

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1285 Session of
2014

INTRODUCED BY WOZNIAK, FERLO, ALLOWAY, TEPLITZ, KASUNIC,
YUDICHAK AND FARNESE, MARCH 14, 2014

REFERRED TO STATE GOVERNMENT, MARCH 14, 2014

AN ACT

1 Providing for a constitutional convention with limited powers;
2 providing for a referendum on the question; providing for the
3 selection, nomination and election of delegates; defining the
4 powers and duties of the convention; providing for its
5 operation; conferring powers and imposing duties on the
6 Governor, the Secretary of the Commonwealth, officers of the
7 General Assembly and county election boards; providing for a
8 referendum on the convention's report; and making an
9 appropriation.

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8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Short title.

11 This act shall be known and may be cited as the
12 Constitutional Convention Act of 2014.

13 Section 2. General statement of purpose.

14 The General Assembly finds that:

15 (1) The intent of the limited Constitutional Convention
16 is to propose amendments to the Pennsylvania Constitution
17 regarding the consolidation of school districts based on
18 defined salient economic, fiscal and qualitative factors.

19 (2) The convention must, at all times, keep the
20 interests of both students and taxpayers balanced and in
21 focus. The proposed change in the size, number and
22 composition of school districts must be prudent, necessary
23 and based on the following:

24 (i) For too long, taxpayers have had to support
25 small, financially struggling school districts with high
26 property taxes while too many students have not received
27 academic, scholastic or athletic opportunities because
28 they attend small or impoverished districts. Therefore,
29 the proposed amendments that would change the number,
30 size and composition of school districts would present

1 clear, discernible advantages for all students and
2 taxpayers.

3 (ii) A 2007 study by the Legislative Budget and
4 Finance Committee found economic grounds for combining
5 high-spending smaller districts with lower-spending
6 larger districts, if the consolidated district population
7 remains between 2,500 and 3,000 students. Therefore, the
8 proposed school consolidation amendments would provide
9 easily identifiable and quantifiable economic, academic
10 and financial value for the school districts that are
11 impacted.

12 (iii) Pennsylvania needs a process to adjust the
13 number, size and composition of school districts.
14 Nationally, 12 states have initiatives or mandates
15 covering mergers and four states have targeted mergers to
16 eliminate small school districts. Given the number of
17 small school districts and school districts that have
18 experienced significant economic upheaval and population
19 instability that are geographically positioned near other
20 districts that are relatively stable and wealthy, there
21 is a clear need to develop a system to manage shifts in
22 wealth and population in order to maximize efficiency,
23 improve education and reduce costs. Therefore, the
24 proposed amendments would include a continuous and
25 flexible process and criteria regarding preferable school
26 size and wealth that permits school district boundary
27 changes, mergers and consolidation without the need to
28 revert to the constitutional amendment process.

29 (iv) Pennsylvania has a long history of reducing the
30 number of school districts. This Commonwealth had 2,277

1 districts prior to the adoption of the act of September
2 12, 1961 (P.L.1283, No.561), entitled, "An act amending
3 the act of March 10, 1949 (P.L.30), entitled 'An act
4 relating to the public school system, including certain
5 provisions applicable as well to private and parochial
6 schools; amending, revising, consolidating and changing
7 the laws relating thereto,' further classifying school
8 districts and providing for the re-organization of school
9 districts." Following the enactment of the act of
10 September 12, 1961 (P.L.1283, No.561), the act of August
11 8, 1963 (P.L.564, No.299), entitled "An act amending the
12 act of March 10, 1949 (P.L.30), entitled 'An act relating
13 to the public school system, including certain provisions
14 applicable as well to private and parochial schools;
15 amending, revising, consolidating and changing the laws
16 relating thereto,' extending certain dates, providing
17 opportunity to county boards of school directors to
18 review certain plans, providing for appeals to the State
19 Board of Education, changing minimum pupil requirements,
20 clarifying the provisions relating to election, seniority
21 rights and suspension of certain school employees upon a
22 reorganization of school districts, changing provisions
23 relating to supplemental payments, providing for payments
24 on account of pupil transportation in certain cases,
25 guaranteeing minimum reimbursements to newly established
26 school districts, providing for the disposition of
27 property indebtedness and rental obligations of former
28 school districts, authorizing a tax to liquidate certain
29 funded indebtedness contracted for current operating
30 expenses, and providing for the election of school

