

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1177 Session of
2013

INTRODUCED BY LUCAS, MILLARD AND CALTAGIRONE, APRIL 15, 2013

SENATOR CORMAN, APPROPRIATIONS IN SENATE, RE-REPORTED AS
AMENDED, JUNE 24, 2014

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)~~ 735.1(A), (C), (d)(3), (e)(3), <--
8 (g)(1) and (1)(6) and (7) of Title 53 of the Pennsylvania
9 Consolidated Statutes are amended and subsection (1) is amended
10 by adding a paragraph to read:

11 § 735.1. Initiative of electors seeking consolidation or merger
12 with new home rule charter.

13 (A) GENERAL RULE.--IN ORDER FOR A COMMISSION AND <--
14 CONSOLIDATION OR MERGER PROCEEDINGS TO BE INITIATED BY PETITION
15 OF ELECTORS, PETITIONS CONTAINING SIGNATURES OF AT LEAST 5% OF
16 THE NUMBER OF ELECTORS VOTING FOR THE OFFICE OF GOVERNOR IN THE
17 LAST GUBERNATORIAL GENERAL ELECTION IN EACH MUNICIPALITY
18 PROPOSED TO BE CONSOLIDATED OR MERGED SHALL BE FILED WITH THE

1 COUNTY BOARD OF ELECTIONS OF THE COUNTY IN WHICH THE
2 MUNICIPALITY, OR THE GREATER PORTION OF ITS TERRITORY, IS
3 LOCATED. THE PETITION SHALL SET FORTH:

4 (1) THE NAME OF THE MUNICIPALITY FROM WHICH THE SIGNERS
5 OF THE PETITION WERE OBTAINED.

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

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

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

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

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

19 (6) THE PETITION SHALL ALSO INCLUDE THE FOLLOWING
20 STATEMENT:

21 ONLY MUNICIPALITIES VOTING IN THE AFFIRMATIVE ON THE
22 QUESTION WILL BE HELD RESPONSIBLE FOR THE COSTS OF
23 THE STUDY COMMISSION.

24 * * *

25 [(c) Contents.--A petition shall set forth:

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26 (1) The name of the municipality from which the signers
27 of the petition were obtained.

28 (2) The names of the municipalities proposed to be
29 consolidated or merged.

30 ~~(2.1) An estimated cost of the study commission.~~

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1 (3) The number of persons to compose the commission.

2 (4) The petition question which shall read as follows:

3 Shall a Government Study Commission of (seven, nine
4 or eleven) members be elected to study the issue of
5 consolidation or merger of (municipalities to be
6 consolidated or merged); to provide a recommendation
7 on consolidation or merger; to consider the
8 advisability of the adoption of a new home rule
9 charter; and to draft a new home rule charter, if
10 recommended in the report of the commission?]

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11 ~~(5) The petition shall also include the following~~

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12 statement:

13 ~~Only municipalities voting in the affirmative on the~~
14 ~~question will be held responsible for the costs of~~
15 ~~the study commission.~~

16 (d) Filing of petition and duty of election board.--

17 * * *

18 (3) At the next general, municipal or primary election
19 occurring not less than the 13th Tuesday after the filing of
20 the petition with the county board of elections, it shall
21 cause the appropriate question and statement listed under
22 subsection (c) (4) and (5) SUBSECTION (A) (5) AND (6) to be

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23 submitted to the electors of each of the municipalities
24 proposed to be consolidated or merged in the same manner as
25 other questions are submitted under the act of June 3, 1937
26 (P.L.1333, No.320), known as the Pennsylvania Election Code.

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

28 * * *

29 (3) Each elector shall be instructed to vote on the
30 question and, regardless of the manner of his vote on the

1 question, to vote for the designated number of members of the
2 commission who shall serve if the question is or has been
3 determined in the affirmative by the majority of the whole of
4 those voting in all the municipalities impacted by the
5 consolidation or merger.

6 * * *

7 (g) Results of election.--

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

1 * * *

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

3 * * *

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

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

29 (7.1) When a commission is formed to study consolidation
30 or merger by a vote of the whole in the municipalities

1 considering the question, the municipalities that vote in the
2 affirmative shall be responsible for funding the budget of
3 the commission. Any municipalities that vote in the negative
4 on the question shall not be responsible for the budget costs
5 of the commission.

6 * * *

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