
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 400 Session of
2005

INTRODUCED BY MELLOW, KASUNIC, MUSTO, STOUT, KITCHEN, WOZNIAK,
COSTA, TARTAGLIONE AND LOGAN, MARCH 28, 2005

REFERRED TO LABOR AND INDUSTRY, MARCH 28, 2005

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth
2 of Pennsylvania, further providing for prohibition of the
3 delegation of certain powers.

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

6 Section 1. The following amendment to the Constitution of
7 Pennsylvania is proposed in accordance with Article XI:

8 That section 31 of Article III be amended to read:

9 § 31. Delegation of certain powers prohibited.

10 (a) The General Assembly shall not delegate to any special
11 commission, private corporation or association, any power to
12 make, supervise or interfere with any municipal improvement,
13 money, property or effects, whether held in trust or otherwise,
14 or to levy taxes or perform any municipal function whatever.

15 (b) Notwithstanding the foregoing limitation or any other
16 provision of the Constitution, the General Assembly may enact
17 laws which provide that the findings of panels or commissions,

1 selected and acting in accordance with law for the adjustment or
2 settlement of grievances or disputes or for collective
3 bargaining between policemen [and firemen], firemen and school
4 employees and their public employers shall be binding upon all
5 parties and shall constitute a mandate to the head of the
6 political subdivision which is the employer, or to the
7 appropriate officer of the Commonwealth if the Commonwealth is
8 the employer, with respect to matters which can be remedied by
9 administrative action, and to the lawmaking body of such
10 political subdivision or of the Commonwealth, with respect to
11 matters which require legislative action, to take the action
12 necessary to carry out such findings.

13 Section 2. (a) Upon the first passage by the General
14 Assembly of this proposed constitutional amendment, the
15 Secretary of the Commonwealth shall proceed immediately to
16 comply with the advertising requirements of section 1 of Article
17 XI of the Constitution of Pennsylvania and shall transmit the
18 required advertisements to two newspapers in every county in
19 which such newspapers are published in sufficient time after
20 passage of this proposed constitutional amendment.

21 (b) Upon the second passage by the General Assembly of this
22 proposed constitutional amendment, the Secretary of the
23 Commonwealth shall proceed immediately to comply with the
24 advertising requirements of section 1 of Article XI of the
25 Constitution of Pennsylvania and shall transmit the required
26 advertisements to two newspapers in every county in which such
27 newspapers are published in sufficient time after passage of
28 this proposed constitutional amendment. The Secretary of the
29 Commonwealth shall submit this proposed constitutional amendment
30 to the qualified electors of this Commonwealth at the first

1 primary, general or municipal election which meets the
2 requirements of and is in conformance with section 1 of Article
3 XI of the Constitution of Pennsylvania and which occurs at least
4 three months after the proposed constitutional amendment is
5 passed by the General Assembly.