

AMENDMENTS TO SENATE BILL NO. 764

Sponsor: REPRESENTATIVE GROVE

Printer's No. 889

1 Amend Bill, page 1, lines 22 through 24, by striking out
2 "providing for" in line 22 and all of lines 23 and 24 and
3 inserting
4 further providing for powers and duties in general.

5 Amend Bill, page 1, lines 27 through 29; page 2, lines 1
6 through 30; page 3, lines 1 through 5; by striking out all of
7 said lines on said pages and inserting

8 Section 1. Section 801 of the act of April 9, 1929 (P.L.177,
9 No.175), known as The Administrative Code of 1929, amended July
10 9, 2021 (P.L.377, No.70), is amended to read:

11 Section 801. Powers and Duties in General.--(a) The
12 Department of State shall, subject to any inconsistent
13 provisions in this act contained, continue to exercise the
14 powers and perform the duties heretofore by law vested in and
15 imposed upon the Department of the Secretary of the
16 Commonwealth, and the several bureaus thereof, the Department of
17 State and Finance, the Department of State, and the Secretary of
18 the Commonwealth.

19 (b) Additional powers and duties shall be as follows:

20 (1) (i) No later than 14 days prior to the publication of a
21 proposed constitutional amendment by the Secretary of the
22 Commonwealth under section 1 of Article XI of the Constitution
23 of Pennsylvania or as soon as practical prior to publication of
24 [an] a proposed emergency constitutional amendment under section
25 1 of Article XI of the Constitution of Pennsylvania, the
26 Secretary of the Commonwealth shall notify the following of the
27 date on which publication under Article XI of the Constitution
28 of Pennsylvania will be completed:

29 (A) Each member of the General Assembly.

30 (B) The Secretary of the Senate, who shall have the notice
31 read into the journal of the Senate.

32 (C) The Chief Clerk of the House of Representatives, who
33 shall read the notice into the journal of the House of
34 Representatives.

1 (D) The Parliamentarian of the House of Representatives.

2 (E) The Legislative Reference Bureau, which shall publish
3 the notice in the Pennsylvania Bulletin.

4 (ii) Failure of the Secretary of the Commonwealth to comply
5 with clause (i) shall not impact the effectiveness of the
6 proposed constitutional amendment.

7 (2) [(Reserved).] (i) No later than 14 days after the
8 publication of a proposed constitutional amendment by the
9 Secretary of the Commonwealth under section 1 of Article XI of
10 the Constitution of Pennsylvania, the Secretary of the
11 Commonwealth shall certify to the following that the publication
12 has been completed in compliance with the requirements of
13 section 1 of Article XI of the Constitution of Pennsylvania:

14 (A) Each member of the General Assembly.

15 (B) The Secretary of the Senate, who shall have the
16 certification read into the journal of the Senate.

17 (C) The Chief Clerk of the House of Representatives, who
18 shall read the certification read into the journal of the House
19 of Representatives.

20 (D) The Parliamentarian of the House of Representatives.

21 (E) The Legislative Reference Bureau, which shall publish
22 notice of the certification in the Pennsylvania Bulletin.

23 (ii) Failure of the Secretary of the Commonwealth to comply
24 with clause (i) shall not impact the effectiveness of the
25 proposed constitutional amendment.

26 (3) The Secretary of the Commonwealth shall designate in
27 writing a deputy to oversee the activities undertaken by
28 employees of the Department of State to assist the Secretary of
29 the Commonwealth in carrying out his or her duties under section
30 1 of Article XI of the Constitution of Pennsylvania. The deputy
31 designated under this paragraph shall take physical custody of
32 each proposed constitutional amendment upon receipt by the
33 Department of State and shall track the compliance with the
34 written policies under paragraph (4)(i) and the overall progress
35 of the required publication under section 1 of Article XI of the
36 Constitution of Pennsylvania.

37 (4) (i) The Secretary of the Commonwealth, in consultation
38 with the Office of General Counsel, shall establish a written
39 policy to instruct employees of the Department of State on the
40 internal and sequential procedures necessary to properly receive
41 proposed constitutional amendments passed by the General
42 Assembly and to complete the publication of a proposed
43 constitutional amendment under section 1 of Article XI of the
44 Constitution of Pennsylvania. The written policy under this
45 clause shall do all of the following:

46 (A) Assign specific duties to specific bureaus and offices
47 within the Department of State.

48 (B) Provide for necessary safeguards and reviews to ensure
49 the proper publication of all proposed constitutional amendments
50 as required under section 1 of Article XI of the Constitution of
51 Pennsylvania.

1 (C) Provide for periodic training of employees assigned
2 duties under the written policies. The training shall be
3 conducted by the deputy designated under paragraph (3) and the
4 Office of General Counsel. Upon request, the Legislative
5 Reference Bureau shall assist in the preparation of the training
6 under this clause.

7 (D) Provide direction that an employee with a question about
8 the procedures shall consult with the deputy designated under
9 paragraph (3).

10 (ii) The Department of State shall submit a copy of the
11 written policies under this clause to the Legislative Reference
12 Bureau.

13 (iii) A copy of the policy under clause (i) shall be given
14 to each employee who has duties under the policy upon hiring and
15 no later than February of each odd-numbered year. An employee
16 receiving a copy of the policy under this clause shall execute a
17 form stating that he or she is aware of and understands how to
18 complete the duties under the policy. A copy of the executed
19 form shall be maintained within the employee's personnel file in
20 accordance with the generally applicable document retention
21 policy.