THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1813 Session of 2019

INTRODUCED BY OTTEN, SCHLOSSBERG AND KENYATTA, SEPTEMBER 17, 2019

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, SEPTEMBER 17, 2019

A JOINT RESOLUTION

- Proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, in declaration of rights, providing for right to local self-government.

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

 Section 1. The following amendment to the Constitution of Pennsylvania is proposed in accordance with Article XI:

 That Article I be amended by adding a section to read:
- 9 § 29. Right to local self-government.
- 10 (a) As all political power is inherent in the people and all
- 11 free governments are founded on their authority and instituted
- 12 for their peace, safety and happiness, the people have an
- 13 <u>inherent and inalienable right to local self-government.</u>
- 14 (b) The right to local self-government includes, without
- 15 <u>limitation</u>, the power to enact local laws:
- 16 (1) protecting health, safety and welfare by
- 17 <u>establishing the rights of people, their communities and</u>
- 18 nature and by securing those rights using prohibitions and

- 1 <u>other means; and</u>
- 2 (2) establishing, defining, altering or eliminating the
- 3 <u>rights, powers and duties of corporations and other business</u>
- 4 <u>entities operating or seeking to operate in the community, to</u>
- 5 prevent infringement of locally enacted rights and violation
- of the prohibitions and other means by which those rights are
- 7 secured.
- 8 (c) Local laws adopted pursuant to subsection (b) shall not
- 9 be subject to preemption by international, Federal or State
- 10 laws, provided that a local law does not:
- 11 (1) infringe or restrict fundamental rights of
- individuals, their communities or nature secured by the
- 13 <u>Constitution of the United States, the Constitution of</u>
- 14 <u>Pennsylvania or international law; or</u>
- 15 (2) minimize protections for health, safety and welfare
- provided by international, Federal and State law.
- 17 (d) All provisions of this section are self-executing and
- 18 <u>severable</u>.
- 19 Section 2. (a) Upon the first passage by the General
- 20 Assembly of this proposed constitutional amendment, the
- 21 Secretary of the Commonwealth shall proceed immediately to
- 22 comply with the advertising requirements of section 1 of Article
- 23 XI of the Constitution of Pennsylvania and shall transmit the
- 24 required advertisements to two newspapers in every county in
- 25 which such newspapers are published in sufficient time after
- 26 passage of this proposed constitutional amendment.
- 27 (b) Upon the second passage by the General Assembly of this
- 28 proposed constitutional amendment, the Secretary of the
- 29 Commonwealth shall proceed immediately to comply with the
- 30 advertising requirements of section 1 of Article XI of the

- 1 Constitution of Pennsylvania and shall transmit the required
- 2 advertisements to two newspapers in every county in which such
- 3 newspapers are published in sufficient time after passage of
- 4 this proposed constitutional amendment. The Secretary of the
- 5 Commonwealth shall submit this proposed constitutional amendment
- 6 to the qualified electors of this Commonwealth at the first
- 7 primary, general or municipal election which meets the
- 8 requirements of and is in conformance with section 1 of Article
- 9 XI of the Constitution of Pennsylvania and which occurs at least
- 10 three months after the proposed constitutional amendment is
- 11 passed by the General Assembly.