1 directors, the selection of interim operating committees
2 and the powers and duties of incumbent school directors
3 in school districts of the second, third and fourth
4 class, and deleting and repealing the provisions of 'Act
5 561' which required the reorganization of school
6 districts," and the act of July 8, 1968 (P.L.299,
7 No.150), entitled, "A supplement to the act of March 10,
8 1949 (P.L.30), entitled 'An act relating to the public
9 school system, including certain provisions applicable as
10 well to private and parochial schools; amending,
11 revising, consolidating and changing the laws relating
12 thereto,' providing for the establishment of
13 administrative units comprised of certain school
14 districts." In the 1960s, Pennsylvania had 505 districts.
15 Pennsylvania currently has 501 school districts.
16 Therefore, the proposed amendments would further reduce
17 the number of school districts to save additional tax
18 dollars and improve efficiency.

19 (v) Over the years, many legislative attempts have
20 been made to address school consolidations. Repeated
21 studies have been published lauding the benefits of
22 school district mergers. The proposed amendments would
23 clearly identify cost savings for taxpayers and academic
24 improvements for students.

25 (vi) Section 14 of Article III of the Constitution
26 of Pennsylvania specifically charges the General Assembly
27 with providing for the "maintenance and support of a
28 thorough and efficient system of public education to
29 serve the needs of the Commonwealth." The proposed
30 amendments would define a level of State funding adequacy

1 for all school districts in order to reduce education
2 funding disparity, improve the quality of education and
3 reduce local tax burdens. The funding guidance would be
4 developed in conjunction with recommendations relative to
5 number, size and composition of school districts with the
6 goal of equitable State support for all districts.

7 Section 3. Definitions.

8 The following words and phrases when used in this act shall
9 have the meanings given to them in this section unless the
10 context clearly indicates otherwise:

11 "Candidate." An individual seeking to become an elected
12 delegate.

13 "Committee." The Preparatory Committee established in
14 section 8.

15 "Convention." The Constitutional Convention authorized by
16 this act.

17 "County board." A county board of elections.

18 "Delegate." A delegate to the convention. The term includes
19 an elected delegate and an ex officio delegate.

20 "Department." The Department of State of the Commonwealth.

21 "Elected delegate." A delegate who is elected to the
22 convention under section 5(b)(1).

23 "Ex officio delegate." A delegate to the convention under
24 section 5(b)(2).

25 "Secretary." The Secretary of the Commonwealth.

26 Section 4. Referendum.

27 (a) Question.--At the primary election in May 2014, the
28 following question shall be submitted to the electorate of this
29 Commonwealth to determine its will regarding a constitutional
30 convention with limited powers:

1 Shall a constitutional convention be called in accordance
2 with and subject to the limitations and requirements
3 contained in the Constitutional Convention Act of 2014,
4 to prepare for submission to the electorate proposals for
5 the revision of the following provisions of the
6 Constitution of Pennsylvania as provided in section 10 of
7 the Constitutional Convention Act of 2014:

8 section 14 of Article III;

9 sections 1 and 2 of Article VIII?

10 (b) Election.--The secretary shall certify questions to the
11 county boards of elections. The election shall be conducted in
12 accordance with the act of June 3, 1937 (P.L.1333, No.320),
13 known as the Pennsylvania Election Code.

14 (c) Secretary.--If a majority of the electors voting on the
15 question under subsection (a) vote in the affirmative, the
16 secretary shall transmit notice of the vote to the Legislative
17 Reference Bureau for publication as a notice in the Pennsylvania
18 Bulletin.

