

## AMENDMENTS TO SENATE BILL NO. 1166

Sponsor: SENATOR BOSCOLA

Printer's No. 1753

1 Amend Bill, page 1, line 1, by striking out "an amendment"  
2 and inserting  
3 distinct amendments

4 Amend Bill, page 1, line 1, by inserting after "in"  
5 legislature, providing for powers reserved to the people; and,  
6 in

7 Amend Bill, page 1, lines 5 and 6, by striking out all of  
8 said lines and inserting

9 Section 1. The following distinct amendments to the  
10 Constitution of Pennsylvania are proposed in accordance with  
11 Article XI:

12 (1) That Article III be amended by adding a section to read:  
13 § 33. Powers reserved to the people.

14 (a) (1) The legislative power of this Commonwealth shall be  
15 vested in the Senate and the House of Representatives, but the  
16 people reserve to themselves the power to propose laws and  
17 amendments to this Constitution at the polls, independently of  
18 the General Assembly.

19 (2) The initiative is the power of the electors to propose  
20 statutes and amendments to this Constitution.

21 (3) An initiative measure may be proposed by presenting to  
22 the Secretary of the Commonwealth a petition that provides the  
23 text of the proposed statute or amendment to this Constitution  
24 and is certified by the Secretary of the Commonwealth to have  
25 been signed by registered electors equal in number to 5% of the  
26 votes for all candidates for Governor at the last gubernatorial  
27 election in not less than 45 counties in this Commonwealth.

28 (4) The Secretary of the Commonwealth shall only certify a  
29 measure on which all signatures on petitions are obtained and  
30 affixed to the petitions for the measure during the same regular  
31 session of the General Assembly and which is submitted by 5 p.m.  
32 on Friday after the second Thursday of February in the second  
33 year of that session.

34 (5) An initiative measure embracing more than one subject  
35 may not be submitted to the electors or have any effect.

1 (6) No measure that relates to religion, religious practices  
2 and institutions; the appointment, qualification, tenure,  
3 removal, recall or compensation of judges; the reversal of a  
4 judicial decision; the powers, creation or abolition of courts;  
5 the making of a specific appropriation of money from the  
6 treasury; and the naming of a private corporation to perform a  
7 function or to have a power or duty may be proposed by an  
8 initiative petition.

9 (7) The Secretary of the Commonwealth shall submit the  
10 measure at the next general, municipal, primary or special  
11 statewide election held at least 75 days after it qualifies. The  
12 measure shall be referred to a vote of the qualified electors  
13 and shall become law when approved by a majority of the votes  
14 cast on the measure and upon proclamation of the Governor.

15 (b) (1) The legislative power of this Commonwealth shall be  
16 vested in the Senate and the House of Representatives, but the  
17 people reserve to themselves the power, at their own option, to  
18 reject statutes or parts of statutes passed by the General  
19 Assembly.

20 (2) The referendum is the power of the electors to reject  
21 statutes or parts of statutes except urgency statutes or  
22 statutes calling elections.

23 (3) A referendum measure may be proposed by presenting to  
24 the Secretary of the Commonwealth, within 90 days after the  
25 enactment date of the statute, a petition certified to have been  
26 signed by registered electors equal in number to 5% of the votes  
27 for all candidates for Governor at the last gubernatorial  
28 election in not less than 45 counties in this Commonwealth  
29 asking that the statute or part of it be submitted to the  
30 electors.

31 (4) If a petition is certified to have been signed by  
32 registered electors equal to 10% of the votes for all candidates  
33 for Governor at the last gubernatorial election in not less than  
34 45 counties in this Commonwealth, the effective date of the  
35 enacted legislation is suspended until the next election at  
36 which time the measure shall be submitted to the electors.

37 (5) The Secretary of the Commonwealth shall submit the  
38 measure at the next general, municipal, primary or special  
39 Statewide election held at least 75 days after it qualifies. The  
40 measure shall be referred to a vote of the qualified electors  
41 and shall become law when approved by a majority of the votes  
42 cast on the measure and upon proclamation of the Governor.

43 (c) (1) The General Assembly shall provide the manner in  
44 which petitions shall be circulated, presented and certified and  
45 require by law measures to ensure full disclosure of  
46 disbursements made and receipts obtained by parties who have an  
47 interest in initiative and referendum measures and who have  
48 exceeded a statutory threshold for these disbursements and  
49 receipts for any one initiative or referendum measure in each  
50 election. The General Assembly shall also require by law  
51 reasonable limits on contributions made to parties who have an

1 interest in the passage or defeat of an initiative or referendum  
2 measure for each measure and in each election. The General  
3 Assembly shall also require by law the full disclosure of any  
4 disbursements made by a person or corporation from another state  
5 to advocate the passage or defeat of an initiative or referendum  
6 measure. The General Assembly shall, within 90 days following  
7 approval of this section, enact the legislation outlined in this  
8 paragraph.

