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JASMINE WEEKS, ARNELL HOWARD, PATRICIA SHALLICK, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED, Appellants
v.
DEPARTMENT OF HUMAN SERVICES OF THE COMMONWEALTH OF PENNSYLVANIA, Appellee

No. 22 EAP 2021

No. J-50-2022

Supreme Court of Pennsylvania

September 28, 2023

ARGUED: September 14, 2022

Appeal from the order of the Commonwealth Court dated May 13, 2021 at No. 409 MD 2019.

BAER, C.J., TODD, DONOHUE, DOUGHERTY, WECHT, MUNDY, BROBSON, JJ.

OPINION

TODD, CHIEF JUSTICE

Article III of the Pennsylvania Constitution, through a constellation of provisions, ensures a transparent, orderly, and understandable process by which legislation is passed into law in our Commonwealth. It accomplishes these goals by imposing certain foundational requirements, and placing certain basic prohibitions, on the legislative process. More specifically, Article III, Section 1 mandates that a law be passed through a bill and prohibits the bill's original purpose from being changed on its passage through the Senate or the House of Representatives.[1] Similarly, Article III, Section 3 requires that

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proposed legislation be contained in a single subject, and that that subject be clearly expressed in a title.[2] In this direct appeal, we consider a class action challenge to the constitutionality of Act 12 of 2019 ("Act 12"),[3] which, *inter alia*, enacted changes to the Pennsylvania Human Services Code.[4] In particular, we must determine whether the lawmaking which culminated in the passing of Act 12 satisfied Article III's requirements.[5]For the reasons set forth below, we hold that the process by which the General Assembly passed Act 12 satisfied both the "original purpose" and "single subject" mandates found in Article III of our Constitution. Thus, we affirm the order of the Commonwealth Court and find the statutory enactment to be constitutional.

I. Factual and Procedural History

To fully analyze the constitutional questions presented by this appeal, a review of the background of Act 12 is required. Central to the current dispute regarding Act 12 is the General Assistance cash assistance ("Cash Assistance") program, which was created

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in 1967. This state program was administered by Appellee Department of Human Services ("DHS"). DHS was authorized to disburse up to a maximum of $215 in monthly cash assistance grants to individuals who were unable to work and had no other source of income, including those who had physical or mental disabilities; were pregnant; were victims of domestic violence and receiving protective services from DHS; were enrolled in a substance abuse treatment program, which imposed conditions precluding them from working; or were nonparental caretakers of children under the age of 13, or nonparental caretakers of an individual suffering from a physical or mental disability. 62 P.S. § 432. As of July 2019, over 12,000 individuals across Pennsylvania received Cash Assistance benefits. Pennsylvania also provides a General Assistance medical assistance ("Medical Assistance") program which provides state-funded health insurance to individuals in certain categories who do not qualify for the joint federal-state Medical

Assistance program.

The Cash Assistance program ceased operation in July 2012 after then-Governor Tom Corbett signed Act 80 of 2012,[6] which, like Act 12, provided for the program's elimination. Several individuals with disabilities who benefitted from the Cash Assistance program, and organizations involved in the delivery of human services, challenged Act 80 by asserting that it violated Article III, Sections 1, 3, and 4[7] of the Pennsylvania Constitution. In July 2018, our Court ruled that the means by which the General Assembly passed Act 80 violated Article III, Section 4 - which requires that all legislation be considered by each house of the legislature on "three different days."

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See Washington v. Department of Public Welfare, 188 A.3d 1135 (Pa. 2018) (holding that Article III, Section 4 had been violated because the various provisions of the legislation which became Act 80 were added late in the legislative session to an empty "shell bill," the prior contents of which had been removed and enacted by other legislation, and the added provisions were not considered by each legislative chamber on three separate days, nor were they germane, as a matter of law, to the subject matter of the deleted provisions of the bill, or to each other).[8]

Subsequent to our decision in *Washington*, in August 2018, DHS again began accepting applications for the Cash Assistance program, and, commencing in November 2018, DHS started issuing payments to applicants who met the eligibility criteria. However, in January 2019, a renewed effort was made to eliminate the Cash Assistance program, culminating in Act 12.

As the specific lawmaking process leading to Act 12 is at the core of the instant challenges, it is critical to review that process in some detail. Act 12 began with the introduction of House Bill ("H.B.") 33, Printer's Number ("P.N.") 0047. This bill was entitled:

> Amending the act of June 13, 1967 (P.L. 31, No. 21), entitled "An act to consolidate, editorially revise, and codify the public welfare laws of the Commonwealth," in public assistance, further providing for definitions, for general assistance-related categorically needy and medically needy only medical assistance programs and for the medically needy and determination of eligibility.

Id. The bill made four changes to the Human Services Code: it terminated the Cash Assistance program; it affirmed that the Medical Assistance program would not be

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altered;[9] it created a definition of "General Assistance-related categorically needy medical assistance," which concerns medical assistance for certain types of "needy" persons; and it deleted the provision of the Human Services Code which classified an individual as "medically needy" and, thus, eligible for Medical Assistance benefits if he or she received Cash Assistance grants. This bill was considered twice by the full House and then referred to the House Appropriations Committee on March 27, 2019.

The Committee adopted amendments to H.B. 33, P.N. 0047, which was expanded to include revisions to other sections of the Human Services Code and was then denominated H.B. 33, P.N. 2182. These amendments included reauthorization of Nursing Facility Incentive Payments to qualified non-public nursing facilities serving low income individuals, *i.e.*, Medicaid patients - which were due to expire on June 30, 2019 - until June 30, 2020, and, as an incentive for such facilities to accept more Medicaid patients, doubled the amount of these payments from $8 million to $16 million.[10] The

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amendments also extended assessments on "high volume Medicaid hospitals" in Philadelphia ("Philadelphia Hospital Assessment"), which were set to expire on June 30, 2019, through

June 2024, generating funding for low-income individuals. This revenue raising measure draws down matching federal Medicaid dollars through a levy on hospitals and generates over $165 million in revenue annually. H.B. 33, P.N. 2182, Senate Appropriations Fiscal Committee Note (June 20, 2019). Furthermore, the amendments altered the definition of a high-volume Medicaid hospital from a hospital providing over 90,000 days of care to Pennsylvania medical assistance patients to one providing over 60,000 days of inpatient care to such patients. The amendments also expanded the permissible uses by municipalities of the Philadelphia Hospital Assessment by allowing the municipalities to retain a portion of the revenues from those assessments for public health programs, including educational programs to reduce tobacco use and obesity; air pollution monitoring; enforcement of lead-free rental requirements; programs to promote immunization; water quality programs; childhood literacy programs; and the provision of care services in neighborhood health centers. Additionally, the amendments revised the definitions for the Statewide Quality Care Assessments, a program which generates revenue to pay for healthcare for low-income individuals and constitutes a tax on all hospitals statewide, and which permits Pennsylvania to draw down on supplemental Medicaid payments from the federal government.

The following additional language was also added to the title of the bill:

> and for medical assistance payments for institutional care; in hospital assessments, further providing for definitions, for authorization, for administration, for no hold harmless, for tax exemption and for time period; and, in statewide quality care assessment, further providing for definitions.

H.B. 33, P.N. 2182, Title.

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The amended bill was reported out of the Appropriations Committee, and it was passed by the full House on June 19, 2019 by a vote of 106-95. It was then sent to the Senate. One week later, after being referred to the Senate Health and Human Services Committee and Appropriations Committee, it was considered by the full Senate three times and passed on June 26, 2019, by a vote of 26-24. Two days later, Governor Tom Wolf signed the bill into law. The bill was published on July 13, 2019, in the Pennsylvania Bulletin by the Legislative Reference Bureau, which designated it Act 12 of 2019, and entitled it "Human Services Code-omnibus amendments." 49 Pa. Bull. 3595. The provisions relevant to the elimination of the Cash Assistance program became effective on August 1, 2019, and the other amendments became effective on July 1, 2019. Thus, Act 12 eliminated the authority of DHS to disburse Cash Assistance benefits to qualified recipients, reaffirmed the continued existence of the Medical Assistance program, as well as effectuated the above changes to the Human Services Code.

On July 22, 2019, Appellants Jasmine Weeks, Arnell Howard, and Patricia Shallick, who were recipients of Cash Assistance benefits, as well as a class encompassing over 12,000 other individuals who were receiving Cash Assistance benefits when they were terminated by the enactment of Act 12 on August 1, 2019, filed a "Class Action Petition for Review" in the Commonwealth Court's original jurisdiction, asserting that Act 12 was passed in violation of Article III, Sections 1 and 3 of the Pennsylvania Constitution.

Because DHS indicated that Act 12 would cause Cash Assistance payments to cease on August 1, 2019, Appellants also sought a preliminary injunction, via an "Application for Special Relief," to enjoin DHS's enforcement of Act 12. In support of their motion for a preliminary injunction, Appellants attached affidavits from Cash Assistance recipients attesting to the harm that they would suffer if this monthly stipend was

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terminated, as well as affidavits from social service professionals, public officials, and legal professionals who represent Cash Assistance recipients.

On August 1, 2019, the Commonwealth Court, sitting as trial court, denied Appellants' motion for a preliminary injunction, *Weeks v. Department of Human Services*, No. 409 M.D. 2019 (Pa. Cmwlth. 2019) ("*Weeks I*"), and Appellants lodged an interlocutory direct appeal.[11]

Our Court affirmed in an opinion authored by former-Chief Justice Saylor, which was joined by five other Justices. *Weeks v. Department of Human Services*, 222 A.3d 722 (Pa. 2019) ("*Weeks II*"). We considered the Commonwealth Court's denial of the requested injunction under the appropriate standard of review, which requires that we affirm a lower court if it had "any apparently reasonable grounds" for denying the injunction. *Id*. at 727. However, we also noted the presumption of validity of any enactment of the General Assembly, and the high burden on a petitioner to demonstrate that the enactment clearly, palpably, and plainly violated the Constitution. Beginning with the question of whether Appellants could demonstrate a likelihood of success on the merits, our Court looked to our prior decisions in this area - *City of Philadelphia v. Commonwealth*, 838 A.2d 566 (Pa. 2003) and *Pennsylvanians Against Gambling Expansion* ("*PAGE*"), 877 A.2d 383 (Pa. 2005) - under which we held that an enactment violates Article III, Section 3 if there is "no single unifying subject to which all of the provisions of the act are germane." *Weeks II*, 222 A.3d at 728 (quoting *City of*

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Philadelphia, 838 A.2d at 589). The majority continued, offering that our Court deems an Article III, Section 3 violation to occur only when provisions of legislation contain "unrelated subject matter" that cannot be grouped together except under a conceptualized "overly-broad topic" such as the "business of the courts, municipalities, or the economic wellbeing of the Commonwealth." *Id*. at 729 (quoting *PAGE*, 877 A.2d at 596). Applying this standard, the Court reasoned that Act 12 "as a whole relates to the provision of benefits pertaining to the basic necessities of life to certain low-income individuals." *Id*. at 730. The Court explained that "[s]ome of these benefits may be in the form of cash assistance for such items as basic utility services, food, clothing, and personal hygiene products, while others may be supplied through medical or nursing-home care, the delivery of which is incentivized by payments to providers." *Id*. The Court determined that this theme was "both unifying and sufficiently narrow to fit within the single-subject rubric." *Id*. Thus, the Court concluded that the Commonwealth Court did not abuse its discretion in rejecting a preliminary injunction under Article III, Section 3.

Similarly, our Court found this same germaneness test applied to determine whether an enactment violates Article III, Section 1. We noted that the original bill had only three provisions relating to the Cash Assistance program. We opined that the additional sections which became Act 12 all fit within the same unifying topic of "the provision of benefits pertaining to the basic necessities of life to certain low-income individuals." *Id*. Moreover, we emphasized that this was not a situation "in which the original bill was 'gutted' and its 'hollow shell' was then filled with distinct provisions." *Id*. at 731. Indeed, our Court found that the original provisions remained in the bill and all the amendments added to the bill during the legislative process related to this same broad

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unifying topic. Thus, we concluded that the Commonwealth Court did not abuse its discretion in denying a preliminary injunction under Article III, Section 1.[12]

Justice Wecht dissented, opining that the proposed unifying purpose set forth by the majority appeared to him to be "very nearly as broad as the one we characterized in *Washington* as 'entirely too expansive.'" *Id*. at 744 (Wecht, J., dissenting) (quoting *Washington*,

188 A.3d at 1154 n.36). In his view, the majority's analysis should have been held in abeyance until there was further development of the record through the normal litigation process, so that the merits of the parties' competing arguments could be more thoroughly developed and considered by our Court. From Justice Wecht's perspective, "[i]t is not at all clear that there is a common nexus between the subject of the original bill, ending [Cash Assistance] payments, and that of the later amendments, the generation and disbursement of revenue for the provision of health care services, such that they may be considered part of a unifying scheme to accomplish a single overarching purpose discernible in the original bill." *Id.* at 745. Thus, he believed a substantial question existed as to whether Act 12 complied with the requirements of Article III, Sections 1 and 3. Because he also deemed Appellants to have set forth sufficient irreparable harm from the termination of the Cash Assistance program, he would have reversed the Commonwealth Court's denial of their requested preliminary injunction.

Following our decision in *Weeks II*, proceedings continued in the Commonwealth Court. Appellants filed an amended petition for review in which they added a claim that

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Act 12 also violated Article III, Section 1 because the amendments to the bill transformed its initial purpose and, consequently in their view, rendered its final title deceptive, in that it failed to adequately apprise legislators of its true purpose. On May 11, 2020, DHS filed preliminary objections and demurred to Appellant's amended petition.

On March 24, 2021, in a unanimous, published opinion and order, the Commonwealth Court sustained DHS's preliminary objections and dismissed Appellants' petition for review in its entirety. *Weeks v. Department of Human Services*, 255 A.3d 660 (Pa. Cmwlth. 2021) ("*Weeks III*").[13] With respect to Appellants' Article III, Section 1 original purpose challenge, the Commonwealth Court noted that, in *PAGE*, our Court explained that, in order to determine whether an Article III, Section 1 violation has taken place, a reviewing court must consider the "original purpose of the bill . . . in reasonably broad terms" and determine whether that purpose has changed in the final bill. *PAGE,* 877 A.2d at 409. The court continued that a reviewing court must "consider, whether in its final form, the title and contents of the bill are deceptive." *Id.* The title of a bill will not be considered deceptive if "[i]t place[s] reasonable persons on notice of the subject of the bill." *Id.* Applying these criteria, the court opined that, "viewed in reasonably broad terms, the original purpose of HB 33 was to amend the Human Services Code's provisions on medical assistance to low-income individuals." *Weeks III*, 255 A.3d at 671. The court reasoned that "[e]ach amendment, even the elimination of the [Cash Assistance] program, pertained to the provision of medical assistance to certain low-income persons." *Id.*

The Commonwealth Court also rejected Appellants' claim that the title of the final bill was deceptive. The court deemed the language in the title of H.B. 33, P.N. 0047 -

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"providing for definitions for general assistance" - to be sufficient to place legislators on notice that "the bill pertained to the provision of medical services to 'categorically needy individuals,'" and apprised them that the Cash Assistance program would be eliminated. In the Commonwealth Court's view, the General Assembly was not required to identify the specific deletions from the Human Services Code that Act 12 would effectuate. *Id.* at 672.

Additionally, relying on the germaneness test set forth in *City of Philadelphia*, *supra*, the court rejected Appellants' Article III, Section 3 single subject challenge because the court considered all of the provisions of Act 12 to pertain to variations of the single unifying subject of "the provision of General Assistance to low-income individuals," and "the provision of 'basic necessities of life to certain low-income individuals.'" *Id.* at 670 (quoting *Weeks II*, 222 A.3d at 730).[14] The court eschewed Appellants'

argument that the revenue raising provisions for hospitals and nursing homes added to Act 12 were not germane to the provisions of Act 12 terminating Cash Assistance. In the court's view, the addition of these provisions did not cause the legislation to deviate from this unifying subject.[15] Appellants appealed the Commonwealth Court's decision.

Before our Court, Appellants raise two questions: (1) whether the enactment of Act 12 was in violation of Article III, Section 1 of the Pennsylvania Constitution, because its original purpose changed and its title was deceptive; and (2) whether the enactment

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of Act 12 violated Article III, Section 3 because its provisions covered more than a single subject. As both issues constitute pure questions of law, our scope of review is plenary, and our standard of review is *de novo*. *Buffalo Township v. Jones,* 813 A.2d 659, 664 n.4 (Pa. 2002). Furthermore, as this appeal arises in the context of a demurrer, which tests the legal sufficiency of the complaint, it is well established that, for purposes of evaluating that sufficiency, a court must accept as true all well-pleaded, material, and relevant facts alleged in the complaint, and inferences that are fairly deducible from those facts. *Commonwealth by Shapiro v. UPMC*, 208 A.3d 898, 909 (Pa. 2019). The question presented in such an analysis is whether, on the facts alleged, the law states with certainty that no recovery is possible. *Id*. Where "a doubt exists as to whether a demurrer should be sustained, this doubt should be resolved in favor of overruling it." *Id*.

Importantly, facial challenges to the validity of a statute are disfavored. *Commonwealth v. Heinbaugh*, 354 A.2d 244, 245 (Pa. 1976). Indeed, every enactment of the General Assembly is presumed valid - a presumption that extends to the manner in which it was passed. *Commonwealth v. Neiman*, 84 A.3d 603, 611 (Pa. 2013). Thus, a statute will only be stricken if the challenger demonstrates that it "clearly, palpably and plainly violates the Constitution." *Harrisburg School District v. Zogby*, 828 A.2d 1079, 1087 (Pa. 2003) (quoting *Purple Orchid, Inc. v. Pennsylvania State Police*, 813 A.2d 801, 805 (Pa. 2002)); *cf*. 1 Pa.C.S. § 1922(3) (directing courts to assume the legislature does not intend to violate the state or federal Constitutions). Therefore, "[t]he party seeking to overcome the presumption of validity bears a heavy burden of persuasion." *West Mifflin Area School District v. Zahorchak*, 4 A.3d 1042, 1048 (Pa. 2010).

Finally, central to any analysis under Article III, Section 1 or Section 3, amendments to a bill must be germane to and not change the general subject of the bill. Because the germaneness inquiry is more prominent in a Section 3 inquiry, we will reorder

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the issues as stated in our grant of allocatur and address Appellants' Article III, Section 3 challenge first.