19 Section 5. Convention; membership; qualifications; vacancies.

20 (a) Call.--If a majority of the electors voting upon the
21 question under section 4(a) vote in the affirmative, a
22 convention shall be called by the Governor.

23 (b) Delegates.--The convention shall consist of the
24 following delegates:

25 (1) Three delegates shall be elected from each
26 senatorial district. Each elector in each senatorial district
27 may vote for not more than two candidates. The three
28 candidates receiving the highest number of votes shall be
29 elected delegates.

30 (2) The following shall be ex officio delegates and

1 shall have the powers of elected delegates:

2 (i) The Lieutenant Governor.

3 (ii) The President pro tempore of the Senate.

4 (iii) The Majority Leader of the Senate.

5 (iv) The Majority Whip of the Senate.

6 (v) The Minority Leader of the Senate.

7 (vi) The Minority Whip of the Senate.

8 (vii) The Minority Caucus Chairman of the Senate.

9 (viii) The Speaker of the House of Representatives.

10 (ix) The Majority Leader of the House of
11 Representatives.

12 (x) The Majority Whip of the House of
13 Representatives.

14 (xi) The Minority Leader of the House of
15 Representatives.

16 (xii) The Minority Whip of the House of
17 Representatives.

18 (xiii) The Minority Caucus Chairman of the House of
19 Representatives.

20 (c) Qualifications.--An elected delegate must meet the
21 following qualifications:

22 (1) Be at least 18 years of age.

23 (2) Have been a citizen and resident of this
24 Commonwealth for at least four years before election.

25 (3) Have resided in and been a registered elector of the
26 elected delegate's senatorial district for at least one year
27 preceding election.

28 (4) Reside in the elected delegate's senatorial district
29 during term of service.

30 (d) Expenses.--Elected delegates shall be entitled to

reimbursement for reasonable expenses incurred in the performance of their duties.

Section 6. Nomination of elected delegates; withdrawals.

(a) Political parties.--The county committee of each political party in each senatorial district shall collectively nominate two candidates in accordance with party rules and the names of the nominees submitted to the secretary. The secretary shall certify the names of the nominees to the county board as provided by law not later than September 19, 2014.

(b) Political bodies.--Subject to the limitations upon the number in this act applicable to political parties, candidates may also be nominated by political bodies by petition in accordance with the following:

(1) The secretary shall prescribe the form of the petition.

(2) A petition must be signed by at least 500 qualified electors of the senatorial district in accordance with the following:

(i) An elector may not sign more than two nomination petitions.

(ii) A signer must state occupation and residence, giving city, borough or township, with street and number, and that the signer is a qualified elector of the district. The signature must be dated.

(iii) A petition may not be circulated prior to August 20, 2014. A signature shall not be counted unless it bears a date later than August 19, 2014.

(iv) A petition may be on one or more sheets. Different sheets must be used for signers resident in different counties. If more than one sheet is used, the

1 sheets must be bound together when offered for filing if
2 they are intended to constitute one petition, and each
3 sheet must be numbered consecutively at the foot of each
4 page, beginning with number one. Each sheet must have
5 appended to it the affidavit of the individual who
6 circulated it setting forth:

7 (A) that the individual is a qualified elector
8 of the senatorial district named in the petition;

9 (B) the individual's residence, giving city,
10 borough or township, with street and number;

11 (C) that the signers to the petition signed with
12 knowledge of the contents of the petition;

13 (D) that the residences of the signers are
14 correctly stated;

15 (E) that each signer resides in the district
16 named in the affidavit;

17 (F) that each signer signed on the date set
18 forth; and

19 (G) that, to the best of the affiant's knowledge
20 and belief, the signers are qualified electors of the
21 district.

22 (3) A petition must be filed in the office of the
23 secretary by September 3, 2014. A filing fee of \$100 must be
24 paid by the candidate by certified check or money order.

25 (c) Candidate's affidavit.--A candidate must file with the
26 secretary an affidavit stating all of the following:

27 (1) The candidate's residence with street and number and
28 post office address.

