

A JOINT RESOLUTION

SB 532

Proposing that articles three, ten and eleven of the Constitution of the Commonwealth of Pennsylvania relating to legislation be consolidated and amended.

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

Section 1. The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of the eighteenth article thereof:

That articles three, ten and eleven of the Constitution of the Commonwealth of Pennsylvania be consolidated, that sections two, three, four, seven, fifteen, nineteen, twenty, twenty-eight, thirty-four and thirty-five of article three be amended, that section one of article ten be amended, that article eleven be amended, that sections eight, nine, ten, eleven, thirteen, fourteen, sixteen, seventeen, eighteen, twenty-one, twenty-five, twenty-six and thirty-three of article three be renumbered as set forth in section two hereof, that the section on laws relating to land title registration which was adopted without an article or section number, be included and that a new section twenty-two be added, so that the amended sections of the article will read:

ARTICLE III

Legislation

A. Procedure

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Section 2. Reference to Committee; Printing.—No bill shall be considered unless referred to a committee, [returned therefrom, and printed for the use of the members] printed for the use of the members and returned therefrom.

Section 3. Form of Bills.—No bill [except general appropriation bills,] shall be passed containing more than one subject, which shall be clearly expressed in its title, except a general appropriation bill or a bill codifying or compiling the law or a part thereof.

Section 4. Consideration of Bills.—Every bill shall be [read at length] considered on three different days in each House [all]. All amendments made thereto shall be printed for the use of the members ² before the final vote is taken on the bill [and no] and before the final

vote is taken, upon written request addressed to the presiding officer of either House by at least twenty-five percent of the members elected to that House, any bill shall be read at length in that House. No bill shall become a law, unless on its final passage the vote [be] is taken by yeas and nays, the names of the persons voting for and against [the same be] it are entered on the journal, and a majority of the members elected to each House [be] is recorded thereon as voting in its favor.

* * *

Section [15] 11. Appropriation Bills.—The general appropriation bill shall embrace nothing but appropriations for the [ordinary expenses of the] executive, legislative and judicial departments of the Commonwealth, [interest on] for the public debt and for public schools [all]. All other appropriations shall be made by separate bills, each embracing but one subject.

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B. Education

(Formerly Article X, Section 1.)

Section 14. Public School System.—The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public [schools, wherein all the children of the Commonwealth above the age of six years may be educated and shall appropriate at least one million dollars each year for that purpose.] education to serve the needs of the Commonwealth.

(Formerly Article X, Section 2.)

Section 15. Public School Money Not Available to Sectarian Schools.—No money raised for the support of the public schools of the Commonwealth shall be appropriated to or used for the support of any sectarian school.

C. National Guard

(Formerly Article XI.)

Section 16. National Guard to be Organized and Maintained.—The [freemen] citizens of this Commonwealth shall be armed, organized and disciplined for its defense when and in such manner

as may be directed by law. The General Assembly shall provide for maintaining the [militia] National Guard by appropriations from the Treasury of the Commonwealth, and may exempt from State military service persons having conscientious scruples against bearing arms.

D. Other Legislation Specifically Authorized

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Section 19. Appropriations for Support of Widows and Orphans of Persons Who Served in the Armed Forces.—The General Assembly may make appropriations of money to institutions wherein the widows of [soldiers] persons who served in the armed forces are supported or assisted, or the orphans of [soldiers] persons who served in the armed forces are maintained and educated; but such appropriations shall be applied exclusively to the support of such widows and orphans.

Section [34] 20. Classification of Municipalities.—The Legislature shall have power to classify counties, cities, boroughs, school districts, and townships according to population, and all laws passed relating to each class, and all laws passed relating to, and regulating procedure and proceedings in court with reference to, any class, shall be deemed general legislation within the meaning of this Constitution. [but counties shall not be divided into more than eight classes, cities into not more than seven classes, school districts into not more than five classes, and boroughs into not more than three classes.]

(Formerly an un-numbered section.)