II. Challenge under Article III, Section 3

With respect to satisfaction of Article III, Section 3, Appellants contend that, rather than a single unifying subject, the amended bill contained four disparate subjects: (1) the elimination of Cash Assistance benefits; (2) the extension of Nursing Facility Incentive Payments for another year and increasing state funds for those payments; (3) amendments to reauthorize and increase a revenue-raising tax, the Philadelphia Hospital Assessment, and to allow municipalities to use their portion of revenues raised by that assessment for broad "public health programs"; and (4) changes to another revenueraising tax, the Statewide Hospital Quality Care Assessments, affecting which revenues are subject to that tax. Appellants' Brief at 45. Thus, Appellants posit that, even if our Court could view the amendments as related to medical assistance to low-income individuals (a view with which they disagree), those amendments reflected a change from the original purpose, which involved cash benefits and not health care benefits.

Building on this argument, Appellants highlight that the Philadelphia Hospital Assessment included a change to allow municipalities to use a portion of their raised revenue for broad public health endeavors. These general public health matters included restaurant and retail food inspection, air and water quality, inspection of barber and beauty establishments, and promoting childhood literacy, which, according to Appellants, did not relate to medical care for low-income individuals, and would extend further than merely impacting the basic needs of low-income individuals. Indeed, Appellants aver that DHS concedes that, contrary to the Commonwealth Court's finding, neither the original bill nor the final bill makes any changes to the Medical Assistance program.

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Appellants maintain that Act 12 is an omnibus bill in both name and substance and any contention that the "single subject" of the bill is "programs overseen by the [DHS]," is overbroad, as exemplified by our Court's decision in *Washington*, which rejected as the unifying subject of Act 80 "the regulation and funding of human services programs regulated by the Department of Public Welfare." Appellants' Brief at 49 (quoting *Washington*, 188 A.3d at 1153 n.36). Related thereto, Appellants contend that none of the hypothesized proposed subjects used to unify the disparate provisions of the bill allow Act 12 to survive scrutiny under Article III, Section 3. Specifically, Appellants reject "the provision of health care assistance to certain low-income persons" as a unifying theme, as the elimination of Cash Assistance benefits is unrelated to medical assistance. Likewise, the claim that the theme "the provision of General Assistance to low-income individuals" is inapt as the provisions of Act 12 cannot be so unified, noting that "General Assistance" is a term of art comprised of both Cash Assistance benefits and Medical Assistance benefits; none of the amendments to the original bill impacted either of those two programs; and certain of the amendments are not limited to low-income individuals. Appellants' Brief at 50. Moreover, Appellants argue that the subject of "the provision of benefits pertaining to the basic necessities of life to certain low-income individuals" also fails as overly broad, and nevertheless, not all of the pieces of Act 12 can be constitutionally connected even under this moniker, as the Philadelphia Hospital Assessment broadens the purposes for which municipalities may use their portion of the assessment for various public health programs which are not limited to low-income individuals. *Id*.

Finally, Appellants emphasize that Governor Wolf, who supported the revenue measures for hospitals and municipalities, but did not support the termination of the Cash Assistance program, viewed Act 12 as presenting him with a "Hobson's choice" whereby

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he was forced to sign the entirety of the legislation in order to secure funding for hospitals, funding which was set to expire within a short period of time at the end of the Commonwealth's fiscal year. Appellants' Brief at 58. Appellants contend that the hospital assessments and nursing facility payments had extensive legislative support, noting that they had easily passed the General Assembly in 2016 when they were last up for reauthorization. Yet, even though those measures could have been enacted as separate legislation, Appellants suggest that they were, instead, combined with the bill to eliminate Cash Assistance in order to secure support among those legislators who might otherwise have opposed the elimination of the Cash Assistance program, had that issue stood on its own. Appellants therefore urge that the Commonwealth Court decision below cannot stand because it countenances the very type of disfavored legislative practice - logrolling - which the framers of Article III, Section 3 intended to prevent.[16]

Initially, DHS responds by stressing the heavy burden upon a challenger to the constitutionality of a statutory provision, and it reminds that our Court should only invalidate a

statute that clearly, palpably, and plainly violates the Constitution. DHS emphasizes that our Court, in *PAGE*, in setting forth the required two-prong test to determine whether Article III, Sections 1 and 3 have been violated, allows a reviewing

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court to consider the contents of an initial bill and hypothesize a reasonably broad original purpose from its text, and then compare it with the final version of the bill and determine whether any subsequent amendments added during the legislative process fit within that broad purpose. Second, the court considers whether, in its final form, the title and contents of the bill are deceptive. Here, DHS offers that the original bill discontinued the Cash Assistance program but left unchanged the Medical Assistance program. Thus, according to DHS, the reasonably broad original purpose for this legislation was "to amend existing provisions of the Human Services Code providing medical assistance to low-income individuals," and that the subsequent amendments to the original House bill fit within that broad original purpose because each provision "pertain[ed] to the provision of medical care to certain low-income individuals." Appellee's Brief at 16. Thus, because the original and final bill related to the same broad purpose, DHS contends that the first prong was satisfied.

Related thereto, DHS notes that the Commonwealth Court's suggested initial purpose - regarding "benefits pertaining to the basic necessities of life to certain low-income individuals" - is similarly suitable as a reasonably broad original purpose, and the final bill likewise pertained to this subject. *Id*. at 18. DHS maintains that the modifications the bill underwent between initial and final passage were significantly more "modest" than those in *PAGE*, yet our Court approved the combining of disparate provisions in that case under the broad umbrella of "regulation of gaming," and it submits the instant bill's original and final subjects fit within either its suggested purpose or the Commonwealth Court's hypothesized single subject. *Id*. at 19.

With respect to the second prong, DHS asserts that the title and final version of Act 12 is not deceptive, as the title is not an index of a bill's contents, and, here, it covers all major provisions thereof. Indeed, DHS claims that one cannot credibly argue that the

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provisions that eliminate the Cash Assistance program were not adequately noticed or were otherwise hidden in the final bill; in fact, DHS notes, the provisions regarding the Cash Assistance program were part of the original bill.

Thus, when viewed properly, DHS contends that the single subject of the bill did not need to be limited to discontinuing the Cash Assistance program, but pertained to whether health care assistance was to be provided by the Commonwealth to certain low-income individuals, and which low-income individuals would receive that assistance. According to DHS, as each of the amendments to the bill pertained to the provisions of health care for certain low-income individuals, they did not violate the single subject requirement, citing *PAGE* and *Christ the King Manor v. Department of Public Welfare*, 911 A.2d 624 (Pa. Cmwlth. 2006), *aff'd* 951 A.2d 255 (Pa. 2008) (*per curiam*). Indeed, DHS finds *Christ the King Manor* to be "analytically indistinguishable" from this matter and emphasizes the Commonwealth Court's determination therein that the statute did not violate the single subject requirement as it contained the unifying theme of "the regulation of publicly funded health care services." Appellee's Brief at 30.

DHS denies that, simply because some of the provisions in the final bill relating to the raising of revenue or providing benefits to the public at large, this caused the bill to have strayed from its original purpose. According to DHS, all of those provisions still provided benefits to low-income individuals, just as the original bill concerned benefits to low-income individuals. DHS maintains that, just because Act 12's amendments also contain ancillary benefits to the public at large, this does not amount to unconstitutional logrolling, and

stresses that the mere fact that lawmakers happen to agree with some, but not all, of the provisions in a bill does not automatically indicate the bill was the result of logrolling, or otherwise render the bill unconstitutional.

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With these arguments in mind, we begin our analysis by considering the foundations of Article III, Section 3. While the historical underpinnings of Section 3 are now well traveled in our decisions, and our Court's recent decision in *Washington* set forth an extensive tracing of the origins and legal background of Article III, a condensed summary of that narrative is beneficial to contextualize the issue before us.

During the decade after the Civil War, the citizens of Pennsylvania became increasingly dissatisfied with shortcomings in the legislative process. *Washington*, 188 A.3d 1145. Legislators failed to ensure the transparency of the lawmaking process and disregarded the rules of procedure in acting upon bills, allowing for the passage of laws that benefitted narrow interests and were injurious to the public weal. Specifically, such practices led to "local and special laws to confer special benefits or legal rights to particular individuals, corporations, or groups, benefits which were not afforded the general public; deceptive titling of legislation to mask its true purpose; the mixing together of various disparate subjects into one omnibus piece of legislation; and holding quick votes on legislation which had been changed at the last minute such that its provisions had not been fully considered by members of both houses." *Id*. The public outcry regarding these abuses led to the holding of the 1873 constitutional convention for the dual goals of reformation of the legislative process, including a unified procedure for the passage of all legislation, and the elimination of all special legislation. This effort culminated in the approval in 1874 of the modern version of Article III of the Pennsylvania Constitution. *Id*. at 1146.[17]

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Article III, Section 3 actually predated the "Reform Constitution" of 1874 and was born from a similar populist uprising during the Civil War regarding the misuse of omnibus bills which incorporated multiple pieces of legislation, each pertaining to a different subject, into one bill. In 1863, the legislature passed what is now Article III, Section 3, which was thereafter approved by the voters in 1864 as an amendment to the 1838 Constitution. *Washington*, 188 A.3d at 1146 n.29. That amendment, virtually identical to the core provision in today's version of Section 3, read: "[n]o bill shall be passed by the legislature, containing more than one subject, which shall be clearly expressed in the title, except appropriations bills." Pa. Const. of 1864, art. II, § 8.[18]

The drafters of Article III, Section 3, who sought a transparent and understandable legislative process, were especially troubled by omnibus bills which permitted the passage of "stealth legislation," by which legislators and citizens were affronted by hidden aspects of legislation. *See* John L. Gedid, "*History of the Pennsylvania Constitution*," as appearing in Ken Gormley, ed., *The Pennsylvania Constitution A Treatise on Rights and Liberties,* 68 (2004) ("Requiring a single subject and statement of that subject in the title of a bill, as well as controls on altering bills to change their nature during the passage process without revealing the change, prevented 'stealth' legislation in which some legislators might be misled about the contents of a bill, and also enabled the public to know and follow what the legislature was doing.").

Additionally, "logrolling" was of particular concern to the citizenry and the constitutional reformers. This technique "embrac[ed] in one bill several distinct matters, none of which could singly obtain the assent of the legislature, and procur[ed] its passage

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by combining the minorities who favored the individual matters to form a majority that would adopt them all." *Neiman,* 84 A.3d at 611 (quoting *City of Philadelphia*, 838 A.2d at 586). As a practical matter, this resulted in legislators

voting for a bill containing aspects with which they disagreed, solely to secure passage of other parts of the legislation that they supported. As a remedy, the single subject requirement restricted the attachment of riders, which could not be passed on their own, to popular bills which were certain to become law, and constituted a significant step forward in curtailing both stealth legislation and the practice of logrolling.

Related thereto, and while not often discussed in our jurisprudence, an additional salutary purpose served by the single subject requirement is protecting the integrity of the gubernatorial veto: "Just as the single subject limitation seeks to ensure separate and independent legislative consideration of proposals, it is intended to guarantee the same freedom from 'logrolling' during executive review of legislative enactments. Thus . . . if the governor desires to veto any of the sections in the legislation, he would have been required to veto the entire act. To do so requires him to sacrifice desirable legislation in order to veto what he considers undesirable legislation." Robert F. Williams, *The Law of American State Constitutions*, 261-262 (2009); *see also Commonwealth ex rel. v. Barnett*, 48 A. 976, 977 (Pa. 1901) ("[B]y joining a number of different subjects in one bill the governor was put under compulsion to accept some enactments that he could not approve, or to defeat the whole, including others that he thought desirable or even necessary."). Stated another way, "the single subject rule protects the governor's veto prerogative by 'prevent[ing] the legislature from forcing the governor into a take-it-or-leave-it choice when a bill addresses one subject in an odious manner and another subject in a way the governor finds meritorious' .... In a word, the single subject rule protects the decision of the legislators and governor on each individual legislative

proposal." Martha Dragich, *State Constitutional Restrictions on Legislative Procedure*, 38 Harv. J. Legis. 103, 115 (2001). Thus, Article III, Section 3 also serves as a safeguard of the Governor's veto power set forth in a parallel constitutional provision. Pa. Const. art. IV, § 15.

Consequently, the reaffirmation of the principles of Article III, Section 3 in the "Reform Constitution" of 1874, limiting each bill to a single subject, served to ensure that every piece of legislation receives a "considered and thorough review" by legislators, and safeguards the ability of all residents of the Commonwealth who will be impacted by a bill to have the opportunity to make their views on its provisions known to their elected representatives prior to their final vote on the measure. *Neiman,* 84 A.3d at 612. Article III, Section 3 was designed to prevent the use of "omnibus bills" which combined multiple pieces of legislation, each pertaining to a different subject, into one bill. *Washington*, 188 A.3d at 1146 (citing Thomas Raeburn White, *Commentaries on the Constitution of Pennsylvania,* xxvi (1907) at 213 (hereinafter "White")). The overarching purpose of these and the other restrictions on the legislative process contained in Article III was to ensure "our Commonwealth's government is open, deliberative, and accountable to the people it serves." *Id*., at 1147 (citing *City of Philadelphia*, 838 A.2d at 585). Indeed, as we summarized in *PAGE*, "while these changes to the Constitution originated during a unique time of fear of tyrannical corporate power and legislative corruption, these mandates retain their value even today by placing certain constitutional limitations on the legislative process." *PAGE,* 877 A.2d at 394; *see also Stilp v. Commonwealth*, 905 A.2d 918, 95152 (Pa. 2006).

With this review of its historical origins and purpose, we turn to our analysis of Appellants' Article III, Section 3 challenge. In interpreting a constitutional provision, "we view it as an expression of the popular will of the voters who adopted it, and, thus,

construe its language in the manner in which it was understood by those voters." *Washington*, 188 A.3d at 1149 (citing *Stilp*, 905 A.2d at 939; *Commonwealth v. Harmon,* 366 A.2d 895, 899

(Pa. 1976)). Thus, our Court should not consider constitutional language in a "technical or strained manner, but [should] interpret its words in their popular, natural and ordinary meaning." *Id*. (citing *Scarnati v. Wolf*, 173 A.3d 1110, 1118 (Pa. 2017)). That being the case, "we must favor a natural reading which avoids contradictions and difficulties in implementation, which completely conforms to the intent of the framers, and which reflects the views of the ratifying voter." *In re Bruno,* 101 A.3d 635, 659 (Pa. 2014) (quoting *Commonwealth ex rel. Paulinski v. Isaac,* 397 A.2d 760, 766 (Pa. 1979)). As "[o]ur ultimate touchstone is the actual language of the Constitution itself," *Stilp,* 905 A.2d at 939, we initially turn to the text of Section 3.

Article III, Section 3 of our state charter, commonly referred to as the "single subject" requirement, more precisely contains twin mandates:

> No bill 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.

Pa. Const. art. Ill. § 3; *see also PAGE,* 877 A.2d at 394 (offering that this constitutional provision "sets forth dual mandates for the General Assembly which prohibit the passing of a bill that contains more than one subject and requires that the subject be clearly expressed in its title").

By its express language, Article III, Section 3 could be understood to permit a bill to contain only, and literally, a single subject, meant in its narrowest sense. However, our case law has never given Section 3 such a circumscribed interpretation. Indeed, due to the nature of the legislative process, of which the offering of amendments by legislators or the insertion or deletion of various provisions is a wholly accepted part of the path

through each house of the General Assembly, our Court has strived over the years to strike the appropriate balance between allegiance to the intent and purpose of Article III, Section 3, and, at the same time, to give a broad enough meaning to the provision to allow the legislative process to operate reasonably unimpeded. This endeavor has proven to be complex and does not lend itself to bright-line rules. These characteristics of a single subject analysis, in turn, have resulted in a waxing and waning in how narrowly Section 3 has been construed.

For example, over 100 years ago, in *Payne v. School District of Borough of Coudersport,* 31 A. 1072, 1074 (Pa. 1895) (*per curiam*), our Court explained the expanding and contracting lens through which a single subject analysis may be viewed, and adopted an analytical approach which required the various legislative provisions comprising a bill to accomplish a single general purpose, reasoning that:

> [f]ew bills are so elementary in character that they may not be subdivided under several heads; and no two subjects are so wide apart that they may not be brought into a common focus, if the point of view be carried back far enough.... Those things which have a 'proper relation to each other,' which fairly constitute parts of a scheme to accomplish a single general purpose, 'relate to the same subject' or 'object.' And provisions which have no proper legislative relation to each other, and are not part of the same legislative scheme, may not be joined in the same act.

Id. at 1074. This standard has come to be generally described by our Court in more recent cases as a "germaneness" test, which requires a commonality between the provisions contained in the legislation, such that the various parts of the bill can be fairly regarded as working together to accomplish a singular purpose. *Id*.

On the heels of the 1874 Constitution, in the late 19th and early 20th centuries, our Court applied this germaneness construct stringently.

See, *e.g.*, *id*. at 1073 (finding legislation that originally related to a single school in Coudersport borough, and which

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expanded to "Coudersport and East Fork road district, which includes a part of three townships never therefore connected in any way with Coudersport school district and it affects not merely the graded school, but all the schools within the territory," contained more than a single subject in violation of the Constitution); *Commonwealth ex rel. Woodruff v. Humphrey,* 136 A. 213, 217 (Pa. 1927) (holding statute as written treated two subjects - "engineering" and "land surveying" - not as the latter being a subordinate branch of the former, but as two professions, ultimately setting forth two subjects of legislation in one statute, in violation of Section 3 of the Constitution); *Yardley Mills Co. v. Bogardus*, 185 A. 218 (Pa. 1936) (eschewing unifying subject of "water canals" in striking legislation containing provisions requiring canal companies to maintain waterways, granting these companies the right to sell water for commercial purposes, and allowing the Commonwealth to acquire canal lands by gift and sell portions of them).

More recently, in our 2003 decision in *City of Philadelphia*, we recognized the constitutional mandate that the differing provisions within the bill must be "germane" to each other, although we acknowledged what we have considered germane and not germane has fluctuated throughout the years. *City of Philadelphia*, 838 A.2d at 586-87.[19]Therein, adopting a "middle-course framework," we explained that, to pass constitutional muster under Article III, Section 3, differing subjects contained in legislation must constitute parts of a unifying scheme to accomplish a single purpose. *Weeks II*, 222 A.3d at 727. Our Court's decision was animated by concerns raised earlier in *Payne*, explaining that "[t]here must be limits . . . as otherwise virtually all legislation, no matter how diverse in substance, would meet the single-subject requirement." *City of Philadelphia*, 838 A.2d at 588. Adopting a more moderate approach to Section 3, our

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Court concluded that a bill which made multiple disparate amendments to the Philadelphia City Code could not be brought together under the single broad category of "municipalities," given the various subjects did not "constitute part of a unifying scheme to accomplish a single purpose" and, thus, was unconstitutional. *Id*. at 588-89.[20]

Only two years later, however, our Court authored its arguably broadest interpretation of the single subject requirement in *PAGE*. The Court reiterated that, "'where the provisions added during the legislative process assist in carrying out a bill's main objective or are otherwise 'germane' to the bill's subject as reflected in its title,' the requirements of Article III, Section 3 are met;" but we conceded that, under the teachings of *Payne*, "defining the constitutionally-valid topic too broadly would render the safeguards of Section 3 inert." *PAGE*, 877 A.2d at 395. Nevertheless, the *PAGE* Court found that a bill which originated as a simple measure to allow background checks by the state police for persons involved in harness racing, but to which the entirety of the present Gaming Act was added to it late in the legislative session, including subjects of seemingly diverse topics,[21] did not violate Article III, Section 3. This legislation survived a single

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subject challenge, despite the expansive number of different matters in the final bill, because all the topics related to the subject of the "regulation of gaming." *Id*. at 396.

