

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1177 Session of 2013

INTRODUCED BY LUCAS AND MILLARD, APRIL 15, 2013

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 17, 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), (g) (1) and (l) (6) and (7) of <--
8 Title 53 of the Pennsylvania Consolidated Statutes are amended
9 and the section is amended by adding a paragraph to read:

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

14 § 735.1. Initiative of electors seeking consolidation or merger
15 with new home rule charter.

16 * * *

17 (C) CONTENTS.--A PETITION SHALL SET FORTH: <--

18 (1) THE NAME OF THE MUNICIPALITY FROM WHICH THE SIGNERS
19 OF THE PETITION WERE OBTAINED.

1 (2) THE NAMES OF THE MUNICIPALITIES PROPOSED TO BE
2 CONSOLIDATED OR MERGED.

3 (2.1) AN ESTIMATED COST OF THE STUDY COMMISSION.

4 (3) THE NUMBER OF PERSONS TO COMPOSE THE COMMISSION.

5 (4) THE PETITION QUESTION WHICH SHALL READ AS FOLLOWS:

6 SHALL A GOVERNMENT STUDY COMMISSION OF (SEVEN, NINE
7 OR ELEVEN) MEMBERS BE ELECTED TO STUDY THE ISSUE OF
8 CONSOLIDATION OR MERGER OF (MUNICIPALITIES TO BE
9 CONSOLIDATED OR MERGED); TO PROVIDE A RECOMMENDATION
10 ON CONSOLIDATION OR MERGER; TO CONSIDER THE
11 ADVISABILITY OF THE ADOPTION OF A NEW HOME RULE
12 CHARTER; AND TO DRAFT A NEW HOME RULE CHARTER, IF
13 RECOMMENDED IN THE REPORT OF THE COMMISSION?

14 (5) THE PETITION SHALL ALSO INCLUDE THE FOLLOWING

15 STATEMENT:

16 ONLY MUNICIPALITIES VOTING IN THE AFFIRMATIVE ON THE
17 QUESTION WILL BE HELD RESPONSIBLE FOR THE COSTS OF
18 THE STUDY COMMISSION.

19 (D) FILING OF PETITION AND DUTY OF ELECTION BOARD.--

20 * * *

21 (3) AT THE NEXT GENERAL, MUNICIPAL OR PRIMARY ELECTION
22 OCCURRING NOT LESS THAN THE 13TH TUESDAY AFTER THE FILING OF
23 THE PETITION WITH THE COUNTY BOARD OF ELECTIONS, IT SHALL
24 CAUSE THE APPROPRIATE QUESTION AND STATEMENT LISTED UNDER
25 SUBSECTION (C) (4) AND (5) TO BE SUBMITTED TO THE ELECTORS OF
26 EACH OF THE MUNICIPALITIES PROPOSED TO BE CONSOLIDATED OR
27 MERGED IN THE SAME MANNER AS OTHER QUESTIONS ARE SUBMITTED
28 UNDER THE ACT OF JUNE 3, 1937 (P.L.1333, NO.320), KNOWN AS
29 THE PENNSYLVANIA ELECTION CODE.

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

1 * * *

2 (3) Each elector shall be instructed to vote on the
3 question and, regardless of the manner of his vote on the
4 question, to vote for the designated number of members of the
5 commission who shall serve if the question is or has been
6 determined in the affirmative by the majority of the whole of
7 those voting in all the municipalities impacted by the
8 consolidation or merger.

9 * * *

10 (g) Results of election.--

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

1 the candidates shall be elected. If two or more candidates
2 for the last seat shall be equal in number of votes, they
3 shall draw lots to determine which one shall be elected.

4 * * *

5 (1) Compensation, personnel and commission budget.--

6 * * *

7 (6) No later than 15 days after the submission of a
8 budget in accordance with paragraphs (4) or (5), a joint
9 public hearing of the commission and the governing bodies of
10 the municipalities shall be held. The governing bodies of the
11 municipalities to be consolidated or merged may, by
12 agreement, modify any budget submitted by the commission. A
13 governing body of a municipality to be consolidated or merged
14 may approve appropriations to the commission in conformity
15 with its share of the modified budget as determined in
16 accordance with paragraph (7) or (7.1). Any unreasonable
17 modification of the budget may be subject to an action as
18 provided in paragraph (8) in the court of common pleas of any
19 county wherein a municipality to be consolidated or merged
20 lies.

21 (7) [The] If a majority in each of the municipalities to
22 be consolidated or merged vote in favor of establishing a
23 commission, the municipalities [to be consolidated or merged]
24 may, by agreement, determine the share that each municipality
25 shall appropriate to fund the estimated budget of the
26 commission. If no agreement as to the respective amount that
27 each municipality shall appropriate is reached, each
28 municipality shall appropriate funds equal to its pro rata
29 share of the total estimated budget of the commission based
30 upon its share of population to the total population of the

1 municipalities to be consolidated or merged.

2 (7.1) When a commission is formed to study consolidation
3 or merger by a vote of the whole in the municipalities
4 considering the question, the municipalities that vote in the
5 affirmative shall be responsible for funding the budget of
6 the commission. Any municipalities that vote in the negative
7 on the question shall not be responsible for the budget costs
8 of the commission.

9 * * *

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