Section 21. Land Title Registration.—Laws may be passed providing for a system of registering, transferring, insuring of and guaranteeing land titles by the State, or by the counties thereof, and for settling and determining adverse or other claims to and interest in lands the titles to which

are so registered, transferred, insured, and guaranteed; and for the creation and collection of indemnity funds; and for carrying the system and powers hereby provided for into effect by such existing courts as may be designated by the Legislature. [and by the establishment of such new courts as may be deemed necessary. In matters arising in and under the operation of such system, judicial powers, with right of appeal, may be conferred by the Legislature upon county recorders and upon other officers by it designated.] Such laws may provide for continuing the registering, transferring, insuring, and guaranteeing such titles after the first or original registration has been perfected by the court, and provision may be made for raising the necessary funds for expenses and salaries of officers, which shall be paid out of the treasury of the several counties.

Section 22. State Purchases.—The General Assembly shall maintain by law a system of competitive bidding under which all purchases of materials, printing, supplies or other personal property used by the government of this Commonwealth shall so far as practicable be made. The law shall provide that no officer or employe of the Commonwealth shall be in any way interested in any purchase made by the Commonwealth under contract or otherwise.

* * *

Section [35] 25. Emergency Seats of Government.—[(a)] The General Assembly may provide, by law, during any session, for the continuity of the executive, legislative, and judicial functions of the government of the Commonwealth, and its political subdivisions, and the establishment of emergency seats thereof and any such laws heretofore enacted are validated. Such legislation shall become effective in the event of an attack by an enemy of the United States.

[(b) No law shall be held to be invalid for the sole reason that it was enacted prior to the effective date of this amendment.]

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E. Restrictions on Legislative Power

Section 28. Change of Permanent Location of State Capital.—No

law changing the permanent location of the Capital of the State shall be valid until the same shall have been submitted to the qualified electors of the Commonwealth at a general election and ratified and approved by them.

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Section [20] 31. Delegation of Certain Powers Prohibited.—The General Assembly shall not delegate to any special commission, private corporation or association, any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, or to levy taxes or perform any municipal function whatever.

Section [7] 32. Certain Local and Special Laws.—The General Assembly shall [not] pass [any] no local or special law in any case which has been or can be provided for by general law and specifically the General Assembly shall not pass any local or special law :

[Authorizing the creation, extension or impairing of liens:]

1. Regulating the affairs of counties, cities, townships, wards, boroughs or school districts:

[Changing the names of persons or places:

Changing the venue in civil or criminal cases:

Authorizing the laying out, opening, altering or maintaining, roads, highways, streets or alleys:

Relating to ferries or bridges, or incorporating ferry or bridge companies, except for the erection of bridges crossing streams which form boundaries between this and any other State:]

2. Vacating roads, town plats, streets or alleys:

[Relating to cemeteries, grave yards, or public grounds not of the State:

Authorizing the adoption or legitimation of children:]

3. Locating or changing county seats, erecting new counties or changing county lines:

[Incorporating cities, towns or villages, or changing their charters:

For the opening and conducting of elections, or fixing or changing the place of voting:

Granting divorces:]

4. Erecting new townships or boroughs, changing township lines, borough limits or school districts:

[Creating offices, or prescribing the powers and duties of officers in counties, cities, boroughs, townships, election or school districts:

Changing the law of descent or succession :

Regulating the practice or jurisdiction of, or changing the rules of evidence in, any judicial proceeding or inquiry before courts, aldermen, justices of the peace, sheriffs, commissioners, arbitrators, auditors, masters in chancery or other tribunals, or providing or changing methods for the collection of debts, or the enforcing of judgments, or prescribing the effect of judicial sales of real estate :

Regulating the fees, or extending the powers and duties of aldermen, justices of the peace, magistrates or constables :

Regulating the management of public schools, the building or repairing of school houses, and the raising of money for such purposes :

Fixing the rate of interest :

Affecting the estates of minors or persons under disability, except after due notice to all parties in interest, to be recited in the special enactment :]

5. Remitting fines, penalties and forfeitures, or refunding moneys legally paid into the treasury :

6. Exempting property from taxation :

7. Regulating labor, trade, mining or manufacturing :

8. Creating corporations, or amending, renewing or extending the charters thereof :

[Granting to any corporation, association or individual any special or exclusive privilege or immunity, or to any corporation, association or individual the right to lay down a railroad track :]

Nor shall the General Assembly indirectly enact [such] any special or local law by the partial repeal of a general law ; but laws repealing local or special acts may be passed.