Our Court's decisions in the last decade have reinvigorated a narrower understanding of the single subject requirement, rendering our decision in *PAGE* an outlier. For example, in 2013, in *Pennsylvania State Association of Jury Commissioners v. Commonwealth*, 64 A.3d 611 (Pa. 2013), our Court considered an omnibus bill providing counties with the right to electronically auction surplus farm products and miscellaneous personal property, as well as abolish the office of jury commissioner. We determined that the legislation violated Article

III, Section 3 because these subjects could not be grouped together under the broad topic of "powers of county commissioners" or it would contravene the teachings of *Payne* and render nugatory the protections of that constitutional provision. *Id*. at 619 ("The addition of a completely unrelated legislative operation to the bill under the auspices of 'powers of county commissioners' could only have survived the instant single subject challenge 'if the point of view [were] carried back far enough' to eviscerate the rule." (citations omitted)).

Similarly, that same year in *Neiman*, *supra*, our Court struck an omnibus bill which contained Megan's Law sex offender registration provisions, as well as amendments to deficiency judgment procedures, county park police jurisdiction, and the statute of limitations for asbestos claims, as violative of the single subject rule as they were not germane to effectuating a singular purpose. In doing so, our Court rejected as proposed unifying subjects "refining civil remedies or relief" or "judicial remedies and sanctions" as too expansive to satisfy Article III, Section 3's constitutional mandate; rather, we reasoned that "such subjects are virtually boundless." *Neiman*, 84 A.3d at 613.

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Finally, in *Leach*, in a challenge to an omnibus bill that amended the crimes of theft of precious metals and criminal trespass, while also eliminating the right of municipalities to regulate the possession, ownership, or transport of firearms, we found the legislation violated the single subject rule because there was no common nexus to a single purpose - that is, the provisions therein were not part of a unifying scheme to accomplish a single purpose. *Leach*, 141 A.3d at 430. In coming to this conclusion, our Court rejected the assertion that all of the statute's provisions amended aspects of the Crimes Code, as well as the alternative theory that the enactment encompassed Crimes Code amendments involving the regulation of firearms or the ability to own a firearm. *Id*. at 434.

The single subject test, as described above, contains both a "germaneness" and a "clear expression" requirement.[22] As to the "germaneness inquiry," in considering whether the manner of passage of a bill violates Article III, Section 3, a court asks whether the various provisions within the bill are germane to each other. *Neiman*, 84 A.3d 612.[23]The various subjects contained in a legislative enactment are germane to each other if they "have a nexus to a common purpose." *Id*. Alternatively stated, the bill's various provisions must be part of "a unifying scheme to accomplish a single purpose." *Id*. (quoting *City of Philadelphia*, 838 A.2d at 589).

In deference to the legislative process, when engaging in a germaneness analysis, a court may hypothesize a reasonably broad purpose for a bill that encompasses the original text and amendments thereto, regardless of whether that hypothesized subject is proposed by the party defending the constitutional challenge or is conceived by the court.

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However, when the court must hypothesize an "unduly expansive" subject to sustain an enactment, the General Assembly has violated its constitutional mandate. *Washington*, 188 A.3d at 1152; *City of Philadelphia*, 838 A.3d at 588 (cautioning that "otherwise virtually all legislation, no matter how diverse in substance, would meet the single-subject requirement" undercutting Section 3's safeguards); *see also Weeks II*, 222 A.3d at 738 (Wecht, J., dissenting).

Applying the germaneness inquiry to the legislation before us, we conclude that the provisions contained in Act 12 are germane to each other, as we have interpreted that requirement. As we explained in *Weeks II*, the essence of the decisions analyzed above is that a bill will be held to violate the single-subject rule only if it includes provisions with "unrelated subject matter." 222 A.3d at 729. Of course, the hypothesized unifying topic cannot be overly broad, as illustrated by such rejected topics as the "business of the courts, municipalities, or the economic wellbeing of the Commonwealth" - expansive topics "which would empty the germaneness test of all meaning." *Id*. (citations

omitted).

While strong arguments have been made on both sides, and while we find this to be a close case, we conclude that the provisions of Act 12 are not so far removed from each other that they are "unrelated," or that sanctioning their inclusion together would strip the germaneness test of meaning. Rather, as in *Weeks II*, we believe that the act as a whole has a "nexus to a common purpose," *Neiman*, 84 A. 3d at 612 - that is, hypothesizing a reasonably broad purpose, we find its provisions all relate to benefits pertaining to the basic necessities of life to low-income individuals. *See Weeks II*, 222 A.3d at 730. [24] This unifying single subject covers the elimination of Cash Assistance,

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which provided cash for basic items such as utility services, food, clothing, and personal hygiene products, as well as the continued provision of Medical Assistance benefits and nursing-home care, the delivery of which is incentivized by payments to providers and benefits to those institutions which serve Medicaid patients.[25] Furthermore, we find that, although Act 12's amendments additionally addressed ancillary benefits to the populous at large - through municipal funding of public health programs, including educational programs to reduce tobacco use and obesity; air pollution monitoring; enforcement of lead-free rental requirements; programs to promote immunization; water quality programs; childhood literacy programs; and the provision of care services in neighborhood health centers - they still fall within the unifying single subject of "the provision of benefits pertaining to the basic necessities of life for low-income individuals." Similarly, and because of this common subject, the amendments do not amount to unconstitutional logrolling. Rather, Act 12 in its original form and as amended has a unifying scheme to accomplish a singular purpose.

Additionally, we conclude that "the provision of benefits pertaining to the basic necessities of life to low-income individuals" is not unreasonably broad. Indeed, this subject is far narrower than the all-encompassing topics such as "municipalities" (*City of Philadelphia*), "refining civil remedies or relief" or "judicial remedies and sanctions" (*Neiman*), "amendments to the county code" or "powers of county commissioners" (*Jury*

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Commissioners), or "regulation of firearms" or "ability to own a firearm" (*Leach*) which we have rejected over the years as unconstitutional. Those pieces of legislation contained provisions on disparate topics that simply could not be reconciled under even a broad hypothesized single subject. Indeed, unlike these cases, here, all of the amendments pertain to benefits for low-income individuals. It is also narrower than the subject - "the regulation and funding of human services programs regulated by the [DPW]" - about which we expressed skepticism in our prior decision in *Washington*, 188 A.3d at 1154 n.36, albeit in the context of an Article III, Section 4 challenge.

Again, we conclude this appeal presents a close call, and find it is at the very boundary of what is permissible under the single-subject mandate in Article III, Section 3. That being the case, we repeat that facial challenges to the validity of a statute are disfavored and every legislative enactment, including the process by which a bill becomes law, is presumed valid. Ultimately, we find that Appellants have not met their heavy burden of establishing that the legislative process "clearly, palpably and plainly" violated our Constitution. *Zogby*, 828 A.2d at 1087. For these reasons, we hold that the legislative process which culminated in the passage of Act 12 satisfies the single subject mandate of Article III, Section 3.

III. Challenge under Article III, Section 1

Having found that the legislative process which led to the enactment of Act 12 did not violate Article III, Section 3, we turn to the question of whether its enactment was in violation of the requirements of Article III, Section 1 of the Pennsylvania Constitution. As

we discuss *infra*, this provision contains twin mandates: (1) that, on its passage through the legislature, a bill is not to be altered or amended so as to change its original purpose; and (2) that the title and contents of the bill in its final form are not deceptive. We address each mandate in turn.

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A. Original Purpose

Appellants begin with an overview of Article III and the history and policy underlying that provision, as set forth above, emphasizing the origins of the amendments to Article III, including the corrosive effects of the last-minute consideration of important measures, logrolling, mixing substantive provisions in omnibus bills and the attachment of unrelated provisions in the amendment process. Appellants' Brief at 23 (citing *City of Philadelphia*, 838 A.2d at 588-89). Specifically, Appellants proffer that the original purpose rule was intended to abolish the addition of riders to bills during the legislative process so as to prevent the addition of proposed legislation on a subject matter unrelated to that of the bill as originally passed.

Appellants explain that, central to an analysis under Article III, Section 1, amendments to a bill must be germane to, and not change, the general subject of the bill. Appellants assert that the Commonwealth Court erred when it held that the purpose of the original bill was to amend the Human Services Code's provisions on Medical Assistance. Rather, Appellants stress that, as sponsored and summarized, the sole stated purpose of the bill, as reflected in its title and text, was to eliminate the Cash Assistance program *without* changing the Medical Assistance program, which, according to Appellants, is a completely different type of benefit. With respect thereto, Appellants maintain that, prior to the passage of Act 12, the Cash Assistance program provided only cash benefits, which, as noted above, are small amounts of cash given to needy individuals who may spend it on a variety of basic life needs, including rent and food. This, according to Appellants, can be contrasted with Medical Assistance, which, as its name suggests, provides medical benefits to eligible individuals, through the Commonwealth's Medical Assistance program (albeit not the broader health care assistance provided through the federal Medicaid program).

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In support of its assertion that the original bill's purpose solely related to Cash Assistance, Appellants contend that the original bill's change in the definition of "General assistance" to "General assistance-related categorically needy medical assistance" was necessary because of the elimination of the cash benefits provided by the Cash Assistance program. Appellants' Brief at 31. Appellants submit that, formerly, the receipt of such cash benefits automatically enabled the recipient to receive medical assistance through the Medical Assistance program, but, since the bill was eliminating cash benefits, a further technical revision was necessary to remove this trigger provision. Appellants assert that these "purely technical" references related only to the state-funded Medical Assistance program, and not to the federally-funded Medicaid program, and, thus, not to the Philadelphia Hospital Assessments and Nursing Facility Incentive Payments. Appellants' Brief at 32-33. Indeed, Appellants emphasize that the DHS admitted that the Medical Assistance program was not affected by Act 12.

Appellants submit that the bill's amendments were designed to achieve purposes beyond the elimination of Cash Assistance (its sole original purpose, according to Appellants). Indeed, Appellants assert that the final bill: (1) reauthorized the Nursing Facility Incentive Payments; (2) revised definitions for the Statewide Quality Care Assessment, a tax on hospitals statewide that permitted Pennsylvania to draw down on supplemental Medicaid payments from the federal government; (3) reauthorized the Philadelphia Hospital Assessment, permitting Pennsylvania to draw down $165 million in revenue from the federal government; and (4) changed the Philadelphia Hospital Assessment to permit municipalities to

use their portion of revenues raised by that assessment for "public health programs." Appellants' Brief at 35.

Thus, contrary to the Commonwealth Court's conclusion, Appellants maintain that the original purpose of the bill was not "to amend the Human Services Code's provisions

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on medical assistance to low-income individuals," but was solely to eliminate the Cash Assistance program. *Id*. Similarly, Appellants reject as an original purpose "medical assistance to low-income individuals," *id*., given that the amendments concerned revenue assessments crucial to the budget, and the Philadelphia Hospital Assessment was altered to allow municipalities to use the generated revenues for broad public health programs, including restaurant and retail food inspection, air and water quality, and inspection of barber and beauty establishments, and promoting childhood literacy. *Id*. at 36. Appellants contend that these uses do not relate to medical care for low-income individuals, and impact more than the basic needs of low-income individuals. Appellants eschew as an original purpose the "provision of benefits pertaining to the basic necessities of life to certain low-income individuals," asserting it is overly broad, and, thus, fails the germaneness test. *Id*. According to Appellants, even under a reasonably broad view of the original purpose of the bill, it could not encompass the "multiple and wide-ranging disparate purposes of the final, amended bill." *Id*. at 37. Appellants submit that our Court rejected such amendments regarding different programs in *PAGE*, *Washington*, and *Leach*.

After setting forth the "extremely deferential" standard of review regarding the constitutionality of Act 12, DHS counters that, with respect to the original purpose requirement, a court must look at the original purpose broadly, Appellee's Brief at 13 (citing *PAGE*, 877 A.2d at 409), reflecting that legislation often changes significantly during its path to becoming law. Here, DHS maintains that the final bill had the same broad purpose as the original bill. Specifically, DHS offers that the original purpose of the bill, broadly stated, was "to amend existing provisions of the Human Services Code providing medical assistance to low-income individuals." Appellee's Brief at 16. According to DHS, the final bill likewise amended existing provisions of the Human

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Services Code, pertaining to the provision of medical care to low income individuals, by "(1) extending and increasing funding for certain nursing facilities that provide medical care to low-income individuals; (2) amending the definitions to the Statewide Quality Care assessment (otherwise referred to as the statewide hospital assessment), which authorizes an assessment on hospitals to generate funding to pay for health care services to low-income individuals; and (3) renewing and extending the Philadelphia Hospital Assessment through June 30, 2024, which authorizes an assessment on Philadelphia hospitals to generate funding to pay for health care services for low-income individuals." *Id*. at 16-17. Thus, DHS contends that the original purpose test is satisfied.

Related thereto, DHS notes that its proffered broad purpose is not definitive, as it is for the courts to hypothesize a reasonably broad purpose, not the litigants. Thus, DHS points to the similarly broad purpose we hypothesized in *Weeks II*, concluding that the provisions of Act 12 all concerned "benefits pertaining to the basic necessities of life to certain low-income individuals." *Weeks II*, 222 A.3d at 730. Regardless of which purpose is hypothesized - the one it proffers, or our formulation in *Weeks II* - DHS contends that both pass the constitutional requirements of Article III, Section 1. In support thereof, DHS offers that the amendments in the final bill were significantly narrower than those in *PAGE*, which began as a bill intended for police background inspection in the horse racing industry and expanded to include the authorization of slot machine gambling in the Commonwealth. While the amendments were significant, our Court nevertheless found no

violation of Article III, Section 1 as both the original and final form of the bill related to the same broad purpose - the regulation of gaming - and, thus, satisfied the original purpose test.

Our analysis begins with the language of Article III, Section 1. This constitutional provision, entitled "Passage of laws," provides: "No law shall be passed except by bill,

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and no bill shall be so altered or amended, on its passage through either House, as to change its original purpose." Pa. Const. art. III, § 1.

As noted by the parties, Article III, Section 1 was newly adopted by the 1873 constitutional convention and was primarily intended to abolish the practice of attaching "riders" to bills during the legislative process by preventing amendments on a subject matter unrelated to that contained in the bill as originally introduced. *Washington*, 188 A.3d at 1146 (citing White at 211). Its objective was to give legislators considering a bill sufficient notice of all of its provisions so that "they might vote on it with circumspection." *Consumer Party of Pennsylvania v. Commonwealth,* 507 A.2d 323, 334 (Pa. 1986).

All parties agree that *PAGE* sets forth the relevant inquiry for a challenge to legislation under Article III, Section 1. Therein, we explained that, generally speaking, "the language adopted by the conventioneers, as well as their purpose in adopting Article III, Section 1 counsel towards, and are best served by, an analytical construct that involves comparison between the original purpose and the final purpose of the bill[]." *PAGE*, 877 A.2d at 408. Notably, the *PAGE* Court set forth a two-prong test. First, a reviewing court must consider the original purpose of the legislation "in reasonably broad terms," compare it to the final purpose, and then decide whether there has been an alteration or amendment that changed the original purpose. Second, the court must consider whether the title and contents of the bill in its final form are deceptive. If the legislation "passes both the purpose comparison and deception inquiries, it will pass constitutional muster." *PAGE,* 877 A.2d at 409; *Stilp*, 905 A.2d at 956.

Additionally, in an original purpose inquiry, a court looks at that original purpose broadly. *PAGE*, 877 A.2d at 409. This is reflective of the reality that legislation changes significantly as it proceeds through the House and Senate, and, indeed, is fully expected to do so. *Id*. (acknowledging "the 'expectation' that legislation will be transformed during

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the enactment process"). Furthermore, our Court looks at the original purpose broadly out of deference for legislative matters and respect for the corollary presumption that legislation is constitutional. *Id*. (offering that "our Court is loathe to substitute [its] judgment for that of the legislative branch under the pretense of determining whether an unconstitutional change in purpose of a piece of legislation has occurred during the course of its enactment"). It is for these reasons that a court is free to hypothesize a reasonably broad original purpose in the initial bill and determine whether there has been an alteration or amendment that changed the original broad purpose. *Id*.

As with the Article III, Section 3 challenge, we believe this to be a close case and the parties have supplied reasonable arguments in support of their respective positions. Viewed in reasonably broad terms, the original purpose of Act 12 was to eliminate Cash Assistance while favoring health-specific benefits for low-income individuals, as evidenced by the Human Services Code's provisions which eliminated the Cash Assistance program and reaffirmed the continuance of the Medical Assistance program for low-income individuals. Now we must compare this original purpose of the legislation to the final purpose, and then determine whether there has been an alteration or amendment that changed the original purpose. *PAGE*, 877 A.2d at 409. While the amendments made to the original bill were extensive, as recognized above, the central objective of the legislation remained to "eliminate Cash

Assistance while favoring healthspecific benefits for low-income individuals." The purpose of both the original bill and the final bill is the same. Thus, we find that Appellants have not met their heavy burden of establishing that Act 12 violates Article III, Section 1's original purpose requirement.

B. Deceptive Title

Turning to the second prong of the construct announced in *PAGE,* we must consider whether the title of the final bill (relative to the bill's contents) was deceptive.

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Appellants claim that it was. Appellants offer that a bill is not deceptive if the "title place[s] reasonable persons on notice of the subject of the bill." Appellants' Brief at 39 (citing *PAGE*, 877 A.3d at 409). While the title indicated that Act 12 was amending the Medical Assistance program, Appellants submit that it made no changes to the Medical Assistance program other than technical changes to accommodate the elimination of Cash Assistance. Indeed, Appellants emphasize that, both in the original and final form, the title did not reference the elimination of the Cash Assistance program in any way. As a result, Appellants contend that the title was deceptive. In this vein, Appellants challenge the Commonwealth Court's assertion that legislators were placed on notice that the bill pertained to the provision of medical services to categorically needy individuals, as the bill made no changes to the Medical Assistance benefits.

