
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 539 Session of
2003

INTRODUCED BY FUMO, O'PAKE, COSTA, CORMAN, LOGAN, LAVALLE,
TARTAGLIONE, ORIE, KASUNIC AND MUSTO, MARCH 24, 2003

REFERRED TO STATE GOVERNMENT, MARCH 24, 2003

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth
2 of Pennsylvania, relating to laws that require municipalities
3 to spend funds or that limit the ability of municipalities to
4 raise revenue.

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

7 Section 1. The following amendment to the Constitution of
8 Pennsylvania is proposed in accordance with Article XI:

9 That Article IX be amended by adding a section to read:

10 § 13.1. Laws requiring municipalities to spend funds or limit
11 their ability to raise revenue or receive State tax
12 revenue.

13 (a) No municipality shall be bound by any statute enacted
14 hereafter requiring such municipality to spend funds, or to take
15 an action requiring the expenditure of funds, unless:

16 (1) funds have been appropriated that have been estimated by
17 an independent legislative agency at the time of the enactment
18 of the law requiring the expenditure to be sufficient to fund

1 such expenditure;

2 (2) the General Assembly authorizes or has authorized the
3 municipality to enact a funding source not available for such
4 municipality prior to the effective date of the enactment of the
5 law that can be used to generate the amount of funds estimated
6 to be sufficient to fund such expenditure;

7 (3) each House of the General Assembly passes, by a vote of
8 two-thirds of the members elected to it, a resolution which
9 shall be presented to the Governor as provided in section 9 of
10 Article III of this Constitution, which explicitly exempts the
11 Commonwealth from funding a specific law or providing a funding
12 source for that specific law;

13 (4) the expenditure is required to comply with a law that
14 applies to all persons similarly situated, including State and
15 local governments; or

16 (5) the law is either required to comply with a Federal
17 requirement, or required for eligibility for a Federal
18 entitlement, which Federal requirement specifically contemplates
19 actions by municipalities for compliance.

20 (b) Except by a vote of two-thirds of all the members
21 elected to each House, the General Assembly may not enact, amend
22 or repeal any law if the anticipated effect of doing so would be
23 to reduce the authority that any municipality has to raise
24 revenues, in the aggregate, as such authority exists on the
25 effective date of this section.

26 (c) Laws exempt from the requirements of this section
27 include:

28 (1) Laws that amend funding formulas existing on the
29 effective date of this section.

30 (2) Laws adopted to require funding of pension benefits

1 existing on the effective date of this section.

2 (3) Laws relating to the enforcement of criminal laws but
3 not the execution of judicial sentences.

4 (4) Election laws.

5 (5) General appropriation acts.

6 (6) Special appropriation acts.

7 (d) As used in this section, the term "municipality" means a
8 county, city, borough, incorporated town, township or any
9 similar general purpose unit of government which shall hereafter
10 be created by the General Assembly. The term shall not include a
11 school district.

12 Section 2. (a) Upon the first passage by the General
13 Assembly of this proposed constitutional amendment, the
14 Secretary of the Commonwealth shall proceed immediately to
15 comply with the advertising requirements of section 1 of Article
16 XI of the Constitution of Pennsylvania and shall transmit the
17 required advertisements to two newspapers in every county in
18 which such newspapers are published in sufficient time after
19 passage of this proposed constitutional amendment.

20 (b) Upon the second passage by the General Assembly of this
21 proposed constitutional amendment, the Secretary of the
22 Commonwealth shall proceed immediately to comply with the
23 advertising requirements of section 1 of Article XI of the
24 Constitution of Pennsylvania and shall transmit the required
25 advertisements to two newspapers in every county in which such
26 newspapers are published in sufficient time after passage of
27 this proposed constitutional amendment. The Secretary of the
28 Commonwealth shall submit this proposed constitutional amendment
29 to the qualified electors of this Commonwealth at the first
30 primary, general or municipal election occurring at least three

1 months after the proposed constitutional amendment is passed by
2 the General Assembly.