AN ACT

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

TABLE OF CONTENTS

11 Section 1. Short title.
12 Section 2. General statement of purpose.
13 Section 3. Definitions.
14 Section 4. Referendum.
15 Section 5. Convention; membership; qualifications; vacancies.
16 Section 6. Nomination of elected delegates; withdrawals.
17 Section 7. Elected delegates.
18 Section 8. Vacancies.
19 Section 9. Preparatory Committee.
20 Section 10. Organization of convention.
21 Section 11. Function.
The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

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

Section 2. General statement of purpose.

The General Assembly finds that:

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

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

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

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

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

(iv) Pennsylvania has a long history of reducing the number of school districts. This Commonwealth had 2,277
districts prior to the adoption of the act of September
12, 1961 (P.L.1283, No.561), entitled, "An act amending
the act of March 10, 1949 (P.L.30), entitled 'An act
relating to the public school system, including certain
provisions applicable as well to private and parochial
schools; amending, revising, consolidating and changing
the laws relating thereto,' further classifying school
districts and providing for the re-organization of school
districts." Following the enactment of the act of
September 12, 1961 (P.L.1283, No.561), the act of August
8, 1963 (P.L.564, No.299), entitled "An act amending the
act of March 10, 1949 (P.L.30), entitled 'An act relating
to the public school system, including certain provisions
applicable as well to private and parochial schools;
amending, revising, consolidating and changing the laws
relating thereto,' extending certain dates, providing
opportunity to county boards of school directors to
review certain plans, providing for appeals to the State
Board of Education, changing minimum pupil requirements,
clarifying the provisions relating to election, seniority
rights and suspension of certain school employes upon a
reorganization of school districts, changing provisions
relating to supplemental payments, providing for payments
on account of pupil transportation in certain cases,
guaranteeing minimum reimbursements to newly established
school districts, providing for the disposition of
property indebtedness and rental obligations of former
school districts, authorizing a tax to liquidate certain
funded indebtedness contracted for current operating
expenses, and providing for the election of school
directors, the selection of interim operating committees and the powers and duties of incumbent school directors in school districts of the second, third and fourth class, and deleting and repealing the provisions of 'Act 561' which required the reorganization of school districts," and the act of July 8, 1968 (P.L.299, No.150), entitled, "A supplement to the act of March 10, 1949 (P.L.30), entitled 'An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto,' providing for the establishment of administrative units comprised of certain school districts." In the 1960s, Pennsylvania had 505 districts. Pennsylvania currently has 501 school districts. Therefore, the proposed amendments would further reduce the number of school districts to save additional tax dollars and improve efficiency.

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

(vi) Section 14 of Article III of the Constitution of Pennsylvania specifically charges the General Assembly with providing for the "maintenance and support of a thorough and efficient system of public education to serve the needs of the Commonwealth." The proposed amendments would define a level of State funding adequacy.
for all school districts in order to reduce education
funding disparity, improve the quality of education and
reduce local tax burdens. The funding guidance would be
developed in conjunction with recommendations relative to
number, size and composition of school districts with the
goal of equitable State support for all districts.

Section 3. Definitions.

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

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

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

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

"County board." A county board of elections.

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

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

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

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

"Secretary." The Secretary of the Commonwealth.

Section 4. Referendum.

(a) Question.—At the primary election in May 2014, the
following question shall be submitted to the electorate of this
Commonwealth to determine its will regarding a constitutional
convention with limited powers:
Shall a constitutional convention be called in accordance with and subject to the limitations and requirements contained in the Constitutional Convention Act of 2014, to prepare for submission to the electorate proposals for the revision of the following provisions of the Constitution of Pennsylvania as provided in section 10 of the Constitutional Convention Act of 2014:

section 14 of Article III;
sections 1 and 2 of Article VIII?

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

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

Section 5. Convention; membership; qualifications; vacancies.

