

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1177 Session of 2013

INTRODUCED BY LUCAS AND MILLARD, APRIL 15, 2013

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 5, 2013

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, further providing for initiative of
3 electors seeking consolidation or merger with new home rule
4 charter.

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

7 Section 1. Section 735.1(e) (3) and (g) (1) of Title 53 of the <--
8 Pennsylvania Consolidated Statutes are amended to read:

9 SECTION 1. SECTION 735.1(E) (3), (G) (1) AND (L) (6) AND (7) OF <--
10 TITLE 53 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED
11 AND THE SECTION IS AMENDED BY ADDING A PARAGRAPH TO READ:

12 § 735.1. Initiative of electors seeking consolidation or merger
13 with new home rule charter.

14 * * *

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

16 * * *

17 (3) Each elector shall be instructed to vote on the
18 question and, regardless of the manner of his vote on the
19 question, to vote for the designated number of members of the

1 commission who shall serve if the question is or has been
2 determined in the affirmative by the majority of the whole of
3 those voting in all the municipalities impacted by the
4 consolidation or merger.

5 * * *

6 (g) Results of election.--

7 (1) The result of the votes cast for and against the
8 question as to the election of a commission and consolidation
9 and merger proceedings shall be returned by the election
10 officers, and a canvass of the election had, as is provided
11 by law in the case of other public questions put to the
12 electors. The votes cast for members of the commission shall
13 be counted and the result returned by the county board of
14 electors of the county in which the municipality, or the
15 greater portion of its territory, is located, and a canvass
16 of the election had, as is provided by law in the case of
17 election of members of municipal councils or boards. If a
18 majority of the whole in the municipalities proposed to be
19 consolidated or merged vote in the affirmative on the
20 question, then the commission shall be formed to study the
21 issue of consolidation or merger and to make recommendations
22 as set forth in the question. The designated number of
23 candidates receiving the greatest number of votes shall be
24 elected and shall constitute the commission. If a majority of
25 [those] the whole in the municipalities voting on the
26 question vote against the election of the commission, none of
27 the candidates shall be elected. If two or more candidates
28 for the last seat shall be equal in number of votes, they
29 shall draw lots to determine which one shall be elected.

30 * * *

1 (L) COMPENSATION, PERSONNEL AND COMMISSION BUDGET.--

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2 * * *

3 (6) NO LATER THAN 15 DAYS AFTER THE SUBMISSION OF A
4 BUDGET IN ACCORDANCE WITH PARAGRAPHS (4) OR (5), A JOINT
5 PUBLIC HEARING OF THE COMMISSION AND THE GOVERNING BODIES OF
6 THE MUNICIPALITIES SHALL BE HELD. THE GOVERNING BODIES OF THE
7 MUNICIPALITIES TO BE CONSOLIDATED OR MERGED MAY, BY
8 AGREEMENT, MODIFY ANY BUDGET SUBMITTED BY THE COMMISSION. A
9 GOVERNING BODY OF A MUNICIPALITY TO BE CONSOLIDATED OR MERGED
10 MAY APPROVE APPROPRIATIONS TO THE COMMISSION IN CONFORMITY
11 WITH ITS SHARE OF THE MODIFIED BUDGET AS DETERMINED IN
12 ACCORDANCE WITH PARAGRAPH (7) OR (7.1). ANY UNREASONABLE
13 MODIFICATION OF THE BUDGET MAY BE SUBJECT TO AN ACTION AS
14 PROVIDED IN PARAGRAPH (8) IN THE COURT OF COMMON PLEAS OF ANY
15 COUNTY WHEREIN A MUNICIPALITY TO BE CONSOLIDATED OR MERGED
16 LIES.

17 (7) [THE] IF A MAJORITY IN EACH OF THE MUNICIPALITIES TO
18 BE CONSOLIDATED OR MERGED VOTE IN FAVOR OF ESTABLISHING A
19 COMMISSION, THE MUNICIPALITIES [TO BE CONSOLIDATED OR MERGED]
20 MAY, BY AGREEMENT, DETERMINE THE SHARE THAT EACH MUNICIPALITY
21 SHALL APPROPRIATE TO FUND THE ESTIMATED BUDGET OF THE
22 COMMISSION. IF NO AGREEMENT AS TO THE RESPECTIVE AMOUNT THAT
23 EACH MUNICIPALITY SHALL APPROPRIATE IS REACHED, EACH
24 MUNICIPALITY SHALL APPROPRIATE FUNDS EQUAL TO ITS PRO RATA
25 SHARE OF THE TOTAL ESTIMATED BUDGET OF THE COMMISSION BASED
26 UPON ITS SHARE OF POPULATION TO THE TOTAL POPULATION OF THE
27 MUNICIPALITIES TO BE CONSOLIDATED OR MERGED.

28 (7.1) WHEN A COMMISSION IS FORMED TO STUDY CONSOLIDATION
29 OR MERGER BY A VOTE OF THE WHOLE IN THE MUNICIPALITIES
30 CONSIDERING THE QUESTION, THE MUNICIPALITIES THAT VOTE IN THE

1 AFFIRMATIVE SHALL BE RESPONSIBLE FOR FUNDING THE BUDGET OF
2 THE COMMISSION. ANY MUNICIPALITIES THAT VOTE IN THE NEGATIVE
3 ON THE QUESTION SHALL NOT BE RESPONSIBLE FOR THE BUDGET COSTS
4 OF THE COMMISSION.

5 * * *

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