In support thereof, Appellants point to case law from other states wherein courts struck legislation for defective titles. *See*, *e.g.*, *City of Helena v. Omholt*, 468 P.2d 764, 767-69 (Mont. 1970) (finding title deceptive where the title contained a statement regarding a certain distribution method while the body of the legislation contained no such method); *Warren v. Walker*, 71 S.W.2d 1057, 1059 (Tenn. 1934) (determining the repeal of certain legislation mentioned in the title only affected one county, and, thus, was defective because it did not give notice that only one county was the subject of the legislation); *Warren, Coutieri v. City of New Brunswick*, 44 N.J.L. 58, 59 (N.J. 1882) (holding title defective where the title spoke to the regulation of salaries of city officers in cities of the state, although the bill only applied to the city of New Brunswick). Here, according to Appellants, the title of the bill at all times omitted the critical information that the bill eliminated, or even related to, Cash Assistance. Thus, Appellants aver that Act 12's title was defective in violation of Article III, Section 1.

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For its part, DHS argues that Appellants are contending for the first time that the final version of Act 12 was deceptive because it disguised the fact that the legislation eliminated Cash Assistance. According to DHS, the title was sufficiently detailed, covering all major provisions of Act 12, such that no reasonable person would have been deceived by what was contained in the bill, and that legislators were put on notice that the legislation pertained to the provision of medical services to categorically needy individuals. DHS rejects Appellants' contention to the contrary as incredible. Further, DHS contends that the contents of the original and final bills were well-advertised and robustly debated, reflecting no intent to deceive and pointing out that there is no allegation that any lawmaker, or any individual, did not have reasonable notice of the contents of Act 12. Indeed, DHS submits that this was not an instance, as in *Washington*, where the original bill was "gutted" and became a "hollow shell" which was filled with distinct provisions. *See Weeks II*, 222 A.3d at 731 (discussing *Washington*). Thus, DHS argues that, here, both the spirit and the letter of Article III, Section 1 was satisfied.

We begin our analysis by quoting the final title for Act 12. It stated, in full:

> An Act amending the Act of June 13, 1967 (P.L. 31, No. 21), entitled "An Act to Consolidate, Editorially Revise, and Codify the Public Welfare Laws of the

> Commonwealth," in public assistance, further providing for definitions, for general assistance-related categorically needy and medically needy only medical assistance programs, for the medically needy and assistance programs, for the medically needy and determination of eligibility and for medical assistance payments for institutional care; in hospital assessments, further providing for definitions, for authorization, for administration, for no hold harmless, for tax exemption and for time period; and, in statewide quality care assessment, further providing for definitions.

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As noted by the parties, we must consider whether, in its final form, the title of the bill was deceptive. *PAGE*, 877 A.2d at 408-09. Whether the deceptive title requirement is met is a question of notice. *See Scudder v. Smith,* 200 A. 601, 604 (Pa. 1938) (offering that Article III, Section 1 is "to put the members of the Assembly and *others interested, on notice*, by the title of the measure submitted, so that they might vote on it with circumspection." (emphasis original)). As with Article III, Section 3, Article III, Section 1 was not intended to overwhelm legislators with excessively precise and picayune standards for drafting a bill's title. *Cf. Commonwealth v. Stofchek*, 185 A. 840, 843 (Pa. 1936) ("[Article III, Section 3] was not intended to exercise a pedantic tyranny over the grammatical efforts of legislators, nor to place them between the horns of a constructional dilemma, namely, that the title of an act must be so general or so particularized as to include all of its subject-matter, and yet not so general as to give no indication of its purpose, nor so particular as to inferentially exclude from its scope any items inadvertently omitted."). Indeed, the intent of the constitutional mandate is "to prevent fraudulent efforts to sneak legislation past unknowing legislators or the Governor.... In short, as difficult as it may be to have a statute declared unconstitutional for failing to clear the low fence of germaneness, it is that much harder to set aside a statute for the reason that it moved through the legislative process under a deceptive title." *DeWeese v. Weaver*, 824 A.2d 364, 372 n.15 (Pa. Cmwlth. 2003).

We find that the final title of Act 12 was not deceptive. While the amendments to Act 12 were substantive and expansive, its final title placed a reasonable person on notice that the bill concerned benefits pertaining to the basic necessities of life to low-income individuals. *See PAGE,* 877 A.2d at 406. To satisfy Article III, Section 1, the title did not have to identify language that would be stricken from the Human Services Code, as "[t]he title serves as a signal not a precis of the bill's contents." *DeWeese,* 824 A.2d at 372.

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The fact that the legislature could have chosen more precise language in the title of the bill does not demonstrate deception. Moreover, we reiterate that a statute must be upheld unless it clearly, palpably, and plainly violates the Constitution. Under that standard, we cannot find the title of the final bill was deceptive in violation of Article III, Section 1.

Accordingly, having found that the amendments to Act 12 did not change the original purpose of the bill, and that its title was not deceptive, we must reject Appellant's Article III, Section 1 challenge.

The order of the Commonwealth Court is affirmed.

Jurisdiction relinquished.

Justices Dougherty and Mundy join the opinion.

Justice Dougherty files a concurring opinion.

Justice Mundy files a concurring opinion.

Justice Donohue files a dissenting opinion.

Justice Wecht file a dissenting opinion.

The Late Chief Justice Baer did not participate in the decision of this matter.

Justice Brobson did not participate in the consideration or decision of this matter.

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CONCURRING OPINION

JUSTICE DOUGHERTY

I join the majority opinion in full. I write separately to briefly elaborate about Act 12's new provision allowing the municipality to use funds generated by the Philadelphia Hospital Assessment for "public health programs," and how it fits within the broad unifying subject articulated by the majority: "benefits pertaining to the basic necessities of life to low-income individuals." Majority Opinion at 29. I agree with Justice Donohue that the mere assertion these are "ancillary benefits to the populous at large" does not establish this provision fits within the unifying subject. Dissenting Opinion at 7 (Donohue, J.), *quoting* Majority Opinion at 30. But I believe the amendment fits within the unifying subject because despite Act 12's broad "public health programs" language, the

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authorization provision for the Philadelphia Hospital Assessment requires narrower uses of the funds generated.

Article VIII-E of the Human Services Code includes the provisions regarding High Volume Medicaid Hospital Assessments (*i.e.*, the Philadelphia Hospital Assessment), and its authorization provision in Section 802-E provides:

> (a) General rule.--In order to generate additional revenues for the purpose of assuring that medical assistance recipients have access to hospital and other health care services, and subject to the conditions and requirements specified under this article, a municipality may, by ordinance, impose an assessment on the following:
>
> (1) Each general acute care hospital.
>
> (2) Each high volume Medicaid hospital.

62 P.S. §802-E(a) (emphasis added). Importantly, Section 802-E does not distinguish between who is using the revenues generated by the hospital assessments. Also of note, the General Assembly added the "and other health care services" language through Act 12. *See* Act of June 28, 2019, P.L. 43, No. 12, §6 (as amended 62 P.S. §802-E).[1]

Before Act 12, the municipality could retain funds only to reimburse the administration costs for the assessment and to fund a portion of costs for operating public health clinics; the rest was to be remitted to the Commonwealth to use for the purposes stated in Section 802-E. *See id*. at 11-12 (amending 62 P.S. §804-E). After Act 12, the municipality can now also use retained funds for "public health programs." *Id*. at 12. But because Section 802-E authorizes the municipality to impose the assessments to generate revenue only for the purposes specified, the funds generated by the Philadelphia Hospital Assessment must be used "for the purpose of assuring that medical

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assistance recipients have access to hospital and other health care services" regardless of who is spending those funds. Thus, the "public health programs" that Act 12 references must be programs that assure medical assistance recipients have access to health care services. In my view, "public health programs" that "assur[e] that medical assistance recipients have access to hospital and other health care services," 62 P.S. §802-E(a), squarely fit within the unifying subject of "benefits pertaining to the basic necessities of life to low-income individuals."[2] Majority Opinion at 29. I therefore join the majority's holding that Act 12 complies with

Article III, Section 3.

As a final observation, I repeat our remark that "our Court is loath[] to substitute our judgment for that of the legislative branch under the pretense of determining whether an unconstitutional change in purpose of a piece of legislation has occurred during the course of its enactment." *Pennsylvanians Against Gambling Expansion Fund, Inc. v. Commonwealth*, 877 A.2d 383, 409 (Pa. 2005). It may well be that Act 12 has robbed Peter of his cash assistance to pay Paul, leaving some of our most vulnerable Pennsylvanians without the benefits on which they relied. But it is the General Assembly's prerogative to make such a harsh policy choice. Despite the nature of any bill that comes before this Court for review under Article III, we must, as always, maintain neutrality and faithfully apply the text of our Constitution. While deeply cognizant of the struggles of those who previously received cash assistance, I find the legislative process behind Act 12 met the demands of Article III.

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DISSENTING OPINION

JUSTICE DONOHUE

Because I would find that Act 12 violates both the "original purpose" rule and the "single subject" rule, I respectfully dissent from the Majority's holding to the contrary. Appellants have a difficult burden to overcome, as "acts passed by the General

Assembly are strongly presumed to be constitutional, including the manner in which they were passed." *Commonwealth v. Neiman*, 84 A.3d 603, 612 (Pa. 2013). While the burden is certainly high, it can be overcome, as evidenced by our prior case law.[1] In my

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view, the Majority's proposed subject[2] and purpose[3] connecting the patently disparate provisions of Act 12 are unreasonably broad, and thus undermine the purpose of Article III, Sections 1 and 3. *See Washington v. Dep't of Pub. Welfare*, 188 A.3d 1135, 1152 (Pa. 2018) ("[A] hypothetical subject cannot be unduly expansive, lest the purpose of the constitutional provision be defeated."). However, even if I accepted the Majority's proposed topics, not all of Act 12's provisions could readily be considered germane under them. Regardless of whether the topics are unduly expansive or cannot satisfy the germaneness inquiry, I find that the Majority's holding condones the logrolling[4] which Article III, Sections 1 and 3 were intended to prevent.

To mirror the Majority's discussion, I begin with the single subject rule. Article III, Section 3, otherwise known as "the single subject rule," provides: "No bill 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." PA. CONST. art. III, § 3. To test compliance with this standard, we engage in a "germaneness" inquiry, pertinent to both Section 1 and Section 3 analyses. *Washington*, 188 A.3d at 1151 n.33. In conducting this inquiry, a court determines whether the subjects of a legislative enactment are germane, i.e., whether they "have a nexus to a common

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purpose." *Neiman*, 84 A.3d at 612. In other words, it must be determined whether the "various components of the enactment are part of a unifying scheme to accomplish a single purpose." *Id.* (internal quotations and citation omitted). In acknowledging the realities of the legislative process, "a reviewing court may hypothesize a 'reasonably broad' unifying subject; however, such a hypothetical subject cannot be unduly expansive, lest the purpose of the constitutional provision be defeated." *Washington*, 188 A.3d at 1152.

Act 12 contains provisions that achieved the following: eliminated the General Assistance Cash Assistance program ("Cash Assistance"); maintained the status quo for the Medical Assistance program ("Medical Assistance");[5]

reauthorized Nursing Facility Incentive Payments;[6] reauthorized and increased revenue-raising tax for hospitals in Philadelphia ("Philadelphia Hospital Assessment"), which further allowed municipalities to use their portion of revenues generated by that assessment on "public health programs;" and revised the Statewide Quality Care Assessment.

States and the federal government jointly finance Medicaid. GOV'T ACCOUNTABILITY OFF., *Report: CMS Needs More Information of States' Financing and Payment Arrangements to Improve Oversight*, at 1 (2020). States, including Pennsylvania, finance their share from general funds and other sources, including taxes on healthcare providers and funds from local governments. *Id*. By relying on healthcare provider taxes and local government funds, the Commonwealth is able to draw down substantial sums in federal matching funds. *Id*. at 1-2. Thus, the share of the Medicaid payments for the

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Commonwealth decreases, thereby theoretically increasing the payments made by the federal government.[7]

The Statewide Quality Care Assessment is one type of tax referenced above that goes towards financing the Commonwealth's obligations under the jointly-funded Medicaid program. 62 P.S. § 803-G(a) ("The assessment authorized under this article ... may be collected only to the extent and for the periods that the secretary determines that revenues generated by the assessment will qualify as the State share of the program expenditures eligible for Federal financial participation."). The Statewide Quality Care Assessment taxes the net inpatient revenue of "[a]ll inpatient acute general and freestanding rehabilitation hospitals located within the Commonwealth[.]" DHS, *Statewide Hospital Quality Care Assessment Frequently Asked Questions*, at 1 (2016).

The Philadelphia Hospital Assessment permits Philadelphia to levy taxes on "General Acute Care Hospital[s]" and "High Volume Medicaid Hospital[s]." Act of June 28, 2019, P.L. 43, No. 12, § 6. The city then collects the funds generated by the assessment and remits a portion of the funds to the Commonwealth for the purpose of "assuring that medical assistance recipients have access to hospital and healthcare services," 62 P.S. § 802-E(a). The city is then authorized to retain funds to recoup the cost of administration of the assessment and the costs of operating public health clinics and public health programs.[8]

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The provisions discussed above involve revenue generation and spending, not limited to Medicaid recipients, and they comprise the bulk of Act 12's content. The Majority considers the common purpose to be that all of Act 12's provisions "relate to benefits pertaining to the basic necessities of life to low-income individuals." Majority Op. at 29 (citing *Weeks v. Dep't of Hum. Servs.*, 222 A.3d 722, 730 (Pa. 2019) ("*Weeks II*")). As previously noted,[9] this Court has found similarly expansive proposed single-subjects overly broad under Article III, Section 3. For instance, in *City of Philadelphia*, the challenged legislation brought about several changes to local governance and related administrative matters and altered certain aspects of the administration of the Pennsylvania Convention Center. *City of Philadelphia*, 838 A.2d at 571. The Commonwealth proposed that the single subject uniting all of the provisions to be "municipalities." *Id*. at 589. We found such a proposed subject overbroad, noting, inter alia, that "municipalities" was the subject of an entire Title of the Pennsylvania Consolidated Statutes. *Id*. However, this Court also reasoned that even if we had accepted the broad overarching topic to be "municipalities," we still could not find that all of the provisions were germane to that topic; particularly, the provisions that impacted the Convention Center. *Id*. at 589-90. Similarly here, the proposed single subject (i.e., "the provisions of benefits pertaining to the basic necessities of life for low-income individuals") is essentially the subject of an entire Title of the Pennsylvania Consolidated Statute, Title

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67 - Public Welfare. As in *City of Philadelphia,* even if the proposed overreaching topic was not overbroad, not all of Act 12's provisions are germane to that topic, particularly the revenue generating assessments that are used broadly for public health programs.

In *Neiman*, we found a bill that amended sex offender registration provisions, deficiency judgment procedures, county park police jurisdiction, and the statute of limitations for asbestos claims violated Section 3's single subject rule. *Neiman*, 84 A.3d at 610. The Commonwealth proposed the single subject to be "refining civil remedies," while the General Assembly argued that all provisions related to the "single subject of judicial remedies and sanctions." *Id.* The *Neiman* Court found both proposals to be "far too expansive[,]" as such subjects could be virtually boundless as they could encompass "any civil court proceeding" and "any power of the judiciary" to order payment in any civil matter. *Id.* at 613 (emphasis in original). Even in considering the facially disparate provisions at issue in *Neiman*, we could find no reasonable focus to connect them. *Id.* Here, the Majority's proposed unifying subject is also virtually boundless since any enactment by the Legislature benefits the public which necessarily includes low-income individuals.

In *Leach* we found that a bill that eliminated municipalities' right to regulate firearms and amended certain crimes totally unrelated to firearms was in violation of Section 3. In that case, the legislators contended that all provisions fit under the topic of "revising the Crimes Code." We determined that this proposed subject was too broad as it could capture anything in the Crimes Code including, inter alia, crimes, defenses, penalties, victims' rights, and civil penalties. *Leach*, 141 A.3d at 434. Moreover, we found that the legislators' alternative theory-"Crimes Code amendments involving the regulation of firearms or the ability to own a firearm"-was similarly in violation of Section 3, as there was no way to relate regulation of firearms with the other crimes amended by the bill. *Id.*

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The provisions of Act 12 and the proposed unifying subject suffer from the same defect because it can capture virtually any topic related to low-income individuals; but even despite this breadth, the topics are not all germane to the proposed subject.

In an attempt to reconcile its holdings, the Majority asserts that its proposed single subject-"benefits pertaining to the basic necessities of life to low-income individuals"- is "far narrower" than those proposed in *City of Philadelphia* and *Neiman*. Majority Op. at 30-31. Respectfully, our case law demonstrates otherwise. The Majority suggests that the challenged legislation in those previous cases all violated Section 3 solely on the basis that they contained such disparate provisions that they could not possibly be unified under a single subject. *Id.* at 31. However, in most of these cases, we reasoned that the proposed topics themselves could cover all the provisions contained therein by virtue of an unreasonably broad topic, but we found them defective anyway.[10]

Based on the Majority's rationale, its proposed single subject creates such a boundless category that it defeats the purpose of Section 3. Take, for instance, the provision of Act 12 that explicitly permits municipalities to retain taxes to sponsor public health programs.[11] Neither the parties nor the Majority discount that this portion of the Act benefits the public-at-large. However, the Majority, with no explanation, credits DHS's assertion that these are "ancillary benefits to the populous at large" that "still fall within

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the unifying single subject of 'the provision of benefits pertaining to the basic necessities of life for low-income individuals.'"[12] Majority Op. at 30; *see also* DHS's Brief at 36 ("[T]he ancillary benefits to the public-at-large do not render Act 12 unconstitutional."). Based on this reasoning, virtually any legislative act focused on benefitting the general public could fit into the subject of "the provision of benefits pertaining to

the basic necessities of life for low-income individuals" so long as low-income individuals are involved in some capacity. This is no different from *City of Philadelphia*'s boundless topic of "municipalities" or *Neiman*'s subjects of "refining civil remedies" or "judicial remedies and sanctions." These subjects, including the Majority's proposal, all capture far more than is reasonable for one piece of legislation. As relevant here, the Majority's subject could capture any public program whatsoever since by definition, low-income individuals would be involved.[13]*Neiman*, 84 A.3d at 613. To condone such a subject undermines the purpose Section 3.