9 (2) An initiative or referendum petition, in order to be  
10 eligible for certification by the Secretary of the Commonwealth,  
11 shall first be signed by 100 registered electors of the  
12 Commonwealth, the originators, who shall pay an administrative  
13 fee not exceeding the fee required by law for the filing of  
14 nomination petitions by candidates for public office to be  
15 filled by the electors of the State-at-large. If the Secretary  
16 of the Commonwealth shall certify that the petition contains the  
17 entire text of the measure, that the measure is not, either  
18 affirmatively or negatively, substantially the same as any  
19 measure which has been previously submitted to the electors  
20 during the same session of the General Assembly and that it  
21 contains only one subject which is not excluded from  
22 consideration under this section, then the Secretary of the  
23 Commonwealth shall provide blanks for the use of subsequent  
24 signers and shall print at the top of each blank the names of  
25 the first 10 originators and a fair, concise summary, as  
26 determined by the Secretary of the Commonwealth, of the proposed  
27 measure as the summary will appear on the ballot.

28 (3) The Department of State shall, within 10 days of the  
29 certification of an initiative or referendum petition upon which  
30 the required number of signatures has been affixed, prepare an  
31 explanation or argument, or both, for and also an explanation or  
32 argument, or both, against the same. The Secretary of the  
33 Commonwealth shall then publish the summary and explanations and  
34 arguments, together with the entire text of the measure, in as  
35 many newspapers of general circulation as deemed by the  
36 Secretary of the Commonwealth to be sufficient to give notice  
37 throughout this Commonwealth at least 20 days before the  
38 election in which the measure is presented to the electors. This  
39 information shall also be made available to the general public  
40 in printed form.

41 (4) The Secretary of the Commonwealth shall certify no more  
42 than two initiatives or two referendum measures in an election.  
43 Each measure shall be limited to only one subject. If more than  
44 two measures are submitted to the Secretary of the Commonwealth,  
45 the two measures with the largest numbers of signatures shall be  
46 certified. If two or more measures are substantially similar in  
47 subject matter, whether or not they conflict, only the measure  
48 with the largest number of signatures shall be certified.

49 (5) No more than three initiative and three referendum  
50 measures may be certified by the Secretary of the Commonwealth  
51 in any two-year period.

1     (6) No measure may appear on the ballot in an election more  
2 often than once during a legislative session.

3     (7) The veto power of the Governor shall not extend to an  
4 initiative measure approved by a majority of the votes cast on  
5 the measure or to a referendum measure decided by a majority of  
6 the votes cast on the measure.

7     (8) The General Assembly may not repeal an initiative  
8 measure or a referendum measure, approved by a majority of the  
9 votes cast on the measure.

10    (9) The General Assembly may not amend an initiative measure  
11 approved by a majority of the votes cast on the measure, or  
12 amend a referendum measure decided by a majority of the votes  
13 cast on the measure, unless the amending legislation furthers  
14 the purposes of the measure and at least three-fourths of the  
15 members of the Senate and the House of Representatives vote to  
16 amend the measure.

17    (10) The General Assembly may not appropriate or divert  
18 funds created or allocated to a specific purpose by an  
19 initiative measure approved by a majority of the votes cast on  
20 the measure, or by a referendum measure decided by a majority of  
21 the votes cast on the measure, unless the appropriation or  
22 diversion of funds furthers the purposes of the measure and at  
23 least three-fourths of the members of the Senate and the House  
24 of Representatives vote to appropriate or divert the funds.

25     (2)

26     Amend Bill, page 2, lines 5 through 27, by striking out all  
27 of said lines and inserting

28     Section 2. (a) Upon the first passage by the General  
29 Assembly of these proposed constitutional amendments, the  
30 Secretary of the Commonwealth shall proceed immediately to  
31 comply with the advertising requirements of section 1 of Article  
32 XI of the Constitution of Pennsylvania and shall transmit the  
33 required advertisements to two newspapers in every county in  
34 which such newspapers are published in sufficient time after  
35 passage of these proposed constitutional amendments.

36     (b) Upon the second passage by the General Assembly of these  
37 proposed constitutional amendments, the Secretary of the  
38 Commonwealth shall proceed immediately to comply with the  
39 advertising requirements of section 1 of Article XI of the  
40 Constitution of Pennsylvania and shall transmit the required  
41 advertisements to two newspapers in every county in which such  
42 newspapers are published in sufficient time after passage of  
43 these proposed constitutional amendments. The Secretary of the  
44 Commonwealth shall submit the proposed constitutional amendments  
45 under section 1 of this resolution to the qualified electors of  
46 this Commonwealth as separate ballot questions at the first  
47 primary, general or municipal election which meets the  
48 requirements of and is in conformance with section 1 of Article  
49 XI of the Constitution of Pennsylvania and which occurs at least

1 three months after the proposed constitutional amendments are  
2 passed by the General Assembly.