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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

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DATE: March 18, 2010

TO: All members of the House of Representatives

FROM: Rep. Thomas R. Caltagirone

RE: Introduction of Legislation – Consolidation of Municipalities

I will soon be introducing a Joint Resolution to integrate amendments to the Constitution of the Commonwealth of Pennsylvania, reorganizing local government on a county basis. It will require being passed in two consecutive sessions of the legislature and then face a statewide referendum.

The intent of this legislation is to provide the tools to establish municipalities under the jurisdiction of the county and determine the relationship among these municipalities and the county.

I believe that in this effort to amend the Commonwealth of Pennsylvania Constitution, we may be able to model our municipal governments to a more efficient and effective structure. Currently used by many southern states, the consolidation of our municipalities under a County structure would create less bureaucracy and cut down on duplication of services.

I intend to submit this legislation within the next few weeks to generate discussion on our archaic municipal structure. Our current fiscal situation and that of our municipalities makes this far more of a pressing issue as we enter the critical budget discussion this year.

If you wish to co-sponsor this legislation, please contact Patty Tamayo in my office at 787-3525, or e-mail at ptamayo@pahouse.net.

A JOINT RESOLUTION

1 Proposing integrated amendments to the Constitution of the
2 Commonwealth of Pennsylvania, reorganizing local government
3 with a county basis.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby resolves as follows:

6 Section 1. The following integrated amendments to the
7 Constitution of Pennsylvania are proposed in accordance with
8 Article XI:

9 (1) That section 1 of Article IX be amended to read:

10 § 1. Local government.

11 (a) The General Assembly shall provide by general law for
12 local government within the Commonwealth.

13 (b) Such general law shall [be]:

14 (1) Establish the county as the basic unit of local
15 government, with jurisdiction over:

16 (i) personnel;

17 (ii) law enforcement;

- 1 (iii) land use;
2 (iv) sanitation; and
3 (v) health and safety.

4 (2) Establish municipalities under the jurisdiction of the
5 county and determine the relationship among these municipalities
6 and the county.

7 (3) Establish classes of counties and municipalities on the
8 basis of population.

9 (4) Be uniform as to all classes of local government
10 regarding procedural matters.

11 (2) That section 5 of Article IX be amended to read:

12 § 5. Intergovernmental cooperation.

13 A municipality by act of its governing body may, upon its own
14 volition or upon being required by initiative and referendum in
15 the area affected [shall], and with the approval of the
16 governing body of the county in which it is located, cooperate
17 or agree in the exercise of any function, power or
18 responsibility with, or delegate or transfer any function, power
19 or responsibility to, one or more other governmental units
20 including other municipalities or districts, the Federal
21 government, any other state or its governmental units, or any
22 newly created governmental unit.

23 (3) That section 7 of Article IX be amended to read:

24 § 7. Area-wide powers.

25 The General Assembly may grant powers to [area governments or
26 to municipalities] counties within a given geographical area in
27 which there exists intergovernmental cooperation or area
28 government and designate the classes of municipalities subject
29 to such legislation.

30 (4) That section 9 of Article IX be amended to read:

1 § 9. Appropriation for public purposes.

2 The General Assembly shall not authorize any county,
3 municipality or incorporated district to become a stockholder in
4 any company, association or corporation, or to obtain or
5 appropriate money for, or to loan its credit to, any
6 corporation, association, institution or individual. The General
7 Assembly may provide standards by which counties, municipalities
8 or school districts may give financial assistance or lease
9 property to public service, industrial or commercial enterprises
10 if it shall find that such assistance or leasing is necessary to
11 the health, safety or welfare of the Commonwealth or any county,
12 municipality or school district. Existing authority of any
13 municipality or incorporated district to obtain or appropriate
14 money for, or to loan its credit to, any corporation,
15 association, institution or individual, is preserved.

16 (5) That section 10 of Article IX be amended to read:

17 § 10. Local government debt.

18 Subject only to the restrictions imposed by this section, the
19 General Assembly shall prescribe the debt limits of all units of
20 local government [including municipalities and school
21 districts]. For such purposes, the debt limit base shall be a
22 percentage of the total revenue, as defined by the General
23 Assembly, of the unit of local government computed over a
24 specific period immediately preceding the year of borrowing. The
25 debt limit to be prescribed in every such case shall exclude all
26 indebtedness (1) for any project to the extent that it is self-
27 liquidating or self-supporting or which has heretofore been
28 defined as self-liquidating or self-supporting, or (2) which has
29 been approved by referendum held in such manner as shall be
30 provided by law. The provisions of this paragraph shall not

1 apply to the City or County of Philadelphia.

2 Any unit of local government[, including municipalities and
3 school districts,] incurring any indebtedness, shall at or
4 before the time of so doing adopt a covenant, which shall be
5 binding upon it so long as any such indebtedness shall remain
6 unpaid, to make payments out of its sinking fund or any other of
7 its revenues or funds at such time and in such annual amounts
8 specified in such covenant as shall be sufficient for the
9 payment of the interest thereon and the principal thereof when
10 due.

11 (6) That section 11 of Article IX be amended to read:

12 § 11. Local reapportionment.

13 Within the year following that in which the Federal decennial
14 census is officially reported as required by Federal law, and at
15 such other times as the governing body [of any municipality]
16 shall deem necessary, each county or municipality having a
17 governing body not entirely elected at large shall be
18 reapportioned, by its governing body or as shall otherwise be
19 provided by uniform law, into districts which shall be composed
20 of compact and contiguous territory as nearly equal in
21 population as practicable, for the purpose of describing the
22 districts for those not elected at large.

23 (7) That the definition of "municipality" in section 14 of
24 Article IX be amended to read:

25 § 14. Definitions.

26 As used in this article, the following words shall have the
27 following meanings:

28 "Municipality" means a [county,] city, borough, incorporated
29 town, township or any similar general purpose unit of government
30 which shall hereafter be created by the General Assembly.

1 * * *

2 Section 2. (a) Upon the first passage by the General
3 Assembly of these proposed constitutional amendments, the
4 Secretary of the Commonwealth shall proceed immediately to
5 comply with the advertising requirements of section 1 of Article
6 XI of the Constitution of Pennsylvania and shall transmit the
7 required advertisements to two newspapers in every county in
8 which such newspapers are published in sufficient time after
9 passage of these proposed constitutional amendments.

10 (b) Upon the second passage by the General Assembly of these
11 proposed constitutional amendments, the Secretary of the
12 Commonwealth shall proceed immediately to comply with the
13 advertising requirements of section 1 of Article XI of the
14 Constitution of Pennsylvania and shall transmit the required
15 advertisements to two newspapers in every county in which such
16 newspapers are published in sufficient time after passage of
17 these proposed constitutional amendments. The Secretary of the
18 Commonwealth shall submit the proposed constitutional amendments
19 under section 1 to the qualified electors of this Commonwealth
20 as a single ballot question at the first primary, general or
21 municipal election which meets the requirements of and is in
22 conformance with section 1 of Article XI of the Constitution of
23 Pennsylvania and which occurs at least three months after the
24 proposed constitutional amendments are passed by the General
25 Assembly.

26 Section 3. Upon the first passage of these proposed
27 constitutional amendments, the Local Government Commission and
28 the Legislative Reference Bureau shall prepare legislation to
29 implement the reorganization of local government in accordance
30 with the amendment section 1(b)(1), (2) and (3) of Article IX.