

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILLNo. **881** Session of
2021

INTRODUCED BY GREGORY, MARCH 11, 2021

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 11, 2021

A JOINT RESOLUTION

1 Proposing an emergency amendment to the Constitution of the
2 Commonwealth of Pennsylvania, further providing for courts to
3 be open and suits against the Commonwealth.

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

6 Section 1. The following shall apply:

7 (1) The General Assembly finds and declares as follows:

8 (i) The General Assembly passed House Bill 963,
9 Printer's Number 1130, by an overwhelming, bipartisan
10 vote in both the House of Representatives and the Senate.

11 This Joint Resolution was signed in the two chambers of
12 the General Assembly on November 21, 2019; and filed in
13 the Office of the Secretary of the Commonwealth on
14 November 25, 2019, becoming Pamphlet Laws Resolution
15 Number 2.

16 (ii) Upon passage, the Pennsylvania Constitution
17 demands that the Secretary of the Commonwealth "cause the
18 same to be published three months before the next general

1 election, in at least two newspapers in every county in
2 which such newspapers shall be published."

3 (iii) For reasons still unknown, the Secretary of
4 the Commonwealth failed to perform this mandatory duty.

5 (iv) The Secretary's malfeasance frustrates the
6 Constitutional amendment process; denies the People of
7 Pennsylvania their opportunity to have their voices heard
8 in amending their Constitution; and, threatens the very
9 nature of the Commonwealth's Republican form of
10 government.

11 (2) The General Assembly hereby determines that the
12 deprivation of the rights granted to the People of this
13 Commonwealth to vote on an amendment to Pennsylvania's
14 chartering document by an unelected bureaucrat constitutes a
15 major emergency that threatens or is about to threaten this
16 Commonwealth and the safety or welfare of this Commonwealth
17 and therefore requires prompt amendment of the Constitution
18 of Pennsylvania by this constitutional amendment.

19 Section 2. The following amendment to the Constitution of
20 Pennsylvania is proposed in accordance with Article XI:

21 That section 11 of Article I be amended to read:

22 § 11. Courts to be open; suits against the Commonwealth.

23 (a) All courts shall be open; and every man for an injury
24 done him in his lands, goods, person or reputation shall have
25 remedy by due course of law, and right and justice administered
26 without sale, denial or delay. Suits may be brought against the
27 Commonwealth in such manner, in such courts and in such cases as
28 the Legislature may by law direct.

29 (b) An individual for whom a statutory limitations period
30 has already expired shall have a period of two years from the

1 time that this subsection becomes effective to commence an
2 action arising from childhood sexual abuse, in such cases as
3 provided by law at the time that this subsection becomes
4 effective.

5 Section 3. Upon passage by the General Assembly of this
6 proposed constitutional amendment, the Secretary of the
7 Commonwealth shall proceed immediately to comply with the
8 advertising requirements of section 1(a) of Article XI of the
9 Constitution of Pennsylvania and shall transmit the required
10 advertisements to two newspapers in every county in which such
11 newspapers are published in sufficient time after passage of
12 this proposed constitutional amendment. After a final order of a
13 Pennsylvania court which is not subject to appeal, pursuant to
14 the Declaratory Judgments Act (42 Pa.C.S. Ch. 75, Subch. C) or
15 otherwise, that the subject of this amendment is within the
16 scope of section 1(a) and (b) of Article XI of the Constitution
17 of Pennsylvania, or as otherwise determined by subsequent joint
18 resolution of the General Assembly, the Secretary of the
19 Commonwealth shall submit this proposed constitutional amendment
20 to the qualified electors of this Commonwealth at the first
21 primary, general or municipal election which meets the
22 requirements of and is in conformance with section 1(a) of
23 Article XI of the Constitution of Pennsylvania.