

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1027 Session of 2024

INTRODUCED BY DUSH AND BROWN, JANUARY 5, 2024

REFERRED TO LOCAL GOVERNMENT, JANUARY 5, 2024

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in alteration of territory or
3 corporate entity and dissolution, further providing for
4 conduct of referenda and for court review of transitional
5 plan.

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

8 Section 1. Sections 736(c) and 741 of Title 53 of the
9 Pennsylvania Consolidated Statutes are amended to read:

10 § 736. Conduct of referenda.

11 * * *

12 (c) Subsequent referenda.--The five-year moratorium on
13 voting the same consolidation or merger question as provided in
14 subsection (b) shall be deemed not to apply to:

15 (1) any subsequent referendum question involving a
16 consolidation or merger of any combination of two or more
17 contiguous municipalities if the referendum question differs
18 or is dissimilar in any way from a previous referendum
19 question which was not approved as provided for in subsection
20 (b) [.] ; or

1 (2) a new referendum ordered by a court under section
2 741(a.1) (relating to court review of transitional plan).

3 § 741. Court review of transitional plan.

4 (a) General rule.--Except as provided in subsection (a.1) or
5 (b), after the approval of a referendum pursuant to section 736
6 (relating to conduct of referenda), any person who is a resident
7 of a municipality to be consolidated or merged may petition the
8 court of common pleas to order the appropriate municipal
9 governing bodies to:

10 (1) implement the terms of a transitional plan and
11 schedule adopted pursuant to section 734 (relating to joint
12 agreement of governing bodies) or 737 (relating to
13 consolidation or merger agreement); or

14 (2) adopt or amend a transitional plan or schedule if
15 the court finds that the failure to do so will result in the
16 unreasonable perpetuation of the separate forms and
17 classifications of government existing in the affected
18 municipalities prior to the approval of the referendum.

19 (a.1) Suspend implementation.--

20 (1) In the case of the approval of a referendum
21 initiated under section 735 (relating to initiative of
22 electors seeking consolidation or merger without new home
23 rule charter) or 735.1 (relating to initiative of electors
24 seeking consolidation or merger with new home rule charter),
25 the governing body of a municipality to be consolidated or
26 merged may petition the court of common pleas any time prior
27 to the effective date of the consolidation or merger by
28 resolution to find that, because of alleged or apparent
29 fraud, error or material loss impacting the finances of one
30 of the municipalities to be consolidated or merged that

1 occurred prior to the date of the initial referendum and was
2 not disclosed in any official proceeding under this chapter
3 or other law, implementation of the consolidation or merger
4 should be suspended.

5 (2) The court shall hold a hearing on the petition under
6 paragraph (1) and order that a new referendum, replacing the
7 previously held referendum, be held under section 736 if the
8 court finds that the governing body's petition was supported
9 by substantial evidence.

10 (3) If a referendum is ordered under paragraph (2), the
11 adoption or implementation of the consolidation or merger
12 agreement that is the subject of the petition shall be
13 suspended until a new referendum is approved.

14 (b) Exception.--After consolidation or merger pursuant to
15 section 735.1 [(relating to initiative of electors seeking
16 consolidation or merger with new home rule charter)], any person
17 who is a resident of the newly consolidated or merged
18 municipality may petition the court of common pleas to order the
19 governing body of that municipality to act to accept or provide
20 alternatives to the recommendations of the commission in
21 accordance with section 735.1(k)(3)(iii).

22 Section 2. The addition of 53 Pa.C.S. § 741(a.1) shall apply
23 to any referendum under 53 Pa.C.S. § 735 or 735.1 held on or
24 after November 1, 2021.

25 Section 3. This act shall take effect in 60 days.