



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

SENATE BILL NO. 764

PRINTERS NO. 1780

PRIME SPONSOR: Argall

COST / (SAVINGS)

FUND	FY 2021/22	FY 2022/23
General Fund	\$0	\$0

SUMMARY: Amends the Administrative Code of 1929 to include comprehensive provisions relating to procedures and training for publication of constitutional amendments. This legislation would take effect in 60 days.

ANALYSIS: This legislation amends the Administrative Code (Code) to include comprehensive provisions relating to procedures and training for publication of constitutional amendments.

No later than 14 days after the publication of a proposed constitutional amendment by the Secretary of the Commonwealth, the Secretary would be required to certify to the following that the publication has been completed:

- Each member of the General Assembly.
- The Secretary of the Senate, who would be required to have the certification read into the journal of the Senate.
- The Chief Clerk of the House of Representatives, who would be required to read the certification read into the journal of the House of Representatives.
- The Parliamentarian of the House of Representatives.
- The Legislative Reference Bureau, which would be required to publish notice of the certification in the Pennsylvania Bulletin.

Failure of the Secretary of the Commonwealth to comply with the above requirement would not impact the effectiveness of the proposed constitutional amendment.

The Secretary of the Commonwealth would be required to designate, in writing, a deputy to oversee the activities undertaken by employees of the Department of State to assist the Secretary of the Commonwealth in carrying out these requirements. The deputy would be required to take physical custody of each proposed constitutional amendment upon receipt by the Department of State and track the compliance with the written policies below and the overall progress of the required publication under the Constitution of Pennsylvania.

The Secretary of the Commonwealth, in consultation with the Office of General Counsel, would be required to establish a written policy to instruct employees of the Department of State on the internal and sequential procedures necessary to properly receive proposed constitutional amendments passed by the General Assembly and to complete the publication of a proposed constitutional amendment under the Constitution of Pennsylvania. The written policy would be required to do all the following:

- Assign specific duties to specific bureaus and offices within the Department of State.
- Provide for necessary safeguards and reviews to ensure the proper publication of all proposed constitutional amendments as required by the Constitution of Pennsylvania.
- Provide for periodic training of employees assigned duties under the written policies. The training would be required to be conducted by the designated deputy and the Office of General Counsel. Upon request, the Legislative Reference Bureau would be required to assist in the preparation of the training.
- Provide direction that an employee with a question about the procedures would be required to consult with the designated deputy.

The Department of State would be required to submit a copy of the written policies to the Legislative Reference Bureau.

A copy of the policy would be required to be given to each employee who has duties under the policy upon hiring and no later than February of each odd-numbered year. An employee receiving a copy of the policy would be required to execute a form stating that he or she is aware of and understands how to complete the duties under the policy. A copy of the executed form would be required to be maintained within the employee's personnel file in accordance with the generally applicable document retention policy.

FISCAL IMPACT: This legislation would have no adverse fiscal impact on Commonwealth funds.

PREPARED BY: Tim Rodrigo
House Appropriations Committee (R)

DATE: June 27, 2022

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.