
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1716 Session of
2021

INTRODUCED BY OTTEN, HERRIN AND HILL-EVANS, AUGUST 12, 2021

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, AUGUST 12, 2021

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth
2 of Pennsylvania, providing for right to community self-
3 government.

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

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

8 That Article I be amended by adding a section to read:

9 § 29. Right to community 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 inherent and inalienable right to community self-government.

14 (b) The right to community self-government includes, without
15 limitation, the power to enact local laws:

16 (1) protecting health, safety and welfare by
17 establishing the rights of people, their communities and
18 ecosystems and by securing those rights using prohibitions

1 and other means; and

2 (2) establishing, defining, altering or eliminating the
3 rights, powers and duties of corporations and other business
4 entities operating or seeking to operate in the community, to
5 prevent infringement of locally enacted rights and violation
6 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
12 individuals, their communities or ecosystems secured by the
13 Constitution of the United States, the Constitution of
14 Pennsylvania or international law; or

15 (2) minimize protections for health, safety and welfare
16 provided by international, Federal and State law.

17 (d) All provisions of this section are self-executing and
18 severable.

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.