

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 197** Session of
2011

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

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
APRIL 26, 2011

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 (d) Exceptions.--This section shall not apply to the
16 following contracts, agreements or transactions:

17 (1) Contracts or agreements between a local government
18 and the Commonwealth that are of a routine nature or are
19 performed on a periodic basis, such as those for public
20 improvements or maintenance.

21 (2) State grants and loans that are administered by the
22 Commonwealth pursuant to statute or regulation.

23 (3) Contracts or agreements for cooperative purchasing.

24 (4) Contracts, agreements or memoranda of understanding
25 between the Commonwealth and a local government that are
26 expressly authorized by statute or regulation and by which
27 the Commonwealth delegates all or a portion of its
28 enforcement duties or responsibilities to a local government.

29 (5) Contracts or agreements between the Commonwealth and
30 a local government that are expressly authorized by statute

1 or regulation and through which the local government provides
2 a service on behalf of the Commonwealth.

3 (6) CONTRACTS OR AGREEMENTS RELATING TO THE PURCHASE, ←
4 RIGHT TO CAPACITY, SALE, EXCHANGE, INTERCHANGE, WHEELING,
5 POOLING, TRANSMISSION OR DEVELOPMENT OF ELECTRIC POWER AND
6 ASSOCIATED ENERGY AND RELATED SERVICES.

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