

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 91 Session of
2021

INTRODUCED BY ORTITAY, ROZZI, ROTHMAN, BERNSTINE, ROWE, JAMES,
GREGORY, STAMBAUGH, RYAN, MILLARD, KEEFER, KAUFFMAN AND
STAATS, APRIL 21, 2021

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 21, 2021

A RESOLUTION

1 Establishing the Select Committee on Publication of
2 Constitutional Amendments to examine, investigate and make a
3 complete study of the publication of constitutional
4 amendments under Section 1 of Article XI of the Constitution
5 of Pennsylvania.

6 WHEREAS, Section 1 of Article XI of the Constitution of
7 Pennsylvania establishes a process to amend the Constitution
8 which involves the General Assembly, acting on behalf of the
9 People of this Commonwealth, and the People of this Commonwealth
10 directly; and

11 WHEREAS, Section 1 of Article XI of the Constitution of
12 Pennsylvania provides that the Secretary of the Commonwealth
13 shall publish proposed constitutional amendments in newspapers
14 after both first and second passage by the General Assembly; and

15 WHEREAS, Section 1 of Article XI of the Constitution of
16 Pennsylvania also provides that "the official in charge of
17 statewide elections" publishes proposed emergency amendments in
18 newspapers after passage by the General Assembly; and

19 WHEREAS, Section 201(c) of the act of June 3, 1937 (P.L.1333,

No.320), known as the Pennsylvania Election Code, directs the Secretary of the Commonwealth to certify to county boards of elections the form and wording of constitutional amendments to be submitted to the People of the Commonwealth; and

WHEREAS, Section 201.1 of the Pennsylvania Election Code requires the Attorney General to prepare a plain English statement explaining a proposed constitutional amendment that is included in the Secretary's publication of the proposed amendment as required by Section 1 of Article XI of the Constitution of Pennsylvania; and

WHEREAS, Section 605 of the Pennsylvania Election Code requires that the Secretary of the Commonwealth determine, subject to approval of the Attorney General, the ballot question for a proposed constitutional amendment; and

WHEREAS, Section 1110(b) of the Pennsylvania Election Code provides that questions concerning constitutional amendments "shall appear on the ballot labels, in brief form, of not more than seventy-five words, to be determined by the Secretary of the Commonwealth"; and

WHEREAS, Joint Resolution 2019-2, which passed both chambers of the General Assembly as House Bill 963, Printer's Number 1130, was the first passage of a proposed amendment to the Constitution of Pennsylvania to provide a two-year window in which civil lawsuits alleging childhood sexual abuse could be filed in court notwithstanding any otherwise applicable statute of limitations defense; and

WHEREAS, House Bill 14, Printer's Number 9 of 2021 was introduced as a joint resolution to accomplish second passage of Joint Resolution 2019-2; and

WHEREAS, On January 27, 2021, the House of Representatives

1 passed House Bill 14, Printer's Number 9; and

2 WHEREAS, On February 1, 2021, Governor Wolf announced that
3 Secretary of the Commonwealth Kathy Boockvar would be leaving
4 the administration as a result of the Department of State's
5 failure to advertise the proposed constitutional amendment in
6 Joint Resolution 2019-2; and

7 WHEREAS, This error in performing a ministerial, but
8 constitutionally-mandated, function has interfered with the
9 right of the People of Pennsylvania to consider an amendment to
10 their charter of government; and

11 WHEREAS, This error in performing a ministerial, but
12 constitutionally-mandated, function has potentially delayed or
13 denied the victims of childhood sexual abuse the ability to
14 bring civil actions against their abusers; and

15 WHEREAS, The details concerning how this error occurred are
16 unclear; and

17 WHEREAS, It is imperative that the General Assembly, as the
18 branch of Commonwealth government empowered by the Constitution
19 of Pennsylvania to work with the People of Pennsylvania
20 concerning the adoption of amendments to that Constitution under
21 Section 1 of Article XI, determine the precise sequence of
22 events and breakdown of processes in order to determine the need
23 for either remedial legislation or subsequent constitutional
24 amendment; therefore be it

25 RESOLVED, That the House of Representatives establish the
26 Select Committee on Publication of Constitutional Amendments to
27 examine, investigate and make a complete study of the
28 publication of proposed constitutional amendments under Section
29 1 of Article XI of the Constitution of Pennsylvania; and be it
30 further

1 RESOLVED, That the committee consist of the following members
2 of the House of Representatives:

3 (1) The chair and the minority chair of the State
4 Government Committee of the House of Representatives.

5 (2) Three other members of the House of Representatives,
6 one of whom shall be a member of the minority caucus.
7 and be it further

8 RESOLVED, That the Speaker of the House of Representatives
9 appoint the chair of the select committee from among the members
10 of the select committee; and be it further

11 RESOLVED, That the select committee hold hearings, call
12 witnesses, take testimony and make investigations at places in
13 this Commonwealth as it deems necessary; and be it further

14 RESOLVED, That the chair of the select committee, on behalf
15 of the select committee, be authorized and empowered to do all
16 of the following:

17 (1) Send for persons and papers and subpoena witnesses,
18 documents and other materials under the hand and seal of the
19 chair.

20 (2) Administer oaths to witnesses.

21 (3) Take testimony.

22 (4) Prepare and file pleadings and other legal
23 documents.

24 (5) Employ staff for the use of the select committee;
25 and be it further

26 RESOLVED, That the Sergeant-at-Arms or other person
27 designated by the chair of the select committee serve the
28 process of the select committee and execute the orders of the
29 chair and the select committee; and be it further

30 RESOLVED, That the select committee be authorized to sit

1 during the sessions of the House of Representatives; and be it
2 further

3 RESOLVED, That the expenses of the investigation be paid by
4 the Chief Clerk of the House of Representatives from
5 appropriation accounts under the Chief Clerk's exclusive control
6 and jurisdiction, upon a written request approved by the Speaker
7 of the House of Representatives, the Majority Leader of the
8 House of Representatives or the Minority Leader of the House of
9 Representatives; and be it further

10 RESOLVED, That the State Government Committee of the House of
11 Representatives assist the select committee to the fullest
12 extent possible; and be it further

13 RESOLVED, That, upon adoption of this resolution by the House
14 of Representatives, the Chief Clerk of the House of
15 Representatives transmit a copy of this resolution to the
16 Secretary of the Commonwealth; and be it further

17 RESOLVED, That the select committee submit interim and final
18 reports, as necessary, of its findings with its recommendations
19 for appropriate legislation, constitutional amendment or other
20 action to the members of the House of Representatives at the
21 earliest practicable date.