

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.