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Despite the breadth of the Majority's proposed subject, not all of Act 12's provisions could be deemed germane to the subject of "the provisions of benefits pertaining to the basic necessities of life for low-income individuals." Even if the Statewide Quality Care Assessment could be squeezed into the Majority's proposed definition,[14] the Philadelphia Hospital Assessment specifically authorizes funding the cost of public health programs and therefore, it cannot be germane to the Majority's proposed subject. Even one outlier provision is sufficient to demonstrate a violation of the single subject rule. *See, e.g.*, *City of Philadelphia*, 838 A.2d at 589-90 (reasoning that, in addition to the proposed subject being too broad, the bill violated Section 3 because its provision relating to the change in composition of the Pennsylvania Convention Center Authority's governing board was not germane to the proposed topic). Again, neither the Majority nor DHS disagree that such a provision benefits the public-at-large. Majority Op. at 30; DHS's Brief at 36. If designating such consequence as "ancillary" circumvents the lack of germaneness to the Majority's proposed subject, then we no longer have a germaneness requirement. No explanation is given as to how the provision of unspecified public health programs specifically benefits low-income individuals when it indisputably benefits the general public. It is equally correct to say that low-income individuals are the recipients of ancillary benefits under this provision. Accordingly, I see no way that Act 12 can survive under the Majority's proposed subject.

In a similar vein, the "original purpose" rule, as set forth in Article III, Section 1, provides: "No law shall be passed except by bill, and no bill shall be altered or amended, on its passage through either House, as to change its original purpose." PA. CONST. art.

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III, § 1. The constitutionality of a legislative act challenged under Section 1 is evaluated under a two-prong test:

> First, the court will consider the original purpose of the legislation and compare it to the final purpose and determine whether there has been an alteration or amendment so as to change the original purpose. Second, a court will consider, whether in its final form, the title and contents of the bill are deceptive.

PAGE, 877 A.2d at 408-09. In making this determination, courts engage in the same "germaneness" inquiry as conducted under the single subject rule analysis. Courts then determine whether "the amendments to the bill added during the legislative process are germane to and do not change the general subject of the bill." *Washington*, 188 A.3d at 1151 (citing *Stilp*, 905 A.2d at 959). "Amendments are germane to the original general subject matter of a bill if both the subject of the amendments and the subject of the original contents of the bill 'have a nexus to a common purpose.'" *Id*. (citing *Neiman*, 84 A.3d at 612). In other words, we must engage in a comparison of the original bill and the final bill to determine whether there has been an "unconstitutional alteration ... so as to change the original purpose of the bill." *PAGE*, 877 A.2d at 408. Again, in acknowledging the realities of the legislative process, this Court views the "original purpose" in "reasonably broad terms." *Id*. at 409.

Here, it is clear from the text of the original three-page bill that its purpose was to eliminate Cash Assistance. *Weeks II*, 222 A.3d at 730-31 ("The original subject of the bill was limited to the cash assistance provision . H.B. 33 originally had only three provisions, all relating in some way to Cash Assistance."); *see also* H.B. 33, Printer's No. 0047 (2019). The amendments that led to the fifteen-page bill were completely separate and distinct from the "original purpose," i.e., to eliminate Cash Assistance. Thus, these amendments fundamentally transformed the legislation. As detailed above, the amendments included provisions related to revenue generation, funding for hospitals and

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healthcare providers, and also included the promotion of spending for public health programs.

The Majority identifies the "original purpose" of Act 12 to be "to eliminate Cash Assistance while favoring health-specific benefits for low-income individuals[.]" Majority Op. at 37. It then suggests that in comparing the final bill and its numerous unrelated amendments to the original bill, that Act 12 satisfies the "original purpose" rule. I cannot agree. For one, this Court previously identified the "original purpose" of the bill to be "limited to" Cash Assistance, i.e., its elimination. *Weeks II*, 222 A.3d at 730. I find it telling that the Majority found it necessary to broaden the original purpose of the bill for purposes of merits review in order to uphold the expanded Act 12's conformance with the Article III, Section 1.[15] Although we employed the "highly deferential" standard to review the preliminary injunction in *Weeks II*, the original purpose of the Act is not a moving target. It originally said the same thing as it says now on merits review. Then and now, the purpose was to eliminate Cash Assistance. In my view, to conclude that these revenue and spending provisions, which comprise the majority of the final bill, serve the original purpose of eliminating Cash Assistance ignores what actually happened to this bill.

We previously found the original bill's purpose to be clear: the bill eliminated Cash Assistance. However, the Majority has departed from our previous finding as to Act 12's original purpose, and instead substituted it for one that still cannot survive our review. I see no reasonable way to read the original bill and determine that it was intended to eliminate Cash Assistance in favor of anything else, let alone health-specific benefits for low-income individuals. In the initial bill, the amendments to the Human Services Code were limited to eliminating any reference to Cash Assistance from the eligibility requirements or definitional sections, including those that also referenced Medical

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Assistance. H.B. 33, Printer's No. 0047 (2019). Simply because both Cash Assistance and Medical Assistance fell under the category of "General Assistance" in the Human Services Code does not mean that the elimination of Cash Assistance suggests a preference for Medical Assistance. It means that the General Assembly's plan was to eliminate Cash Assistance, and it had to delete any reference to it in order to accomplish that goal. Accordingly, I cannot agree with the Majority's proposed original purpose, as it unreasonably suggests the initial bill did more than it actually did.

Moreover, and critically, accepting the Majority's proposed subject and hypothetical purpose condones the type of logrolling which both Sections 1 and 3 of Article III intended to prevent. It is undisputed that former-Governor Wolf supported the revenue measures, but he did not support the elimination of Cash Assistance. However, because of what he considered to be a "Hobson's Choice," Governor Wolf signed the bill into law to ensure that the hospitals would receive necessary funding. Ed Mahon, PA. POST, "*Cash for the poor? Yes. Arming teachers? No. And 4 other highlights from #AskGovWolf*" June 20, 2019, https://www.witf.org/2019/06/20/cash-for-the-poor-yes-arming-teachers-no-and-4-other-highlights-from-askgovwolf/ (last visited Aug. 29, 2023). This circumvention of the executive's veto power is part of what the single subject rule was

intended to eliminate. *See Commonwealth ex rel. Att'y Gen. to Use of Sch. Dist. of Patton v. Barnett*, 48 A. 976, 977 (Pa. 1901) (acknowledging the relationship between the single-subject rule and veto power). "[B]y joining a number of different subjects in one bill the governor was put under compulsion to accept some enactments that he could not approve, or to defeat the whole, including others that he thought desirable or even necessary." *Id.* This is precisely what happened with Act 12.

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This Court is duty bound to interpret the Constitution as it is written.[16] Article III, Sections 1 and 3 were written with the intent of curtailing the very legislative abuses that have taken place here. To presume the constitutionality of the Legislature's actions is one thing, but to condone such overly expansive concepts, as the Majority does today, gives the Legislature free rein to combine disjointed provisions into a single act.

For the above reasons, I respectfully dissent.

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DISSENTING OPINION

JUSTICE WECHT

The 1874 Constitution "was drafted in an atmosphere of extreme distrust of the legislative body and of fear of the growing power of corporations and reflected a prevailing mood of reform."[1] The political behavior engendering this distrust "took the form of special laws legislation, logrolling, and arbitrary favoritism" in service of private interests.[2]

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> [The prevailing] lack of protection for the transparency of the legislative process enabled various legal provisions . . . to be surreptitiously inserted into a lengthy bill, often just before the final vote on it without all members of the General Assembly being aware of those provisions when voting on it. The General Assembly's failure to adhere to standards of regularity in the legislative process resulted in the degradation of the integrity of legislative enactments to such a degree that newspapers of the day observed that "it occasionally occurs that . . . proposed legislation is . . . wholly perverted from its true intention, and the perversion is not discovered until the bill has become a law by the signature of the Governor, hastily secured by some convenient friends."[3]

The post-bellum period was especially tumultuous in Pennsylvania, as the people experimented with how best to confer and restrain the power of the instruments of the Commonwealth's government, revisiting and substantially revising the Commonwealth's charter in 1863 and again in 1874. "[T]he public clamor to end" the underhanded legislative practices led Pennsylvanians to vote overwhelmingly to convene a constitutional convention in 1873, where they acted aggressively to curb legislative excess by imposing a suite of mandatory legislative procedures to ensure the orderly, transparent consideration and enactment of legislation, with the result embodied in the Pennsylvania Constitution of 1874.[4] Because this Court's case law continues to undermine that constitutional mandate, and because I would hold that Act 12 was enacted in violation of the Pennsylvania Constitution, I respectfully dissent.

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Among the procedures and restrictions that our Pennsylvania forebears imposed are the constitutional provisions at issue in this case, which are materially unchanged from the form they took in 1874. Article III, Section 1, from which we derive the "original-purpose" requirement, provides that "[n]o law shall be passed except by bill, and no bill shall be so altered or amended, on its passage through

either house, as to change its original purpose." In relevant part, Article III, Section 3, which furnishes the "single-subject" requirement, provides that "[n]o bill shall be passed containing more than one subject, which shall be clearly expressed in its title."

A lineage of case law spanning nearly 150 years since the people imposed these restrictions[5] reflects this Court's evolving effort to balance our competing concerns for the legislature's adherence to constitutional requirements with concerns that courts' overly-vigorous application of Article III's requirements will infringe prerogatives essential to the deal-making and compromise that attend the legislative process.[6] As the Majority and prior decisions acknowledge, our cases have struck that balance inconsistently.[7]

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Acknowledging that inconsistency has become a commonplace for this Court in recent decades, yet we have never explained or justified our ongoing struggle to apply clearly stated constitutional provisions with anything resembling doctrinal stability. So openly have our cases contradicted each other at times that language used pejoratively in one case has been cited as a legal truism in others. For example, in *City of Philadelphia*, while reviewing the history of single-subject decisions, this Court observed with some apprehension that, "[i]n more recent decisions . . . and despite the continued strong public policy underlying the single-subject requirement, some Pennsylvania Courts have become *extremely deferential* toward the General Assembly in Section [3] challenges."[8] This tendency, we added, "has resulted in a situation where germaneness[9]has, in effect, been diluted to the point where it has been assessed according to whether the court can fashion a single, over-arching topic to loosely relate the various subjects included in the statute under review."[10] But just three years later, considering another Article III challenge in *PAGE*, this Court uncritically cited with approval "the extremely deferential standard by which we view constitutional challenges"[11] in precisely the same context.

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The Majority observes that *PAGE* embodies this Court's "broadest interpretation of the single subject requirement."[12] The Majority also observes that several post-*PAGE* cases have "reinvigorated a narrower understanding of the single subject requirement, rendering our decision in *PAGE* an outlier."[13] In my view, these more recent cases charted a critical course correction, and they invite this Court to follow a more predictable approach to these challenges that vindicates the undisputed intentions of the ratifiers of the 1874 Constitution. Alas, this is an invitation that we now have declined twice in this case.[14]

On balance, our cases have made a hash of Article III's requirements and subverted the ratifiers' animating intention. One source of our difficulty seems to be our insistent superimposition of the uniformly described "germaneness" test upon constitutional provisions that utilize distinct words, implicitly calling for separate rubrics

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rooted in the plain text and without the baggage of the vague standards we have tied to the all-purpose "germaneness" test. Applying the Constitution's text according to its terms, Act 12 clearly was enacted in violation of the original-purpose and single-subject rules-for distinct reasons rooted in their differently worded mandates.

The following discussion begins, as it must, with the constitutional text. Then, I review in some detail our legacy of case law interpreting the original-purpose and single-subject rules. From there, I discuss what I believe to be the source of the confusion that plagues our case law in this area. Finally, I explain why my interpretation of what Section 1 and Section 3 require compels me to disagree with the Majority's approval of Act 12 in this case.

The Constitutional Text

I begin with the text of Article III, Sections 1 and 3:

> **§ 1. Passage of laws**
>
> No law shall be passed except by bill, and no bill shall be so altered or amended, on its passage through either House, as to change its original purpose.
>
> **§ 3. Form of bills**
>
> No bill 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.

"When interpreting constitutional language, we are mindful that the language of the Constitution controls and that it must be interpreted in its popular sense, as understood by the people when they voted on its adoption."[15] "[I]f the constitutional language is clear

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and explicit, we will not delimit the meaning of the words used by reference to a supposed intent."[16] And "we must favor a natural reading which avoids contradictions and difficulties in implementation, which completely conforms to the intent of the framers and which reflects the views of the ratifying voter."[17]

"[T]here is a strong presumption in the law that legislative enactments do not violate our Constitution," which applies to enactment procedure, and "a statute will not be declared unconstitutional unless it clearly, palpably, and plainly violates the Constitution."[18] But "constitutional promises must be kept," and "the separation of powers in our tripartite system of government typically depends on judicial review to check acts or omissions by the other branches in derogation of constitutional requirements."[19]Ultimately, "the judicial branch cannot ignore a clear violation because of a false sense of deference to the prerogatives of a sister branch of government."[20] And the Constitutional text "must not be weakened by nice refinements or distinctions, or wrested from their plain and natural import."[21]

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The Original-Purpose Problem

Interpreting Article III, Section 1's original-purpose requirement, then, requires consideration of what the ratifiers would have understood the "original purpose" of a bill to be. The definition of purpose has been stable over many centuries.[22] In its "simple sense," the Oxford English Dictionary explains, the word means "[t]hat which one sets before oneself as a thing to be done or attained, the object which one has in view."[23]

Our case law has never openly questioned that the *original* purpose of a bill is the purpose an ordinary reader would glean from the bill in its originally-presented form.[24] In that regard, we long have recognized as a critical goal of Article III's requirements the assurance that the citizenry is informed as to the goings-on in the General Assembly, a

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necessary factor in ensuring political accountability and in providing Commonwealth citizens with "a vital assurance . . . that they will be able to make their views and wishes regarding a particular piece of legislation known to their duly elected representatives **before** its final passage."[25]

The plain terms of Section 1 viewed in tandem with *Neiman* and cases cited therein make clear that the ratifiers' intention can be vindicated only if the bill enacted is consistent with what the citizenry might reasonably have anticipated at the time of the bill's introduction. The question the constitutional text plainly asks is whether every provision of the bill in its final form can be understood as advancing the original purpose a citizen might reasonably have discerned on the face of the bill as introduced.

But our case law has relegated this animating intent to the shadows. This Court's opinion in *PAGE*-which upheld what became the Gaming Act against various Article 3 challenges to the process by which it was proposed, amended, and enacted-exemplifies the problems prevalent in our original-purpose and single-subject case law. But one cannot review its discussion without first reviewing this Court's single-subject decision in *City of Philadelphia*, upon which *PAGE* primarily relied.

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In *City of Philadelphia*, the challenged law began as a five-page bill that the title described as "Amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for governing body of municipal authorities."[26]Its only substantive provision "was the inclusion of a citizenship requirement for the board members of business improvement district authorities pursuant to the Municipal Authorities Act."[27] In the months after its introduction, with only minor changes along the way, the bill was read in each house of the General Assembly on three occasions as prescribed by Article III, Section 4.[28] Only after those readings did a Senate committee introduce the amendments that created the single-subject problem, and the bill thus amended was resubmitted to the Senate for a final vote just two days before the end of the legislative session. These eleventh-hour, post-third reading changes radically expanded the bill, which had grown to 127 pages with an astonishing multiplicity of new provisions that (among other things) altered the Pennsylvania Convention Center Authority's board and governance, transferred authority over taxis and limousines in Philadelphia from the Public Utility Commission to the Philadelphia Parking Authority, expanded bonding requirements for developers, and prohibited police officers from participating in political campaigns.

Although *City of Philadelphia* did not involve an original-purpose challenge under Section 1, it did express concern with-and push back against-what the Court then

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viewed as the increasing latitude Pennsylvania courts had been granting the General Assembly in the course of applying the single-subject test. In particular, the Court expressed concern that courts were applying the "germaneness" test that Pennsylvania courts long have applied,[29] sometimes confusingly, to all of the requirements set forth in Article III, Sections 1, 3, and 4 of our Constitution.

In *PAGE*, what became the Gaming Act originated in the House of Representatives on February 3, 2004, as a one-page bill entitled "An Act Providing for the Duties of the Pennsylvania State Police Regarding Criminal History Background Reports for Persons Participating in Horse Racing," and it "dealt exclusively with the Pennsylvania State Police providing support to the State Harness and Horse Racing Commissions by performing criminal history checks and the verification of fingerprints of applicants for licensure under the Race Horse Industry Reform Act of 1981."[30] The bill was considered in this limited form three times by the House and twice by the Senate. But in the third and final Senate consideration on July 1, 2004, the bill's title was changed to include what the *PAGE* Court described as "multiple" and "extensive" amendments-an almost euphemistic description, because the one-page bill had ballooned to 146 pages. As amended, the bill created an entirely new slots gaming industry and detailed an elaborate system of

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revenue generation and disbursement, administration, and oversight. A mere two days after this "amended" bill first appeared in that form, it was submitted and voted upon by the House on Saturday July 3 and passed by the Senate on Sunday (which also was Independence Day). In two business days and a holiday weekend, a bill that had provided narrowly for regulatory matters pertaining to the comparatively niche industry of horseracing, and as such of interest to only a handful of people, had been transformed abruptly into one of the largest, most complex, economically

consequential bills in the history of the Commonwealth, one that broadly affected millions of Pennsylvanians and thousands of Pennsylvania businesses in innumerable ways-all in blink-and-you-might-miss-it fashion.

Unsurprisingly, the Gaming Act was challenged vigorously, including for alleged original-purpose and single-subject violations. The argument in support of an original-purpose violation was compelling for obvious reasons. And it was betrayed no more effectively than by the Commonwealth, itself, which posited the "regulation of gaming" as the original purpose of a one-page bill laser-focused on specified police enforcement functions associated with horse-racing.

Reaffirming that the original-purpose test is inherently comparative, the Court observed that Section 1 reflects a constitutional requirement in the bill introduction and amendment process of "some degree of continuity in object or intention."[31] But in an

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unexplained leap from this simple description, the Court prescribed a two-part test; the first component of the test was the textually rooted comparative analysis, but the second concerned whether the bill, in its final form, is deceptive in its title or contents.[32]

Turning to the first test, so described, the *PAGE* Court invoked the *City of Philadelphia* Court's observation, albeit in relation to a single-*subject* challenge, that a reasonably broad assessment of the original *purpose* is necessary to ensure that the legislature has space to make the sort of amendments that are a necessary aspect of a process rooted in negotiation and compromise among legislators with diverse interests.[33]With little fanfare, the *PAGE* Court begged its own rejection of the original-purpose challenge by accepting summarily the Commonwealth's claim that the "primary objective of the [original bill] was to regulate gaming."[34] This was an improbably broad account of a narrow original bill pertaining on its face to horse-racing regulation. Especially in light of its equally narrow original title, no reasonable reader would naturally characterize the bill's original purpose to encompass all gaming, especially gaming in a form that didn't legally exist in Pennsylvania when the bill was introduced. As well, it was a dubiously modest characterization of the *final* bill, which may have regulated gaming in a sense, but primarily did so relative to an entire industry that the bill, itself, created.

