

No. 10

A JOINT RESOLUTION

Proposing an amendment to article fifteen of the Constitution of the Commonwealth, by adding thereto section five.

Section 1. Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the following amendment to article fifteen of the Constitution of the Commonwealth of Pennsylvania be, and the same is hereby, proposed, in accordance with the eighteenth article thereof:—

That article fifteen be amended by adding thereto section five, as follows:

Section 5. The General Assembly may authorize cities to take more land and property than is needed for actual construction in the laying out, widening, extending or relocating highways or streets connecting with bridges crossing streams, or tunnels under streams, which form boundaries between this and any other State, but the additional land and property, so authorized to be taken, shall not be more than sufficient to form suitable building sites on such highways or streets; nor shall the authority hereby conferred be exercised in connection with the laying out, widening, extending or relocating of any highway or street at a point more than three miles distant from the approach to any such bridge or tunnel. After so much of the land and property has been appropriated for such highways or streets as is needed therefor, the remainder may be sold or leased and any restrictions imposed thereupon which will preserve or enhance the benefit to the public of the property actually needed for the aforesaid public use.

GROVER C. TALBOT

Speaker of the House of Representatives

JAMES S. BOYD

President pro tempore of the Senate

 No. 11

A JOINT RESOLUTION

Proposing an amendment to article fifteen, section four, of the Constitution of the Commonwealth of Pennsylvania.

Section 1. Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the following amendment to the Constitution of the Commonwealth of Pennsylvania be, and the same is hereby, proposed, in accordance with the eighteenth article thereof:—

That section four of article fifteen is hereby amended to read as follows:

Section 4. The General Assembly is hereby authorized to provide for the consolidation of the county, poor districts, cities, boroughs and townships of the county of Allegheny, and the offices thereof, into a consolidated city and county, with the constitutional and legal capacity of a municipal corporation, to be known either as "Greater Pitts-

burgh" or "Metropolitan Pittsburgh" or "City of Pittsburgh (Metropolitan)," and to provide for a charter for its government, and to fix the name thereof in the charter. The said charter shall be submitted to the electors of said county at a special or general election to be provided for therein. If the majority of the electors voting thereon in the county as a whole, and at least a majority of the electors voting thereon in each of a majority of the cities, boroughs and townships thereof, vote in the affirmative, the act shall take effect for the whole county.

If rejected, the said charter may be resubmitted by the county commissioners to the electors from time to time, but not oftener than once in two years, until adopted. Until a charter shall have been adopted as aforesaid, the General Assembly shall have the power to amend or modify the said charter, in which event the charter as amended or modified shall be submitted and resubmitted as aforesaid.

It shall be competent, subject to the police power of the State, for the Legislature to provide in said charter:

I. For the exercise by the consolidated city of all the powers and duties vested in the county of Allegheny, and the poor districts thereof, and such other powers appropriate to a municipality as may be specified therein, except such powers as are specifically reserved by this section to the municipal divisions herein provided for.

II. For the election of a board of commissioners, by districts and/or at large, by the electors of the consolidated city, the number to be fixed by the charter, in lieu of present county commissioners, in which board shall be vested all the powers of the consolidated city, except as otherwise provided in the charter.

III. For the organization of a government for the consolidated city, and for the appointment and/or election of any officers thereof, created by the Constitution, or otherwise, and to provide for their powers and duties.

IV. For the organization and reorganization of all courts, other than those of record, in the consolidated city, and for the appointment and/or election of the judges and officers thereof, and for the procedure thereof, including the right to provide that said court or courts be courts of record, which courts may exercise the jurisdiction, powers and rights of the magistrates, aldermen and justices of the peace, and such other jurisdiction and powers as may be conferred by law.

V. For the transfer to, and the assumption by, the consolidated city of the property and indebtedness of the county of Allegheny, and the poor districts thereof, and of such property and indebtedness of the cities, boroughs and townships thereof as relate to the powers and duties of said consolidated city, and to provide for an equitable adjustment and arrangement with respect thereto and for the payment of such indebtedness, and, for this purpose, any taxation therein, arising thereby, shall be uniform taxation within the meaning and intent of other provisions of the Constitution.

VI. For the assessment of property for taxation, the levying and collecting of taxes, and the payment of the cost of any public or municipal improvement, in whole or in part, by special assessment upon abutting and non-abutting property specially benefited thereby.

VII. For the creation, by the board of commissioners, of districts for the purpose of regulating the location, height, area, bulk and use of buildings and premises.