29 (2) That the candidate is eligible for the office of
30 elected delegate to the constitutional convention.

1 (3) That, if elected, the candidate will faithfully
2 observe the limitations and requirements imposed upon the
3 convention by this act.

4 (4) That the candidate meets the qualifications under
5 section 5(c).

6 (d) Withdrawal.--A candidate may withdraw as a candidate as
7 follows:

8 (1) Make a request in writing. The request must be
9 signed by the candidate and acknowledged before an officer
10 empowered to administer oaths.

11 (2) File the request in the office of the secretary by 5
12 p.m. on September 10, 2014.

13 Section 7. Elected delegates.

14 Elections for elected delegates shall be held at the general
15 election in November 2014. The secretary shall forward to each
16 county board the names of the candidates. Each elector voting at
17 the municipal election shall be entitled to vote for two
18 candidates from the elector's senatorial district. The three
19 candidates receiving the highest number of votes in each
20 district shall be the elected delegates of that district. In the
21 case of a tie vote, the election shall be determined in
22 accordance with the provisions of section 1418 of the act of
23 June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania
24 Election Code. The county board shall, by November 18, 2014,
25 certify the return to the secretary. The secretary shall, by
26 November 25, 2014, certify to the Governor the names of the
27 elected delegates.

28 Section 8. Vacancies.

29 (a) Candidate.--In the event of the death or withdrawal of a
30 candidate occurring prior to September 17, 2014, a substitute

1 nomination shall be made under section 6.

2 (b) Elected delegate.--In the event of a vacancy in the
3 office of the elected delegate, a successor shall be elected as
4 follows:

5 (1) If the elected delegate was nominated under section
6 6(a), the remaining delegates of that political party shall
7 elect a successor who meets the qualifications under section
8 5(c). The secretary shall prescribe appropriate time
9 limitations.

10 (2) If the elected delegate member was nominated under
11 section 6(b), all of the remaining delegates shall elect a
12 successor meeting the qualifications under section 5(c).

13 Section 9. Preparatory Committee.

14 (a) Membership.--Ex officio delegates shall constitute the
15 Preparatory Committee to make arrangements for the convention.

16 (b) Meeting organization.--Upon certification by the
17 secretary of the results of the referendum election under
18 section 4, the committee shall have the following powers and
19 duties:

20 (1) To lease or otherwise obtain suitable meeting and
21 office space and to purchase or lease supplies, equipment,
22 publications and other materials necessary for the work of
23 the convention.

24 (2) To hire or engage staff necessary for the
25 preparatory work of the convention.

26 (3) To initiate relevant studies through its own
27 personnel or in cooperation with any public or private
28 agencies.

29 (4) To hold public hearings.

30 (5) To enter into contracts.

1 (6) To receive from Commonwealth agencies and political
2 subdivisions and local agencies assistance necessary or
3 desirable to carry out properly the powers and duties under
4 this subsection.

5 (7) To submit a budget for the convention to the General
6 Assembly in sufficient time for the General Assembly to pass
7 the necessary appropriation acts.

8 (8) To do other acts necessary to carry out the powers
9 and duties under this subsection.

10 Section 10. Organization of convention.

11 (a) Convening.--

12 (1) The convention shall convene in the hall of the
13 House of Representatives on December 1, 2014, at 12 noon.

14 (2) The convention shall be called to order by the
15 Governor.

16 (3) The secretary shall certify the returns of the
17 elections for elected delegates and issue certificates of
18 election.

19 (4) The Chief Justice of the Supreme Court or a designee
20 of the Chief Justice shall then administer the oath of office
21 in the following form:

22 I do solemnly swear (or affirm) that I will support, obey
23 and defend the Constitution of the United States and the
24 Constitution of Pennsylvania, and that I will discharge the
25 duties of my office with fidelity.

26 (b) Organization.--

27 (1) The convention shall be the final judge of the
28 qualifications of its own delegates.

29 (2) The convention shall organize by electing from among
30 its delegates a president, secretary and other officers.