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

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

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

(2) The following shall be ex officio delegates and
shall have the powers of elected delegates:

(i) The Lieutenant Governor.
(ii) The President pro tempore of the Senate.
(iii) The Majority Leader of the Senate.
(iv) The Majority Whip of the Senate.
(v) The Minority Leader of the Senate.
(vi) The Minority Whip of the Senate.
(vii) The Minority Caucus Chairman of the Senate.
(viii) The Speaker of the House of Representatives.
(ix) The Majority Leader of the House of
      Representatives.
(x) The Majority Whip of the House of
    Representatives.
(xi) The Minority Leader of the House of
    Representatives.
(xii) The Minority Whip of the House of
     Representatives.
(xiii) The Minority Caucus Chairman of the House of
      Representatives.

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

(1) Be at least 18 years of age.
(2) Have been a citizen and resident of this Commonwealth for at least four years before election.
(3) Have resided in and been a registered elector of the elected delegate's senatorial district for at least one year preceding election.
(4) Reside in the elected delegate's senatorial district during term of service.

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

(A) that the individual is a qualified elector of the senatorial district named in the petition;
(B) the individual's residence, giving city, borough or township, with street and number;
(C) that the signers to the petition signed with knowledge of the contents of the petition;
(D) that the residences of the signers are correctly stated;
(E) that each signer resides in the district named in the affidavit;
(F) that each signer signed on the date set forth; and
(G) that, to the best of the affiant's knowledge and belief, the signers are qualified electors of the district.

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

(c) Candidate's affidavit.--A candidate must file with the secretary an affidavit stating all of the following:
(1) The candidate's residence with street and number and post office address.
(2) That the candidate is eligible for the office of elected delegate to the constitutional convention.
(3) That, if elected, the candidate will faithfully observe the limitations and requirements imposed upon the convention by this act.

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

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

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

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

Section 7. Elected delegates.

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

Section 8. Vacancies.

(a) Candidate.--In the event of the death or withdrawal of a candidate occurring prior to September 17, 2014, a substitute
nomination shall be made under section 6.

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

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

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

Section 9. Preparatory Committee.

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

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

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

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

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

(4) To hold public hearings.

(5) To enter into contracts.
(6) To receive from Commonwealth agencies and political subdivisions and local agencies assistance necessary or desirable to carry out properly the powers and duties under this subsection.

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

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

Section 10. Organization of convention.

(a) Convening.--

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

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

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

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

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

(b) Organization.--

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

(2) The convention shall organize by electing from among its delegates a president, secretary and other officers.
(3) The convention shall prescribe rules for:
   (i) procedure; and
   (ii) conduct of its delegates, including censure, suspension or removal.

(c) Immunity.--
   (1) A delegate shall in all cases, except treason, felony, violation of oath of office and breach of the peace, be privileged from arrest during attendance and travel to and from the convention.
   (2) A delegate shall not be questioned in any other place for any speech or debate in the convention.

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

Section 11. Function.

(a) Scope.--The convention has the power, by a vote of a majority of delegates, to make recommendations to the electorate on the following subjects only:
   (1) Section 14 of Article III of the Constitution of Pennsylvania, pertaining to public school system.
   (2) Section 1 of Article VIII of the Constitution of Pennsylvania, pertaining to the uniformity of taxation.
   (3) Section 2 of Article VIII of the Constitution of Pennsylvania, pertaining to exemption and special provisions.

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

(c) Reorganization.--In dealing with the subject matter under subsection (a), the convention may recommend amendment, deletion, transfer or continuation without change.
Section 12. Manner of submitting proposals to electorate.

(a) Convention.--

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

(2) The convention shall frame the ballot questions.

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

Section 13. Submission to electorate.

(a) Secretary.--

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

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

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

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

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

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

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

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

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

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

Section 14. Lobbying.

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

Section 15. Open meetings.

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

Section 16. Ethics.

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

Section 17. Appropriation.

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

Section 18. Effective date.

This act shall take effect as follows:

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

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