VIII. For the creation of indebtedness by the consolidated city within the limits now or hereafter imposed upon cities by other provisions of the Constitution. Such power to create indebtedness shall not impair the power of the municipal divisions, within the consolidated city, to create indebtedness within the limits now or hereafter imposed upon such municipalities by other provisions of the Constitution.

IX. For the creation, by the board of commissioners, of special districts for the purpose of carrying on or carrying out any public or municipal improvement, not for the exclusive benefit of any one municipal division; and for the payment of the cost and maintenance of such property or improvement, or any part thereof, special taxes may be levied throughout such special districts, respectively, separate and apart from the general consolidated city tax.

X. For the exercise of such powers by the consolidated city as may be necessary to enable it to carry on and carry out such municipal and metropolitan powers and functions as the General Assembly may deem advisable and expedient and for the general welfare of the said city and its inhabitants:

Provided, however, That it is the intent of this section that substantial powers be reserved to the cities, boroughs and townships situated in Allegheny County. To this end the charter shall provide for the continued existence of the said cities, boroughs and townships, as municipal divisions of the consolidated city, under their present names and forms of government, subject to the laws now or hereafter provided for government of municipalities of their respective forms and classes and to the powers conferred upon the consolidated city by the charter, and with their present boundaries. Any two or more of said municipal divisions, or portions thereof, may, with the consent of a majority of the electors voting thereon in each of such divisions at any special or general election, be united to form a single municipal division. Wherever a portion of a municipal division is involved, the election shall be held in the entire municipal division of which the said portion is a part.

The said municipal divisions shall have and continue to have the following powers:

I. The constitutional and legal capacity of municipal corporations.

II. The power to levy and collect taxes and to incur indebtedness, subject to the limitations which are or may be imposed by law upon cities, boroughs or townships of corresponding classification, for the purpose of carrying out any lawful power of said divisions.

III. The power to acquire, own, construct, maintain, operate or contract for all kinds of public property, works, improvements, utilities or services, which shall be within the municipal division and, where authorized by law, without the limits of the municipal division. Subject, however, to the right and power of the consolidated city to construct, acquire, maintain and/or operate public works, improvements, utilities and services of all kinds, including through streets, highways and/or bridges, for the use and benefit of the consolidated city and its inhabitants.

IV. The power to maintain a local police force and local fire department, either paid or volunteer, with the necessary buildings, appurtenances and equipment therefor, which may be independent of or supplemental to the police force and fire department of the consolidated city.

V. All other powers not specifically granted by the charter to the consolidated city: Provided, however, That a municipal division may surrender, by a majority vote of the electors voting thereon at any general or special election, any of its powers to the consolidated city, subject to the acceptance thereof by the board of commissioners.

After a charter has been adopted as aforesaid, it may be amended as follows:

I. In matters which relate only to the powers of the consolidated city and which do not reduce the powers of any one or more of the municipal divisions thereof by the General Assembly: Provided, however, That any amendment which changes or modifies the form of government of the consolidated city, or the number of or manner of election of the commissioners thereof, shall not be effective until such amendment shall have been ratified by a majority of the electors of the consolidated city voting thereon at a general or special election, to be provided for in said amendment.

II. In matters which reduce the powers of any one or more of the municipal divisions of the consolidated city, such amendment, enacted by the General Assembly, shall not be effective until it shall have been ratified at a general or special election, to be provided for in said amendment, by a majority of the electors voting thereon in all of the municipal divisions affected thereby, and by a majority of the electors voting thereon in each of a majority of said municipal divisions so affected.

E. C. SHANNON

President of the Senate

GROVER C. TALBOT

Speaker of the House of Representatives

No. 12

A JOINT RESOLUTION

Proposing an amendment to article nine of the Constitution of the Commonwealth, by adding thereto section sixteen.

Section 1. Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the following amendment to the Constitution of Pennsylvania be, and the same is hereby, proposed, in accordance with the eighteenth article thereof:—

That article nine be amended by adding thereto the following section:

Section 16. In addition to the purposes stated in article nine, section four, of this Constitution, the General Assembly may provide by law for the issue of bonds, to the amount of ten millions of dollars, for the purpose of acquiring toll bridges, and may, by law, provide that, upon the acquisition of any such bridge, tolls may be charged for the use thereof, sufficient to pay the interest and sinking fund charges on such bonds and the cost of the maintenance of such bridges, until the bonds issued have been retired and such bridges are freed of tolls.

GROVER C. TALBOT

Speaker of the House of Representatives

E. C. SHANNON

President of the Senate