[Nor shall any law be passed granting powers or privileges in any case where the granting of such powers and privileges shall have been provided for by general law, nor where the courts have jurisdiction to grant the same or give the relief asked for.]

Section 2. The following sections of the existing article three of the Constitution of the Commonwealth of Pennsylvania shall be renumbered : 8 to 7, 9 to 8, 26 to 9, 14 to 10, 25 to 12, 33 to 13, 10 to 17, 21 to 18, 16 to 24, 11 to 26, 13 to 27, 18 to 29, and 17 to 30.

Section 3. The existing sections twelve, twenty-two, twenty-four, twenty-seven, twenty-nine, thirty, thirty-one and thirty-two of article three and part of articles ten and eleven of the Constitution of the Commonwealth of Pennsylvania which read as hereinafter set forth, are hereby repealed :

[ARTICLE III
Legislation]

* * *

[Section 12. All stationery, printing, paper, and fuel used in the legislative and other departments of government shall be furnished, and the printing, binding and distributing of the laws, journals, department reports, and all other printing and binding, and the repairing and furnishing the halls and rooms used for the meetings of the General Assembly and its committees, shall be performed under contract to be given to the lowest responsible bidder below such maximum price and under such regulations as shall be prescribed by law; no member or officer of any department of the government shall be in any way interested in such contracts, and all such contracts shall be subject to the approval of the Governor, Auditor General and State Treasurer.]

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[Section 22. The General Assembly may, from time to time, by law, prescribe the nature and kind of investments for trust funds to be made by executors, administrators, trustees, guardians and other fiduciaries.]

* * *

[Section 24. No obligation or liability of any railroad or other corporation, held or owned by the Commonwealth, shall ever be exchanged, transferred, remitted, postponed or in any way diminished by the General Assembly, nor shall such liability or obligation be released, except by payment thereof into the State Treasury.]

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[Section 27. No State office shall be continued or created for the inspection or measuring of any merchandise, manufacture or commodity, but any county or municipality may appoint such officers when authorized by law.]

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[Section 29. A member of the General Assembly who shall solicit, demand or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation or person, any money, office, appointment, employment, testimonial, reward, thing of value or enjoyment, or of personal advantage, or promise thereof, for his vote or official influence, or for withholding the same, or with an understanding, expressed or implied, that his vote or official action shall be in any way influenced thereby, or who shall solicit or demand any such money or other advantage, matter or thing aforesaid for another, as the consideration of his vote or official influence, or for withholding the same, or shall give or withhold his vote or influence in

consideration of the payment or promise of such money, advantage, matter or thing to another, shall be held guilty of bribery within the meaning of this Constitution, and shall incur the disabilities provided thereby for said offense, and such additional punishment as is or shall be provided by law.

Section 30. Any person who shall, directly or indirectly, offer, give or promise, any money, or thing of value, testimonial, privilege, or personal advantage, to any executive or judicial officer, or member of the General Assembly, to influence him in the performance of any of his public or official duties, shall be guilty of bribery and be punished in such manner as shall be provided by law.

Section 31. The offense of corrupt solicitation of members of the General Assembly or of public officers of the State or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law and shall be punished by fine or imprisonment.

Section 32. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or practices of solicitation, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony, and any person convicted of either of the offenses aforesaid shall, as part of the punishment therefor, be disqualified from holding any office or position of honor, trust or profit in this Commonwealth.]

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[ARTICLE X Education]

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[Section 3. Women twenty-one years of age and upwards, shall be eligible to any office of control or management under the school laws of this State.]

[ARTICLE XI Militia]

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Section 2. This proposed amendment shall be submitted by the Secretary of the Commonwealth to the qualified electors of the State, at the primary election next held after the advertising requirements of article eighteen, section 1 of the Constitution of the Commonwealth of Pennsylvania have been satisfied.