b) Filing.--A copy of the consolidation or merger agreement
8 under this section or the joint agreement under section 734
9 (relating to joint agreement of governing bodies) after approval
10 by the electorate shall be filed with the Department of
11 Community [Affairs] and Economic Development, the Department of
12 Transportation, the Governor's Office of Policy Development or
13 its successor, the Department of Education, the State Tax
14 Equalization Board and the Legislative Data Processing
15 Committee. A copy shall also be filed with the court of common
16 pleas and the board of county commissioners of the county or
17 counties in which municipalities affected are located.

18 Section 5. This act shall take effect in 60 days.