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PAGE showed no consideration for the notice to that the public the original-purpose requirement is designed to ensure, nor did it indicate how the citizenry might have learned that a statute creating a multi-billion-dollar state-wide industry promising sweeping effects for every community in the Commonwealth would pass the legislature within two days of its introduction in that form, let alone how citizens might have organized against the bill's passage in that time frame, and amidst Independence Day festivities to boot. Importantly, the Court in no way engaged the constitutionally prescribed question: whether all of the provisions of the final bill were encompassed by a reasonably inferred original purpose as determined solely by reference to the bill as introduced.[35]

Then came *Stilp v. Commonwealth*,[36] in which a one-page bill became a politically and legally fraught behemoth very late in the legislative process. This Court nonetheless rejected an original-purpose challenge. Entitled "An Act relating to compensation for executive branch officials," and providing as a short title the "Executive Branch Official Compensation Act,"[37] the original bill was introduced in the House on May 3, 2005, and provided only that no executive official's compensation could exceed the Governor's. The bill with only minor amendments was reviewed three times and received final passage in

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the House of Representatives on June 8, 2006. The Senate, too, reviewed the bill twice, then made a minor amendment and passed it

following a third reading, returning it to the House on July 6, 2006. But the House rejected the amendment, the Senate nonconcurred, and a conference committee was convened. The conference committee's amended bill appeared just one day later, on July 7. The amended bill comprised twenty-two pages and proposed federally linked, formulaic salary increase structures to all manner of officials in all three branches of government.[38] By the end of that same day, it had been passed by both houses of the legislature *and* signed into law by the Governor. In fewer than forty-eight hours, and with only one nominal review of the bill in its final form before passage by each house, a bill that originally limited the compensation of certain executive branch officials had become a law that overhauled the compensation scheme throughout Pennsylvania government.

The challengers argued that the original bill's lone purpose was to ensure that the Governor was the highest-paid executive official. The respondents argued that the original purpose viewed generally was "to provide compensation for government officials."[39] With little elaboration, the Court adopted the respondents' account of the original and final purpose and concluded that, in its final form, the bill related to this purpose. Again, no regard was expressed for the limited period within which the people might have learned that, far from enshrining the relatively uncontroversial proposition that no executive official should be paid more than the Governor, the bill now increased the compensation for a raft of public officials and tied future increases formulaically to federal

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employee compensation schedules, which some Pennsylvanians might have opposed for any number of reasons. Once again, it would be farcical to suggest that time to express opposition was afforded. By the time the average Pennsylvanian learned of the scope of the bill submitted for final passage, it was already law.

After *PAGE*'s and *Stilp*'s summary rejections of compelling original-purpose and single-subject challenges, the tide turned to some degree.[40] But it did so in cases focused upon the single-subject requirement, which is the topic of the next section of my discussion. Relative to the original-purpose requirement, our next robust consideration did not occur until the instant litigation came before us the first time, when we were called upon to consider Weeks' effort to secure a preliminary injunction staying Act 12's application until the Article III challenges were decided on the merits.

In that decision, the Majority paid lip service to the proposition that it is not the role of a court reviewing the grant or denial of a preliminary injunction to finally decide the merits. But in the end the Majority did nothing less, unequivocally rejecting the Section 1 and Section 3 challenges.[41] "The original subject of the bill," the Court explained, "was limited to the Cash Assistance provision."[42]

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The Court cautioned that, in reviewing an original-purpose challenge, "every effort is made to uphold the law by hypothesizing a reasonably broad topic even for the original version of the bill, while not crediting a topic so broad as to drain the germaneness test of meaning."[43] The Court observed that amendments to bills are par for the legislative course and that the germaneness test "affords due regard for the necessity of preserving flexibility in the legislative crafting process, while maintaining the strength of the safeguards for the regularity and transparency of the process afforded by" Section 4.[44]The Court explained that "the same germaneness test as expressed in [*Washington* in addressing a Section 4, three-reading challenge] is used in considering whether a change of purpose under Section 1 occurred during the legislative process."[45]

The *Weeks I* Majority cited *Stilp*'s flawed prescription that a court reviewing an original purpose challenge first must compare the original purpose of the bill, construed in reasonably broad terms, to its final purpose to determine whether there has been an alteration in that purpose. But then the Court further

obfuscated the direct comparison of the original purpose of the bill to the provisions of the bill it became by indicating "that a potential unifying purpose *is not judged solely according to the provision with which the bill started*, but by reference to a sufficiently broad . . . purpose within which all the

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amendments in the final bill may also fit."[46] In effect, the Majority indicated that a reviewing court would not merely posture itself as a hypothetical citizen determining a reasonably broad purpose from the original bill viewed in isolation but instead would rig the inquiry by reverse engineering conformity of purpose in light of the amendments that followed. The Court then found (accurately) that the provisions of Act 12 in its original form all related "in some way to Cash Assistance," and (inaccurately) that those provisions were later merely "supplemented by other sections falling within the rubric of a single unifying topic."[47]

The conflation here is plain: the original-purpose requirement doesn't ask whether there is some "single unifying topic" at the last-that's the business of the single-subject requirement. The original-purpose test is comparative: assess an original purpose for a bill based solely upon its text, then measure the final enacted law to determine whether its provisions all relate to and advance that original purpose. Still, even this conflation did not adequately support the Majority's analysis. The Majority itself characterized the original bill as relating "in some way to Cash Assistance." This clearly could not capture all of the provisions that ended up in Act 12, which came primarily to address medical service and funding-related matters that had no bearing whatsoever on Cash Assistance, let alone its termination.

The Single-Subject Problem

The single-subject requirement is equally clear in its meaning, even if it can be challenging to apply. First, we should acknowledge that a bill's "purpose," the concern of

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Section 1, should not be understood to be synonymous with "subject," which is Section 3's focus. As Justice Mundy observes, "[a] bill's purpose is its intention or objective, *i.e.*, the 'end in view,' . . . whereas the subject of a bill is the topic it deals with."[48]Second, the assumption that the words carry distinct meanings arises from our obligation to give discrete effect to all constitutional provisions rather than adopting an interpretation that renders terms redundant.[49] An authoritative definition of "subject" is every bit as familiar as that of the word "purpose." In the first relevant definition of the word, we find that the same dictionary cited above describes a subject as "[t]he substance of which a thing consists or from which it is made."[50] This meaning has been stable for centuries, leaving little room to quibble over how the ratifiers understood it.[51]

The ill that the single-subject requirement was designed to cure, and the means by which it was designed to do so, have never been described more aptly than in *Payne v. School District of Borough of Coudersport*.[52] There, this Court drew upon the New Jersey Constitution's parallel provision, which by its terms aimed "to avoid improper

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influences, which may result from intermixing in one and the same act, such things as have no proper relation."[53] Elaborating in an oft-quoted passage, the *Payne* Court observed:

> Few bills are so elementary in character that they may not be subdivided under several heads; and no two subjects are so wide apart that they may not be brought into common focus, if the point of view be carried back far enough. The quotation from the constitution of New Jersey furnishes the proper light in which to define the word 'subject.' Those things which have a 'proper relation to each other,' which fairly constitute parts of a scheme to

> accomplish a single general purpose, 'relate to the same subject' or 'object.' And provisions which have no proper legislative relation to each other, and are not part of the same legislative scheme, may not be joined in the same act.[54]

We could have stopped there with "proper relation" and "a scheme to accomplish a single general purpose." This would have left us better off than we are with the more nebulous germaneness test.

The principal concern was the aforementioned practice of logrolling, by which legislators extract from each other or from the Governor support[55] for measures they might otherwise oppose by lashing disfavored measures to those of greater popular appeal or greater political consequence. We long-ago quoted a participant in the

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constitutional convention, who aptly explained why the single-subject rule was important to those who ratified it:

> The objects had in view in the adoption of [the single-subject requirement] were to prevent 'log-rolling' and fraud, trickery, or surprise in legislation. Every measure is to stand upon its own merits without borrowing strength from another, and the members of each House, and still more the public, are to have notice by its very title of the contents or nature of a bill.[56]

More recently, echoing *Payne*, this Court described the single-subject imperative as follows: "our task is to ascertain whether the various components of the enactment are part of 'a unifying scheme to accomplish a single purpose.'"[57]

But then we unnecessarily blurred this standard with germaneness:

> [O]ur Court has interpreted Article III, Section 3 as mandating that . . . ["]the differing topics within the bill must be 'germane' to each other." *Jury Comm'rs*, 64 A.3d at 616.
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> * * * *
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> In determining "germaneness," our Court has acknowledged that some degree of deference to the General Assembly's prerogative to amend legislation is required, due to the normal fluidity inherent in the legislative process, and, thus, we have deemed it is appropriate for a reviewing court to hypothesize a "reasonably broad topic" which would unify the various provisions of a final bill as enacted. *City of Philadelphia*, 838 A.2d at 588. However, our Court has also stressed the reasonable aspect of any proposed hypothetical unifying topic, in recognition of the fact that Article III, Section 3 would be rendered nugatory if such hypothetical topics were too expansive.[58]

As described above, in *City of Philadelphia*, the challenged bill began with a lone substantive provision that required citizenship of board members of business

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improvement district authorities under the Municipal Authorities Act.[59] Only *after* each house of the legislature completed its three prescribed readings did a Senate committee introduce the amendments that were challenged as violative of Section 3. The bill thus amended was resubmitted to the Senate for a final vote just two days before the end of the legislative session. The now-127-page bill included the broad array of new provisions detailed earlier.

The Court acknowledged that "bills frequently are amended as they pass through the Legislature .... [Section 3 is] often satisfied

where the provisions added during the legislative process assist in carrying out a bill's main objective or are otherwise 'germane' to the bill's subject as reflected in its title."[60] The Court then noted that in earlier years, the Court "applied the 'germaneness' test in a fairly strict manner."[61] For example, the Court found that the regulation of land surveyors and professional engineers encompassed two subjects because the two professions were not the same.[62] The Court rejected another bill that contained three provisions pertaining to water canals, governing

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respectively maintenance, the sale of canal water, and the Commonwealth's acquisition and sale of portions of canals.[63]

But a countervailing trend had emerged more recently:

> [D]espite the continued strong public policy underlying the single-subject requirement, some Pennsylvania Courts have become extremely deferential toward the General Assembly in Section [3] challenges.... [T]hey have tended to apply the single subject standard to validate legislation containing many different topics so long as those topics can reasonably be viewed as falling under one broad subject.... [I]t has resulted in a situation where germaneness has, in effect, been diluted to the point where it has been assessed according to whether the court can fashion a single, over-arching topic to loosely relate the various subjects included in the statute under review.[64]

The Court cited numerous Commonwealth Court cases that exemplified the mischief anticipated in *Payne*'s cautionary observation that "no two subjects are so wide apart that they may not be brought into common focus, if the point of view be carried back far enough."[65] "[Ex]ercising deference by hypothesizing reasonably broad topics . . . is appropriate to some degree,"[66] the *City of Philadelphia* Court observed, lest a reviewing court "exercise a pedantic tyranny over the legislative process."[67] But the *City of Philadelphia* Court stressed that "[t]here must be limits . . . as otherwise virtually all legislation, no matter how diverse in substance, would meet the single-subject

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requirement."[68] In that event, Section 3 "would be rendered impotent to guard against the evils that it was designed to curtail."[69] The Court then reviewed the disparate subjects touched upon by the voluminous legislation there at issue and, rejecting the almost comically expansive proposed unifying topic of "municipalities" as too broad in its scope, invalidated the act as "an omnibus bill, whether or not it is called that in name."[70]

PAGE, however, retreated from *City of Philadelphia*'s single-subject rigor, in deed if not in word:

> In contrast to *City of Philadelphia*, in the matter *sub judice*, there is a single unifying subject-the regulation of gaming. The single topic of gaming does not encompass the limitless number of subjects which could be encompassed under the heading of "municipalities." Specifically, [the Gaming Act] sets forth the legislative intent of regulating gaming, creates the Gaming Control Board, establishes policies and procedures for gaming licenses for the installation and operation of slot machines, enacts provisions to assist Pennsylvania's horse racing industry through other gaming, and provides for administration and enforcement of the gaming law, including measures to insure the integrity of the operation of slot machines.[71]

In *Spahn v. Zoning Board of Adjustment*,[72] too, this Court took an extremely deferential approach, rejecting a persuasive single-subject

challenge. In that 2009 case, a bill that originally increased penalties and forfeitures for violation of the Philadelphia Code was amended at the last minute, among other things to limit the circumstances in which Philadelphia citizens would have standing to challenge municipal actions. The

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challengers argued that the late-night addition of the standing provision to a bill that had not previously touched upon that topic violated the public transparency and political accountability that the single-subject rule was intended to safeguard. The *Spahn* Court acknowledged that "reasonable notice is the keystone" of Section 3,[73] but still found no violation. Without commenting on the importance for citizens of learning the parameters of their ability to hold their local government accountable through litigation, the Court opined that the original bill and the amendments "involved changes directly related to the grants of powers and limitations on Philadelphia Home Rule," and that "the *legislators* had reasonable notice that the amendments were germane to the grants of powers and limitations on Philadelphia government."[74]

But it hasn't always been this way. In *Jury Commissioners*, for example, this Court found a single-subject violation. The Court explained that the single-subject requirement "serves the dual purposes of preventing the enactment of laws that otherwise would not be passed [*i.e.*, logrolling], and promoting the enhanced scrutiny of single topic bills."[75] The Court then invoked the "germaneness" test, although the Court acknowledged that "what this Court has considered 'germane' and 'not germane' has fluctuated throughout the years."[76] Applying these principles, the Court found that the law in *Jury Commissioners* violated the single-subject requirement. The challenged law implicated the authority of county commissioners in two ways: first, it addressed commissioners'

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authority to auction private property and surplus farm equipment online, which the Court observed to be an executive function; second, it allowed commissioners to eliminate the elected office of jury commissioner, thus affording the former a fundamentally legislative power that was entirely distinct from the auction function except by relating both (as proponents of the law's validity argued) to the yawning subject of "the powers of county commissioners." The Court found this to be more like the rejected unifying subject of "municipalities" in *City of Philadelphia* than it was like the supposedly narrower unifying subjects we conjured in *PAGE* and *Spahn*.

To similar effect were our decisions in *Neiman* and *Leach v. Commonwealth*.[77] The statute subject to challenge in *Neiman* in its final form amended the sex offender registration law, deficiency judgment procedures, county park police jurisdiction, and the statute of limitations for asbestos claims. This Court was unconvinced by both the Commonwealth's proposed unifying subject of "civil remedies" and the legislature's proposed subject of "judicial remedies and sanctions." Finding no other "unifying scheme to accomplish a single purpose,"[78] the Court determined that the law violated the single-subject rule.

In *Leach*, the challenged law, *inter alia*, added a new criminal offense for theft of secondary metals; amended an existing trespass provision of the Crimes Code; and provided standing for individuals and organizations to challenge local gun regulations. This Court rejected the proposed unifying subject of "amending the Crimes Code" as overbroad and the subject "regulation of firearms or the ability to own a firearm" as failing

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to define a nexus or common purpose between civil remedies for local gun regulation and the criminalization of theft of secondary metals.[79]

But then came *Weeks I*, and with it the return of extreme deference. There, the Majority somewhat inverted the single-subject inquiry into an "*un*-relatedness" test:

> The gist of [*City of Philadelphia*, *Jury Commissioners*, *Neiman*, *Leach*, *Spahn*, and *PAGE*] is that a bill will be held to violate the single-subject rule only if it includes topics with "unrelated subject matter," where "unrelated" connotes that any attempt to tie the provisions together within a single, unifying subject necessarily involves an overly-broad topic-such as the business of the courts, municipalities, or the economic wellbeing of the Commonwealth-which would empty the germaneness test of all meaning.[80]

In the *Weeks I* Majority's view, "[Act 12] as a whole relates to the provision of benefits pertaining to the basic necessities of life to certain low-income individuals."[81] The Majority elaborated that some such benefits "may be in the form of cash assistance for such items as basic utility services, food, clothing, and personal hygiene products, while others may be supplied through medical or nursing-home care, the delivery of which is incentivized by payments to providers."[82] Notably, the Majority did not speak to the numerous provisions that fell outside even these descriptions. These included provisions adjusting the Medicaid designation of hospitals; changing hospital assessments in service of ensuring a continuing flow of Federal Medicaid funds; and those authorizing distribution of revenues collected under the Philadelphia Hospital Assessment. Importantly, Act 12 also provided that Hospital Assessment revenues could be used for a broad array of

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public health programs that serve the general population, not just the economically disadvantaged, including programs and initiatives with no direct connection to "the basic necessities of life" for low-income people as a class. Nor did the Majority consider that low-income Pennsylvanians number in the millions while Cash Assistance recipients number in the low five figures. Nonetheless, the Court found this proposed subject "both unifying and sufficiently narrow to fit within the single-subject rubric as that concept has been spelled out in the reported decisions of Pennsylvania appellate courts."[83]

Toward a Solution

There are several clear problems with which this Court must reckon if it is to restore a cogent account of each requirement that honors the ratifiers' intent in adopting Sections 1, 3, and 4 of Article III. In *PAGE* and *Weeks I*, and now in this case, the Court has applied an original-purpose test that introduces elements of legislative deception into the Section 1 inquiry.[84] And we have cited in that connection a subsidiary question regarding the deceptiveness of the title as such, even though Section 1 does not mention the title and Section 3 *does*, suggesting that the ratifiers had considered the relevance of a statute's title to Article III's several requirements and did not deem that concern relevant to the original-purpose analysis.[85] The *first* component of the *PAGE* test, and that factor alone, adheres roughly to the plain language of Section 1, prescribing a simple

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comparative analysis of the provisions of the final bill in order to determine whether they advance a reasonably broad account of the purpose of the bill as originally introduced, viewed through the eyes of a citizen with nothing but that original bill in hand. We should stop there.

Relatedly, the Court has not infrequently blessed consideration of a bill's evolution through amendment to inform its original purpose analysis *and* in connection with the single-subject inquiry.[86] But a bill's progress toward enactment has no bearing on what notice the bill in its original form provided to citizens or legislators of what the legislature was considering enacting, the sole concerns of Section 1. Furthermore, it says nothing about the unity of subject of a bill at the time of its enactment or the descriptive sufficiency of its title at that time, the concerns of Section 3. In

short, both Section 1 and Section 3 call for the utilization of a snapshot of the bill to measure against the applicable standard. For Section 1, the snapshot occurs at the time of the bill's introduction. The provisions of the *final* bill-another snapshot-are measured for their function, if any, in advancing the bill's original purpose. For Section 3, the snapshot occurs at enactment, and it is the *only* consideration that matters, since one can only then assess the degree to which the provisions of a bill have a nexus to a single subject that is not overly broad at that time.