1 (3) The convention shall prescribe rules for:

2 (i) procedure; and

3 (ii) conduct of its delegates, including censure,
4 suspension or removal.

5 (c) Immunity.--

6 (1) A delegate shall in all cases, except treason,
7 felony, violation of oath of office and breach of the peace,
8 be privileged from arrest during attendance and travel to and
9 from the convention.

10 (2) A delegate shall not be questioned in any other
11 place for any speech or debate in the convention.

12 (d) Sine die adjournment.--The convention shall adjourn sine
13 die on February 27, 2015.

14 Section 11. Function.

15 (a) Scope.--The convention has the power, by a vote of a
16 majority of delegates, to make recommendations to the electorate
17 on the following subjects only:

18 (1) Section 14 of Article III of the Constitution of
19 Pennsylvania, pertaining to public school system.

20 (2) Section 1 of Article VIII of the Constitution of
21 Pennsylvania, pertaining to the uniformity of taxation.

22 (3) Section 2 of Article VIII of the Constitution of
23 Pennsylvania, pertaining to exemption and special provisions.

24 (b) Limitations.--The convention shall not consider or
25 include in its recommendations section 11 of Article VIII of the
26 Constitution of Pennsylvania as it pertains to the Motor License
27 Fund.

28 (c) Reorganization.--In dealing with the subject matter
29 under subsection (a), the convention may recommend amendment,
30 deletion, transfer or continuation without change.

1 Section 12. Manner of submitting proposals to electorate.

2 (a) Convention.--

3 (1) The recommendations of the convention shall be
4 submitted to the electorate as determined by the convention.

5 (2) The convention shall frame the ballot questions.

6 (b) Certification.--The changes proposed and the ballot
7 questions shall be certified by the president and secretary of
8 the convention to the secretary by February 27, 2015.

9 Section 13. Submission to electorate.

10 (a) Secretary.--

11 (1) The secretary shall advertise the proposals of the
12 convention in at least two newspapers of general circulation
13 in every county once during the last week in March 2015.

14 (2) The secretary shall publish the Constitution of
15 Pennsylvania showing the changes proposed by the convention
16 in convenient form.

17 (3) The secretary shall send ten copies of the
18 publication under paragraph (2) to each county board.

19 (4) Upon request of an elector, the secretary shall send
20 a copy of the publication under paragraph (2).

21 (5) The secretary shall post the proposals of the
22 convention on the department's publicly accessible Internet
23 website.

24 (6) The secretary shall post on the department's
25 publicly accessible Internet website the Constitution of
26 Pennsylvania showing the changes proposed by the convention
27 in convenient form.

28 (b) County boards.--A county board shall make the
29 publication under subsection (a)(4) available at each polling
30 place.

1 (c) Election.--

2 (1) The recommendations of the convention shall be
3 submitted to the electors for their approval or rejection at
4 the primary election of May 2015.

5 (2) A majority vote of the electors voting in the
6 election is necessary for the adoption of the recommendations
7 of the convention.

8 (d) Certification.--The secretary shall certify the results
9 of the election.

10 Section 14. Lobbying.

11 The provisions of 65 Pa.C.S. Ch. 13A (relating to lobbying
12 disclosure) shall apply to the convention.

13 Section 15. Open meetings.

14 The provisions of 65 Pa.C.S. Ch. 7 (relating to open
15 meetings) shall apply to the convention.

16 Section 16. Ethics.

17 The provisions of 65 Pa.C.S. Ch. 11 (relating to ethics
18 standards and financial disclosure) shall apply to the elected
19 delegates.

20 Section 17. Appropriation.

21 The sum of \$1,000,000, or as much thereof as may be
22 necessary, is hereby appropriated to the Preparatory Committee
23 for the fiscal year July 1, 2014, to June 30, 2015, to carry out
24 the provisions of this act.

25 Section 18. Effective date.

26 This act shall take effect as follows:

27 (1) Section 17 shall take effect upon publication of the
28 notice under section 4(c).

29 (2) The remainder of this act shall take effect
30 immediately.