

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1663 Session of
2005

INTRODUCED BY FEESE, S. H. SMITH, METCALFE, ADOLPH, ALLEN,
ARGALL, ARMSTRONG, BAKER, BALDWIN, BARRAR, BASTIAN,
BENNINGHOFF, BIRMELIN, BOYD, BUNT, CAPPELLI, CAUSER, CLYMER,
CORNELL, CRAHALLA, CREIGHTON, DALLY, DENLINGER, ELLIS,
FAIRCHILD, FICHTER, FLEAGLE, FLICK, FORCIER, GABIG, GEIST,
GILLESPIE, GINGRICH, GOOD, GRELL, HANNA, HARHART, HARRIS,
HERMAN, HERSHEY, HESS, HICKERNELL, HUTCHINSON, KAUFFMAN,
M. KELLER, KILLION, LEH, MAHER, MAJOR, MARSICO, McNAUGHTON,
MILLARD, S. MILLER, MUSTIO, PAYNE, PETRI, PHILLIPS, PICKETT,
PYLE, QUIGLEY, RAPP, REED, REICHLEY, ROHRER, RUBLEY, SATHER,
SAYLOR, SCAVELLO, SCHRODER, SEMMEL, SONNEY, STERN,
R. STEVENSON, T. STEVENSON, E. Z. TAYLOR, TRUE, TURZAI,
WATSON, WILT, WRIGHT AND ZUG, JUNE 7, 2005

REFERRED TO COMMITTEE ON APPROPRIATIONS, JUNE 7, 2005

A JOINT RESOLUTION

1 Proposing integrated and distinct amendments to the Constitution
2 of the Commonwealth of Pennsylvania, further providing for
3 legislative power, for appropriations and for surpluses.

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

6 Section 1. The following integrated amendments to the
7 Constitution of Pennsylvania are proposed in accordance with
8 Article XI:

9 (1) That section 1 of Article II be amended to read:

10 § 1. Legislative power.

11 [The] Except as set forth in section 13(a.1) of Article VIII
12 of this Constitution, the legislative power of this Commonwealth

1 shall be vested in a General Assembly, which shall consist of a
2 Senate and a House of Representatives.

3 (2) That section 13 of Article VIII be amended to read:
4 § 13. Appropriations.

5 (a) Operating budget appropriations made by the General
6 Assembly shall not exceed the actual and estimated revenues and
7 surplus available in the same fiscal year.

8 (a.1) In any fiscal year, the General Assembly shall not
9 increase total General Fund appropriations above the amount of
10 total General Fund appropriations authorized for the preceding
11 fiscal year by a percentage which exceeds the percentage
12 increase, from the immediately preceding fiscal year, in the
13 Consumer Price Index for All Urban Consumers of the Bureau of
14 Labor Statistics unless a referendum stating the amount and
15 duration of the increase is approved by a majority of the
16 electors voting on the referendum. This limitation shall not
17 apply to any of the following:

18 (1) An appropriation which, as a result of a requirement
19 of Federal law, is made for a new program or service or for
20 an increase in the level of service for an existing program
21 beyond the existing level of service.

22 (2) An appropriation which, as a result of a requirement
23 of a Federal or State court order which has become final, is
24 made for a new program or service or for an increase in the
25 level of service for an existing program beyond the existing
26 level of service.

27 (3) An appropriation providing for the Commonwealth's
28 share of payments for pension obligations as provided by law.

29 (4) An appropriation for the repayment of interest and
30 principal of all debt incurred by or on behalf of the

1 Commonwealth pursuant to section 7(a) of this article.

2 (b) The General Assembly shall adopt a capital budget for
3 the ensuing fiscal year.

4 Section 2. The following distinct amendment to the
5 Constitution of Pennsylvania is proposed in accordance with
6 Article XI:

7 That section 14 of Article VIII be amended to read:

8 § 14. Surplus.

9 All surplus of operating funds at the end of the fiscal year
10 shall be appropriated during the ensuing fiscal year by the
11 General Assembly. Surplus funds in the General Fund which are
12 not required by law to be deposited into the Budget
13 Stabilization Reserve Fund shall be refunded to the citizens of
14 this Commonwealth during the ensuing fiscal year through
15 reductions in personal income tax.

16 Section 3. (a) Upon the first passage by the General
17 Assembly of these proposed constitutional amendments, the
18 Secretary of the Commonwealth shall proceed immediately to
19 comply with the advertising requirements of section 1 of Article
20 XI of the Constitution of Pennsylvania and shall transmit the
21 required advertisements to two newspapers in every county in
22 which such newspapers are published in sufficient time after
23 passage of these proposed constitutional amendments.

24 (b) Upon the second passage by the General Assembly of these
25 proposed constitutional amendments, the Secretary of the
26 Commonwealth shall proceed immediately to comply with the
27 advertising requirements of section 1 of Article XI of the
28 Constitution of Pennsylvania and shall transmit the required
29 advertisements to two newspapers in every county in which such
30 newspapers are published in sufficient time after passage of

1 these proposed constitutional amendments. The Secretary of the
2 Commonwealth shall:

3 (1) Submit the proposed constitutional amendments under
4 section 1 to the qualified electors of this Commonwealth as a
5 single ballot question at the first primary, general or
6 municipal election which meets the requirements of and is in
7 conformance with section 1 of Article XI of the Constitution
8 of Pennsylvania and which occurs at least three months after
9 the proposed constitutional amendments are passed by the
10 General Assembly.

11 (2) Submit the proposed constitutional amendment under
12 section 2 to the qualified electors of this Commonwealth as a
13 separate ballot question at the first primary, general or
14 municipal election which meets the requirements of and is in
15 conformance with section 1 of Article XI of the Constitution
16 of Pennsylvania and which occurs at least three months after
17 the proposed constitutional amendment is passed by the
18 General Assembly.