I also am concerned about the Court's tendency to imply that the legislature's collective state of mind informs the constitutional permissibility of its gambol at the edge of constitutional limitations. It is true that the Article III requirements in some sense sprung from the ratifiers' concern for intentional legislative deception, both among

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legislators and with respect to the public. But the requirement was not drafted so as to *inquire* as to the legislature's intent to deceive in a given case. Rather, it is a *per se* rule predicated on the *assumption* that the absence of such a requirement inexorably will lead to deception.

Similarly, we have long agreed that Section 3's single-subject requirement reflected and effectuated a categorical rejection of omnibus bills and a strong desire to end logrolling as a legislative tactic to force the passage of disfavored, unpopular, or simply unanticipated laws. But here as well, Section 3 is a *per se* rule to prevent such tactics regardless of how or why they are employed.[87]

The damage that our unpredictable approach to these issues incurs is not hypothetical. We have ample evidence that the legislature now routinely subverts the ratifiers' intentions in obvious ways. In various cases, including this one and some described above, the legislature makes radical additions to bills after the second or third reading of a much simpler bill that in no way anticipated the dramatic additions to come. Such changes happen at the tail end of legislative sessions, on holiday weekends, or scant days before some important program is about to expire, one that only the rushed bill can preserve. Often the populace has virtually no opportunity to rally and express opposition to the final bill.

These occurrences frustrate the ratifiers' intent, and our reticence to interfere has only encouraged the General Assembly to utilize these tactics by giving legislators good

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reason to think their handiwork will pass judicial scrutiny. To correct this pattern, we should stop compromising these important checks on legislative gamesmanship by "nice refinements or distinctions wrested from [Article III's] plain and natural import."[88] Most importantly, we can and should measure our fidelity to those who ratified the 1874 Constitution by how frequently the General Assembly engages in precisely the conduct that we have often acknowledged the ratifiers intended to prevent. Unless we are satisfied that prevailing legislative practices are in keeping with what we have recognized as the ratifiers' intent, we must concede that we are coming up short in our efforts to ensure adherence to the Constitution's requirements. And I find it difficult to imagine how anyone might reconcile the persistent legislative pattern of transformative, eleventh-hour amendments introducing unforeseeable stand-alone legislative schemes with the transparent, orderly, and methodical legislative practice that the ratifiers envisioned. Whatever rubric we cite, we bless legislation passed this way frequently enough that the General Assembly has taken it as license to persist in the same practices.

This case provides a perfect example of precisely the abuses detailed above, and Act 12's general incompatibility with Sections 1 and 3 makes that painfully clear. There seems to be no dispute that eliminating Cash Assistance in a clean bill was a non-starter. Governor Wolf had made clear his opposition to eliminating Cash Assistance.[89] So the General Assembly waited until a critical and unrelated set of programs

and drawdowns were set to expire, inserted them into Act 12, and finally approved the bill less than three business days before the relevant deadline to preserve hundreds of millions of dollars of

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federal funds would expire. With so much on the line for so many Pennsylvania citizens and institutions, the Governor, calling the dilemma that the legislature had foisted on him a Hobson's Choice, signed Act 12 into law two days later.

The Majority sees it differently. The Majority explains:

> Viewed in reasonably broad terms, the original purpose of Act 12 was to eliminate Cash Assistance while favoring health-specific benefits for low-income individuals, as evidenced by the Human Services Code's provisions which eliminated the Cash Assistance program and reaffirmed the continuance of the Medical Assistance program for low-income individuals.... While the amendments made to the original bill were extensive, . . . the central objective of the legislation remained to "eliminate Cash Assistance while favoring health-specific benefits for low-income individuals." The purpose of both the original bill and the final bill is the same.[90]

I certainly agree with the Majority to the extent that it identifies the original purpose of Act 12 as the elimination of the Cash Assistance program. But I disagree that the technical changes made to insulate the medical assistance program from becoming damage collateral to the elimination of Cash Assistance would have been perceived by a reasonable reader of the original bill as what the Majority calls the reaffirmation of "the continuance of the Medical Assistance program."[91] The amendments associated with medical assistance eligibility merely were necessary to insulate the medical assistance program's status quo from eliminating Cash Assistance for anyone whose eligibility for medical assistance was made contingent on the receipt of cash assistance.[92] As best I can tell, no one was added to or removed from the medical assistance program by

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operation of Act 12, and ensuring continued eligibility was the only reason the bill contained any reference to medical assistance at all. These modest revisions to medical assistance eligibility provisions only *underscore* for any reasonable reader that the lone *purpose* of Act 12 as originally submitted was to eliminate Cash Assistance and nothing more. In short, no reasonable reader would have looked at the original bill and believed that the *purpose* of the bill, as revealed by the revisions it proposed to existing law, was designed to accomplish anything more than eliminating Cash Assistance.

Even though this observation alone is sufficient to establish an original-purpose violation, the Majority's analysis suggests the misapprehension regarding the governing standard that I addressed earlier in this opinion. Having identified an original purpose that is broad, but perhaps not reasonable in the shoes of a hypothetical lay observer, the Majority then identifies a final purpose for the Act that unsurprisingly matches the original. But that move subtly shifts the analysis away from the proper inquiry. The issue isn't one of purpose-matching, as it were. Rather, we must identify a reasonably broad purpose in the original bill without reference to what it later became, then skip directly to the law as enacted and ask whether every substantive provision of that law serves the original purpose we have gleaned. The Majority's approach necessarily invites reverse engineering in service of finding a unifying theme, however broad. But that is precisely what we must *not* do, because it is entirely too easy, viewing both bills side by side, to find some unifying purpose if we try hard enough-precisely the concern described in *Payne*. Here, with a proper understanding of the original modifications to medical assistance as

mere byproducts of the obvious purpose to end Cash Assistance, it is clear none of the provisions added thereafter advanced that purpose in any material way. As

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such, the final bill simply went places in service of various ends that a citizen could not have anticipated based upon a review of the first bill, denying the citizen notice of what actions the legislature proposed to take.

Act 12 also fails the single-subject test. The Majority proposes as a unifying subject that Act 12's "provisions all relate to benefits pertaining to the basic necessities of life to low-income individuals."[93] And it concludes summarily that even those Act 12 provisions that provided numerous ancillary benefits to the public at large nominally tied to public health "still fall within [that] unifying single subject."[94] Moreover, the Majority assures us that, because of the unifying effect of this subject, Act 12 can't be "unconstitutional logrolling"[95]-this despite its acknowledgment that Governors can be logrolled and that Governor Wolf in this case effectively said that his signature was forced. In any event, the fact of logrolling, like the fact of deceptive or wrongful intent, is immaterial to a constitutional test that cites neither of those considerations. The only question concerns legislative compliance with the prohibition upon bills that by any reasonable assessment legislate as to more than one subject.

Even if I agreed that, if you squint just right, you can view every item in Act 12 as somehow involving "benefits pertaining to the basic necessities of life to low-income individuals," the question the Majority doesn't ask is what *else* might pertain to the basic necessities of life to low-income individuals? For that matter, what are necessities? The Majority's proposed unifying subject is no less broad than, say, the powers of county

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commissioners at issue in *Jury Commissioners*. Yes, county commissioners have broad bailiwicks and manifold powers. But so, too, do low-income individuals have diverse and numerous necessities of life, and on the Majority's account just about anything that confers a benefit on the public at large falls within that rubric by extension.[96] Act 12's breadth *exceeds* constitutional boundaries by analogy to *City of Philadelphia*, *Jury Commissioners*, *Neiman*, and *Leach*. Second, for reasons detailed by Justice Donohue in dissent, even that problematic subject fails to capture everything in Act 12.[97] And we have made clear in cases like *City of Philadelphia* that Section 3 will not tolerate statutes ostensibly linked by a single, broad hypothetical subject when that subject fails to describe a nexus that encompasses *every* provision of the bill.

This case presents an excellent opportunity to re-center the constitutional text in Article III analysis, to reduce the fundamental inconsistency revealed by the sum of our prior Article III decisions, and to substantially restore the deteriorated guardrails that the ratifiers of the 1874 Constitution installed specifically to prevent legislative methods that persist 150 years after the people sought to end them. Regrettably, the Majority opts to let that opportunity pass.

No doubt, such a course correction would complicate the legislative process, narrowing the parameters within which the people's representatives may negotiate and compromise to make sound laws that are responsive to and in the interests of their

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constituents. But if those difficulties are unfamiliar, it is only because for too long we have granted the General Assembly greater latitude than the 1874 Constitution envisaged. The Constitution must prevail over inconvenience. And the General Assembly well knows and regularly demonstrates that the process for proposing amendments to the Pennsylvania Constitution for the voters' consideration is not terribly burdensome.[98] If our legislature wants to enjoy the United States Congress' ability to rely heavily on omnibus bills

full of dexterous logrolling, cajoling earmarks, and special laws to pass what won't draw a majority standing alone, all that it must do is fashion an amendment and persuade voters that Article III has outlived its usefulness or doesn't mean what it presently says. In the meantime, this Court should continue to insist on faithful adherence to the Constitution's own teachings.

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CONCURRING OPINION

MUNDY, JUSTICE

I join the majority opinion and write to observe that Article III, Section 1 is silent on the requirement for a bill's title. Section 1 states in full:

> No law shall be passed except by bill, and no bill shall be so altered or amended, on its passage through either House, as to change its original purpose.

PA. CONST. art. III, § 1.

The majority notes this Court has developed a two-part test for evaluating Section 1 challenges, per which the original and final purposes of a bill are compared to see if there has been any change, and the title and contents of the bill are reviewed to assess whether they are deceptive. As can be seen, however, Section 1 makes no mention of either the title or the concept of deceptiveness. Its only stipulation is that the bill's subject

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cannot have been altered or amended during passage so as to change its original purpose. Thus, while non-deceptiveness may be a worthy goal, there is no textual support in Article III, Section 1 for such a mandate. *See McLinko v. Dep't of State*, 278 A.3d 539, 578-79 (Pa. 2022) (emphasizing that provisions of the Pennsylvania Constitution are interpreted according to their plain text). And it goes without saying that our loyalty is first and foremost to the text of the Constitution - which, in all events, can be amended if necessary to add a non-deception prerequisite. *See generally id*. at 608 (Mundy, J., dissenting) ("If the electorate wishes to effectuate that end, the state Charter, as the majority emphasizes, is not overly difficult to amend.").

One may reasonably question how the non-deception concept ended up in the judicial test for Section 1 compliance. My research reveals that the idea that a bill's title should not be deceptive was mentioned in *Scudder v. Smith*, 200 A. 601 (Pa. 1938), in a discussion on the differences among a bill, an act, and a joint resolution. *See id*. at 604. In that discussion, the Court indicated that various different "constitutional requirements" (plural) relating to the enactment of laws include the concept that the title should put legislators on notice so they may vote "with circumspection." *Id*. *Scudder* did not expressly tie the concept of non-deception to Section 1, although the discussion did, at another point, reference Section 1. *See id*. Perhaps for that reason, in *Consumer Party of Pennsylvania v. Commonwealth*, 507 A.2d 323 (Pa. 1986), this Court read *Scudder* as suggesting that Section 1 embodies an objective to put state legislators on notice of the contents of a bill to allow for informed and thoughtful voting. *See id*. at 334 (quoting *Scudder*, 200 A. at 604). This, however, reflected a misunderstanding of *Scudder* because, as explained, *Scudder* never suggested the non-deception mandate was contained in Section 1, nor did *Consumer Party* review the text of Section 1 when summarizing what *Scudder* said about that provision.

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Although *Consumer Party* misread the discussion in *Scudder*, this Court in *Pennsylvanians Against Gambling Expansion Fund v. Commonwealth*, 877 A.2d 383 (Pa. 2005) ("PAGE"), nonetheless relied on *Consumer Party* in establishing the now-familiar two-part Section 1 inquiry which asks whether the legislation has been altered or amended to change the original purpose, and whether the bill's title and contents in their final form are deceptive. *See id*. at 408-09. That test has been used in subsequent

cases. *See, e.g.*, *Stilp v. Commonwealth*, 905 A.2d 918, 957 (Pa. 2006); *Christ the King Manor v. DPW*, 911 A.2d 624, 637 (Pa. Cmwlth. 2006), *aff'd per curiam* 951 A.2d 255 (Pa. 2008). As with *Consumer Party*, the *PAGE* Court fashioned the non-deception prong without attempting to ground it in Section 1 itself. That prong, as discussed, lacks any warrant in the constitutional text, and this is consistent with its tenuous historical pedigree.

Furthermore, non-deception is, in essence, already required by Section 3, which states that the bill's subject must be clearly expressed in its title. *See* PA. CONST. art. III, § 3 (providing that "[n]o bill shall be passed containing more than one subject, which shall be clearly expressed in its title"); *see also City of Phila. v. Commonwealth*, 838 A.2d 566, 586 (Pa. 2003) (observing Section 3 contains a single-subject requirement and a separate clear-expression requirement). While the subject and purpose of a bill may overlap, they are distinct concepts. A bill's purpose is its intention or objective, *i.e.*, the "end in view," WEBSTER'S NEW WORLD COLLEGIATE DICTIONARY 1165 (4th ed. 1999), whereas the subject of a bill is the topic it deals with. *See id*. at 1426. And the judicial injection of the non-deceptive-title requirement into Section 1 has led to some confusion, as reflected for example in the Commonwealth Court's recent suggestion that Section 1 is satisfied so long as "the original and final versions [of a bill] fall under the same broad, general *subject area*." *Phantom Fireworks Showrooms v Wolf*, 198 A.3d 1205, 1223 (Pa. Cmwlth. 2018) (emphasis added).

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Beyond alleviating confusion, disentangling the purpose and subject tests of Sections 1 and 3 may be salutary in that a distinct standard can then be developed for Section 1. This, in turn, could reinvigorate the safeguards intended by the electorate that adopted the provision. As it stands, the comparison of the original and final purposes of a bill pursuant to Section 1 is largely an exercise in evaluating whether the *subjects* of the original and final bill comply with the Section 3's single-subject requirement. This was illustrated in *PAGE*, where the Gaming Act began as a one-page bill relating to the duties of the Pennsylvania State Police to conduct background checks of individuals involved in harness racing, and then ballooned into a 145-page behemoth containing 86 sections and creating a whole new industry in Pennsylvania. After concluding the provisions of the final bill all related to the single subject of gaming regulation for Section 3 purposes, the Court compared the original purpose of the bill with its final purpose as follows:

> As introduced, HB 2330 provided the State Police with the power and duty to perform criminal background checks on, and identify through conducting fingerprinting, those applicants seeking a license from the State Horse Racing and State Harness Racing Commissions. Considering the original purpose in reasonably broad terms, we believe that here, *and in this instance akin to our finding above regarding a single unifying subject*, the original purpose of the bill was to regulate gaming. As finally passed, although significantly amended and expanded, we find that the primary objective of the legislation was to regulate gaming.

Id. at 409 (citation omitted, emphasis added). The Court thus concluded that "the bill was not altered or amended to change its original purpose." *Id*.; *see also Weeks v. DHS*, 222 A.3d 722, 731 (Pa. 2019) (rejecting an Article III, Section 1 challenge where the provisions added during the enactment process "all fit within the unifying topic mentioned in the above discussion pertaining to the single-subject rule").

This approach tends to conflate the purpose comparison as required by Section 1 with the subject evaluation mandated by Section 3. It therefore leaves something to be

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desired as it is not clear such congruity or

duplication was intended by the electorate that adopted those provisions. Moreover, a separate standard for Section 1, if developed by this Court with the aid of scholarly input during litigation, could strengthen our policing of the legislative process for conformance with Article III's original intent. To my mind, for example, a reasonable argument can be made that the bill at issue in *PAGE* underwent a change in purpose even though it dealt in both its original and final forms with the single subject of gaming regulation.

In terms of the matter *sub judice*, I join the majority's use of the established two-part test for a Section 1 challenge, as it is consistent with precedent and no party has suggested such precedent should be overruled. My only point here is that I would be receptive to an argument in a future case - assuming the issue is preserved and adequately briefed - that (a) the non-deceptive-title requirement should be dropped from the Article III, Section 1 analysis, and (b) a distinct standard should be developed and adopted by this Court to compare the original and final purposes of a bill.

Notes:

[1] Article III, Section 1, entitled "Passage of laws," provides in full as follows:

> No law shall be passed except by bill, and no bill shall be so altered or amended, on its passage through either House, as to change its original purpose.

Pa. Const. art. III, § 1.

[2] Article III, Section 3, entitled "Form of bills," provides in its entirety:

> No bill 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.

Pa. Const. art. III, § 3.

[3] Act of June 28, 2019, P.L. 43. The Human Services Code was formally entitled the Public Welfare Code.

[4] Act of June 13, 1967, P.L. 31.

[5] To be clear, we are considering only the constitutionality of the legislative enactment process by which the General Assembly advanced Act 12, and are not passing upon the propriety of the substantive provisions of this piece of legislation.

[6] Act of June 30, 2012, P.L. 668.

[7] Article III, Section 4, entitled "Consideration of bills," provides in relevant part:

> Every bill shall be considered on three different days in each House.

Pa. Const. art. III, § 4.

[8] As in this case, our Court denied the challengers' appeal from the Commonwealth Court's denial of a preliminary injunction. *Washington v. Department of Public Welfare*, 76 A.3d 536 (Pa. 2013) (order).

[9] Specifically, Section 2 of Act 12, Section 403.2 of the Act, added June 30, 2012 (P.L. 668, No. 80), which was subsequently declared unconstitutional in *Washington*, was reenacted and amended to read:

> Section 403.2. General Assistance-Related Categorically Needy and Medically Needy Only Medical Assistance Programs.--(a) Subject to subsection (b) and notwithstanding any other provision of law, the general assistance cash assistance program shall cease [August 1, 2012] July 1, 2019. (b) The general assistance-related categorically needy medical assistance program shall continue, including, but not limited to, the eligibility and work and work-related requirements under this article. The general

> assistance-related medical assistance program for the medically needy only shall continue.

[10] The Medicaid program provides federal financial assistance to states choosing to reimburse needy individuals for certain medical expenses. *See* Title XIX of the Social Security Act, 42 U.S.C. §§ 1396-1396r. Assistance may be provided, however, only to persons deemed to be "medically needy," such that they do not have the income and resources to meet necessary medical costs. *Colonial Park Care Center, LLC v. Department of Public Welfare*, 123 A.3d 1094, 1097 (Pa. Cmwlth. 2015).

