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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 197 Session of  
2011

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INTRODUCED BY GINGRICH, BOYD, COHEN, D. COSTA, GEIST, HENNESSEY,  
M.K. KELLER, KORTZ, MAJOR, MILLER, ROSS AND SWANGER,  
JANUARY 24, 2011

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REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JANUARY 24, 2011

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AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania  
2 Consolidated Statutes, in area government and  
3 intergovernmental cooperation, further providing for review  
4 of agreement by Local Government Commission.

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

7 Section 1. Section 2314 of Title 53 of the Pennsylvania  
8 Consolidated Statutes is amended to read:

9 § 2314. [Review of agreement by Local Government Commission.

10 Every agreement between a local government and the  
11 Commonwealth, any other state, government of another state or  
12 the Federal Government under the provisions of this subchapter  
13 shall, prior to and as a condition precedent to enactment of an  
14 ordinance, be submitted to the Local Government Commission for  
15 review and recommendation. The commission shall within 60 days  
16 of receipt of the agreement determine whether it is in proper  
17 form and compatible with the laws of this Commonwealth. Failure  
18 of the commission to make recommendations within 60 days of

1 receipt of the agreement shall constitute a recommendation in  
2 favor of the agreement.] Required review of specified  
3 agreements.

4 (a) General rule.--An agreement between a local government  
5 and the Federal Government, the Commonwealth, any other state or  
6 government of another state under the provisions of this  
7 subchapter shall, prior to and as a condition precedent to  
8 enactment of an ordinance, be submitted to the Local Government  
9 Commission for review and recommendation.

10 (b) Commission review.--

11 (1) The commission shall, within 90 days of receipt of  
12 the agreement, provide to the local government or other party  
13 submitting the agreement an advisory written response of its  
14 review of, and any recommended changes to, the agreement with  
15 regard to form and compatibility with the laws of this  
16 Commonwealth.

17 (2) If an agreement has been submitted to the commission  
18 for review as required by this subsection, the failure of the  
19 commission to provide an advisory written response within 90  
20 days of receipt of the agreement shall not bar or impede the  
21 effectiveness or implementation of the agreement.

22 (c) Committee review.--

23 (1) In all cases involving an agreement between a local  
24 government and the Commonwealth, in addition to the  
25 requirements of subsection (b), the Commonwealth, after  
26 receipt of the commission's advisory written response or  
27 after 90 days have elapsed without a written response from  
28 the commission, whichever is sooner, shall submit the  
29 agreement to the Appropriations Committee of the Senate and  
30 the Appropriations Committee of the House of Representatives

1 for their review, preparation of a fiscal note and, if deemed  
2 necessary by either committee, a public hearing.

3 (2) (i) Notwithstanding the passage of an ordinance in  
4 accordance with section 2315 (relating to effect of joint  
5 cooperation agreements), no agreement between a local  
6 government and the Commonwealth may be deemed in force  
7 and binding as to either the Commonwealth or a local  
8 government until 180 days have elapsed from the date that  
9 the agreement has been submitted by the Commonwealth to  
10 the committees.

11 (ii) The requirements of subparagraph (i) shall not  
12 apply to any agreement necessary to respond to a disaster  
13 emergency or local emergency as those terms are defined  
14 in 35 Pa.C.S. § 7102 (relating to definitions).

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