[11] To obtain a preliminary injunction, a petitioner must establish: (1) relief is necessary to prevent irreparable harm that cannot be adequately compensated by a monetary award; (2) greater injury will occur from the denial of the injunction than from its issuance; (3) the injunction will restore the parties to their status quo as it existed before the alleged wrongful conduct; (4) the petitioner is likely to prevail on the merits; (5) the injunction is reasonably suited to abate the offending activity; and (6) the injunction will not adversely affect the public interest. *Summit Towne Centre, Inc. v. Shoe Show of Rocky Mount, Inc.*, 828 A.2d 995, 1000 (Pa. 2003).

[12] This author penned a separate concurring opinion in which I indicated that my joinder hinged on the fact that, "[a]t the preliminary stage of this litigation, . . . this Court is not asked to decide [the] ultimate constitutional question" of whether Act 12 violates Article III, Sections 1 and 3. *Id.* at 731 (Todd, J., concurring). Rather, because our Court's task involved the more limited inquiry of whether the lower court had "'any apparently reasonable grounds' to support its denial of preliminary injunctive relief," *id.* at 732 (quoting *Summit Towne Center v. Shoe Show of Rocky Mount*, 828 A.2d 995, 1000 (Pa. 2003)), I cautioned that I was withholding judgment on the merits of the underlying constitutional questions. Justices Donohue and Dougherty joined my concurring opinion.

[13] This opinion was authored by Judge Leavitt, and joined by Judge Leadbetter, as well as then-President Judge, now-Justice, Brobson.

[14] The Commonwealth Court also seemingly proffered the unifying subjects of "the provision of health care assistance to certain low-income persons and the eligibility criteria therefor" and "providing services to certain low-income individuals." *Weeks III*, 255 A.3d at 669.

[15] The Commonwealth Court rejected DHS's argument that it should adopt our Court's analysis in *Weeks II in toto*, recognizing that our decision on the denial of the *preliminary* injunction in that case did not constitute a decision on the merits of Appellants' request for a *permanent* injunction. *Id*. at 666. Nevertheless, it indicated that it found our analysis of this issue to be "compelling." *Id.*

[16] In support of Appellants' position, the American Civil Liberties Union of Pennsylvania, three law professors who are experts in Pennsylvania Constitutional law, and a legal aid attorney, filed an *amicus* brief. *Amici* focus heavily on the historical purposes of Article III, Sections 1 and 3, noting they are required for a proper and transparent government. *Amici* also challenge the Commonwealth Court's analytical approach, asserting that the original purpose rule requires an analysis separate from the single subject rule, and that the single subject rule analysis requires that the court analyze whether the various measures in the bill share a common nexus. Similarly, an *amicus* brief filed by a coalition of nonprofit groups representing various individuals in need, including the Community Justice Project, the Homeless Advocacy Project, the Coalition for Low Income Pennsylvanians, and the Housing Alliance of Pennsylvania, emphasizes that the Cash Assistance program is separate and distinct from the Medical Assistance program, and the General Assembly's characterization of Act 12 as health care-related masks this distinction and the bill's true intent to eliminate Cash Assistance and raise revenue.

[17] While Article III, Section 1 has remained unchanged since the 1874 Constitution, Article

III, Section 3 was amended in the 1968 Constitution to permit bills to contain multiple subjects if they merely codify or compile existing laws or parts of laws; however, it did not otherwise alter the mandate that legislation contain a single subject. *Washington*, 188 A.3d at 1147.

[18] The 1873 constitutional convention made grammatical changes for clarity; however, the foundational reasons for its original enactment and its restrictions on lawmaking were reaffirmed by the delegates. *Washington*, 188 A.3d at 1146 n.29 (citing 5 Debates of the Constitutional Convention of 1873, 243-46 (1873)).

[19] Indeed, in *Weeks II*, we described *City of Philadelphia* as "chart[ing] something of a middle course between overly-strict and overly-lenient enforcement of Section 3" and employing a "middle-course framework." *Weeks II*, 222 A.3d at 727, 729.

[20] These multifarious subjects included authorizing the Philadelphia parking authority to undertake mixed-use development projects and imposing requirements and limitations on the terms and service of parking authority board members; transferring authority over Philadelphia's taxis and limousines from the Public Utility Commission to the Philadelphia Parking Authority; repealing Section 209(k) of the Pennsylvania Intergovernmental Cooperation Authority Act as applied to Philadelphia, as well as restricting the political activities of police officers employed by all municipalities; authorizing all municipalities to hold gifts in trust; imposing a citizenship requirement for board members of municipal business improvement districts; and general bond and indemnification provisions for all municipal authorities and governing bodies.

[21] These provisions regulated the horse-racing industry; authorized the creation of a slotmachine industry in Pennsylvania; created the Gaming Control Board and a regulatory regime therefor; provided for the distribution of licensing fees and tax revenue from casinos; established policies and procedures for gaming licenses for the installation of slot machines; created a general gaming fund for tourism development, property tax relief, and treatment for compulsive gambling; and placed exclusive jurisdiction in the Pennsylvania Supreme Court over gambling license disputes and constitutional challenges to the statute.

[22] As to the second part of the Article III, Section 3 analysis, whether the subject was clearly expressed in its title, we note that Appellants have not raised a clear title challenge. Appellants' Reply Brief at 9.

[23] As we discuss below, our Court utilizes the same germaneness test in considering compliance with Article III, Sections 1 and 4. *Washington*, 188 A.3d at 1151; *Stilp*, 905 A.2d at 959; *PAGE*, 877 A.2d at 410.

[24] We recognize that our Court in *Weeks II* accepted this unifying theme under the "highly deferential" standard of review pertaining to preliminary injunctions, which required affirmance of the Commonwealth Court's order if there were "any apparently reasonable grounds" for the Commonwealth Court denying the injunction. 222 A.3d at 727. We are not, however, precluded from coming to a similar conclusion - that is, utilizing a similar unifying theme - at this merits stage.

[25] Nevertheless, we respectfully disagree with DHS to the extent it suggests Act 12 passes single subject scrutiny because all of its provisions concern the provision of *medical* benefits to low-income persons. We agree with Appellants that the Cash Assistance benefits were *not* medical benefits or medical care, and it was not a medical benefit or health care program. Thus, contrary to DHS's assertion, the original purpose of Act 12 is unrelated to the providing of *medical* benefits to low-income people; however, it passes constitutional muster, as the provisions contained therein all relate to benefits pertaining to the basic necessities of life to low-income individuals.

[1] Prior to Act 12, Section 802-E more specifically authorized the assessment "for the purpose of assuring that medical assistance

recipients have access to hospital services and that all citizens have access to emergency department services[.]" 62 P.S. §802-E (2013) (amended 2019) (emphasis added). Act 12 deleted the bolded language in favor of the broader "and other health care services" text in the current version of Section 802-E. Act of June 28, 2019, P.L. 43, No. 12, §6 (as amended 62 P.S. §802-E).

[2] To the extent those funds are not actually used for that purpose, litigants could challenge the municipality's use of funds as violating Section 802-E, but that would be distinct from a single subject challenge under Article III.

[1] *See, e.g., City of Phila v. Commonwealth*, 838 A.2d 566 (Pa. 2003) (rejecting the proposed subject of "municipalities" as overly broad in violation of Article III, Section 3); *Neiman*, 84 A.3d 603 (Pa. 2013) (rejecting the overly broad proposed subjects of "refining civil remedies or relief" or "judicial remedies and sanctions"); *Pa. State Ass'n of Jury Comm'rs v. Commonwealth*, 64 A.3d 611 (Pa. 2013) (rejecting the proposed subjects "amendments to the county code" or "powers of county commissioners" as unconstitutional under Article III, Section 3); *Leach v. Commonwealth*, 141 A.3d 426, 433 (Pa. 2016) (rejecting the proposed subject of "regulations of firearms" or "ability to own a firearm" as unconstitutional).

[2] The Majority concludes that the provisions of Act 12 all "fall within the unifying single subject of 'the provisions of benefits pertaining to the basic necessities of life for low-income individuals.'" Majority Op. at 30.

[3] According to the Majority, the original bill's purpose was to "eliminate Cash Assistance while favoring health-specific benefits for low-income individuals." Majority Op. at 37.

[4] "Logrolling is the practice of embracing in one bill several distinct matters, none of which could singly obtain the assent of the legislature, and procuring its passage by combining the minorities who favored the individual matters to form a majority that would adopt them all." *Pennsylvanians Against Gambling Expansion, Inc. v. Commonwealth*, 877 A.2d 383, 394 n.7 (Pa. 2005) ("*PAGE*") (internal quotation marks omitted).

[5] Act 12 achieved this by removing any reference to Cash Assistance under Medical Assistance's eligibility requirements and from the definition of "General Assistance."

[6] These annual incentive payments are paid to nursing facilities that have a certain percentage of patients on Medical Assistance. DHS, *Disproportionate Share Incentive Payments*, https://www.dhs.pa.gov/providers/Providers/Pages/Disproportionate-Share-Incentive-Payments.aspx (last visited June 30, 2023).

[7] Interestingly, the United States Government Accountability Office posits that this type of arrangement results in some providers receiving a smaller net Medicaid payment overall once the provider taxes they contributed are taken into account. GOV'T ACCOUNTABILITY OFF., *Report: CMS Needs More Information of States' Financing and Payment Arrangements to Improve Oversight*, at 25-26 (2020).

[8] Specifically, Act 12 provides:

> Upon collection of the funds generated by the assessment authorized under this article, the municipality shall remit a portion of the funds to the Commonwealth for the purposes set forth under section 802-E, except that the municipality may retain funds in an amount necessary to reimburse it for its reasonable costs in the administration and collection of the assessment and to fund a portion of its costs of operating public health clinics and public health programs as set forth in an agreement to be entered into between the municipality and the Commonwealth acting through the secretary.

Act of June 28, 2019, P.L. 43, No. 12, § 7.

[9] *See* supra note 1.

[10] *See, e.g., City of Philadelphia*, 838 A.2d at 589 ("[A]s virtually all of local government is a 'municipality,' we find that proposed subject too broad to quality for single-subject status[.]"); *Neiman,* 84 A.3d at 6l3 (finding the proposed subjects "far too expansive ... as such subjects are virtually boundless").

[11] As the Majority recognizes, these public health programs could include "educational programs to reduce tobacco use and obesity; air pollution monitoring; enforcement of lead-free rental requirements; programs to promote immunization; water quality programs; childhood literacy programs; and the provision of care services in neighborhood health centers[.]" Majority Op. at 30. Such programs, according to Appellants, could also include "restaurant and retail food inspection, air and water quality, animal control, [and] inspection of barber and beauty establishments[.]" Appellants' Brief at 35.

[12] Although Justice Dougherty's Concurring Opinion offers an explanation as to how the statute could be construed narrowly so that the "public health programs" funded by the Philadelphia Hospital Assessment are solely directed to benefitting low-income individuals, *see* Concurring Op. at 2-3, I do not believe the statutory language supports the conclusion. It is true that Section 802-E provides that the assessment generates the funding "for the purpose of assuring that medical assistance recipients have access to hospital and other health care services." 61 P.S. 802-E(a). However, Section 804-E states that the funds generated by the Philadelphia Hospital Assessment are remitted to the Commonwealth for "the purpose set forth under [S]ection 802-E, except" the municipality may retain those funds to reimburse themselves for costs related to administering and collecting the assessment and a portion of those funds may be used for the operation of "public health clinics and public health programs as set forth in an agreement to be entered into between the municipality and the Commonwealth[.]" *Id.* § 804-E(a). Accordingly, while I agree that some of the funds generated for the hospital assessment are statutorily prescribed for the purpose of benefiting medical assistance recipients by funding certain healthcare providers, based on the text of Section 804-E, the funding of "public health programs" is likewise authorized and there is no requirement that they exclusively benefit low-income individuals. Indeed, DHS agrees that the benefits will inure to the pubic-at-large.

[13] Under the Majority's tenuous rationale, public school funding would likewise fit within its unduly expansive subject because there are children from low-income families that attend public schools. Likewise, low-income families use highways and benefit from improvements to water and sewer facilities and air quality to name a few areas within the Legislature's purview that would fit within the Majority's proposed single subject.

[14] The funds generated by the Statewide Quality Care Assessment apply to the state's share of Medicaid funding that would otherwise be contributed from the general fund, thereby allowing funding in other areas not uniquely benefitting low-income individuals.

[15] I note that the Majority adopted our previous articulation of the proposed "single subject" from *Weeks II*, *see* Majority Op. at 29 & n.24.

[16] My learned colleague has suggested that this Court's application of the "original purpose" and "single subject" analyses in prior cases have gone too far afield of what is required by our constitutional language. *See* Dissenting Op. at 29 (Wecht, J., dissenting). While this observation may be apt, I note that no party has asked us to overrule any case that would allow us to depart from our current application of the "original purpose" and "single subject" rules. Accordingly, we must adhere to our precedent until a litigant raises an appropriate challenge.

[1] *William Penn Sch. Dist. v. Pa. Dep't. of Educ.*, 170 A.3d 414, 423 n.13 (Pa. 2017) (internal quotation marks and related citations omitted); *see Pennsylvanians Against Gambling Expansion Fund, Inc. v. Commonwealth*, 877 A.2d 383, 394 (Pa. 2005) ("*PAGE*"); *see generally* Maj. Op. at

19-22.

[2] *PAGE*, 877 A.2d at 394 (footnote omitted). Logrolling "is the practice of 'embracing in one bill several distinct matters, none of which could singly obtain the assent of the legislature, and procuring its passage by combining the minorities who favored the individual matters to form a majority that would adopt them all.'" *Id*. at 394 n.7 (quoting Charles W. Rubendall II, *The Constitution and the Consolidated Statutes*, 80 DICK. L. REV. 118, 120 (1975)).

[3] *Washington v. Dep't. of Pub. Welfare of the Commonwealth*, 188 A.3d 1135, 114546 (Pa. 2018) (citation omitted).

[4] *Id*. at 1146.

[5] *See*, *e.g.*, *Wheeler v. City of Phila.*, 77 Pa. 338 (1875) (regarding a bill approved on May 23, 1874, rejecting a single-subject challenge for want of sufficient pleading and rejecting a clear-title challenge summarily).

[6] *See* Maj. Op. at 23-24 ("[D]ue to the nature of the legislative process, of which the offering of amendments by legislators or the insertion or deletion of various provisions is a wholly accepted part of the path through each house of the General Assembly, our Court has strived over the years to strike the appropriate balance between allegiance to the intent and purpose of Article III, Section 3, and, at the same time, to give a broad enough meaning to the provision to allow the legislative process to operate reasonably unimpeded.").

[7] *See*, *e.g.*, *id*. at 24 (Striking the appropriate balance "has proven to be complex and does not lend itself to bright-line rules. These characteristics of a single subject analysis, in turn, have resulted in a waxing and waning in how narrowly Section 3 has been construed."); *Pa. State Ass'n of Jury Comm'rs v. Commonwealth*, 64 A.3d 611, 616 (Pa. 2013) ("[W]hat this Court has considered 'germane' and 'not germane' has fluctuated throughout the years.").

[8] *City of Phila. v. Commonwealth*, 838 A.2d 566, 587 (Pa. 2003) (emphasis added).

[9] As explained below, "germaneness" has over time become a catch-all test for compliance with both of the constitutional provisions at issue in this case as well as for Article III, Section 4, which requires that all laws be considered on three separate occasions in each house of the General Assembly. *See*, *e.g.*, *Washington*, 188 A.3d at 1151. It also has come in for its own criticism as being problematically malleable.

[10] *City of Phila.*, 838 A.2d at 587.

[11] 877 A.2d at 393.

[12] Maj. Op. at 26.

[13] *Id*. at 27.

[14] Our first decision in this case-our most recent substantial comment on the original-purpose and single-subject requirements-reverted to an approach that is difficult to reconcile with our more recent cases. And now, upon this case's return, the Majority regrettably amplifies this Court's suspect analysis in that decision. *See Weeks v. Dep't. of Hum. Servs.*, 222 A.3d 722 (Pa. 2019) ("*Weeks I*").

Dissenting in *Weeks I*, focusing upon my concern that the Majority had exceeded the narrow inquiry we undertake in reviewing an order granting or denying a preliminary injunction in ongoing litigation, I observed that "the Majority not only [found] no *substantial question* with regard to the single-subject challenge, the only question we are called upon to consider, but it effectively *decide*[*d*] that question on the merits in favor of DHS, the consummation of its decision a mere formality on remand." *Id*. at 742 (Wecht, J., dissenting) (emphasis in original). Unsurprisingly, the Commonwealth Court later agreed. *Weeks v. Dept. of Human Servs.*, 255 A.3d 660, 666 (Pa. 2021) ("The Supreme Court's decision in [*Weeks I*] . . . was not a decision on the merits of [Weeks'] request for a permanent injunction. Nevertheless, the Supreme Court's analysis is compelling and must be considered in reviewing [DHS's] demurrer.").

[15] *McLinko v. Dep't. of State*, 279 A.3d 539, 577 (Pa. 2022); *see In re Bruno*, 101 A.3d 635, 659 (Pa. 2014) ("[T]he polestar of constitutional analysis undertaken by the Court must be the plain language of the constitutional provisions at issue.").

[16] *Robinson Twp. v. Washington Cnty. v. Commonwealth*, 83 A.3d 901, 945 (Pa. 2013) (plurality) (internal quotation marks omitted); *see Stilp v. Commonwealth*, 905 A.2d 918, 939 (Pa. 2006) ("Our . . . touchstone is the actual language of the Constitution ....").

[17] *Robinson Twp.*, 83 A.3d at 945 (internal quotation marks omitted).

[18] *PAGE*, 877 A.2d at 393 (emphasis omitted).

[19] *Wm. Penn Sch. Dist.*, 170 A.3d at 418.

[20] *Consumer Party of Pa. v. Commonwealth*, 507 A.2d 323, 334 (Pa. 1986), abrogated in part by *PAGE*.

[21] *Commonwealth v. Stofchek*, 185 A. 840, 843 n.2 (Pa. 1936).

[22] We may seek guidance regarding a word's "common and approved usage" at the relevant time in dictionaries. *McLinko*, 279 A.3d at 577.

[23] *Purpose*, THE COMPLETE OXFORD ENGLISH DICTIONARY (2d Ed. 1991) (hereinafter "OED").

[24] *See Washington*, 188 A.3d at 1146 (noting that the original-purpose requirement bars "the addition of proposed legislation on a subject matter unrelated to that of the bill *as originally introduced*" (emphasis added)); *cf. Weeks I*, 222 A.3d at 743 (Wecht, J., dissenting) ("The least we can ask is that any reasonably broad subject we superimpose upon a bill for purposes of original purpose analysis should be one that a reasonable reader might glean from the original text without the benefit of hindsight informed by later amendments."). In *PAGE*, we underscored the importance of this approach to originalpurpose analysis, criticizing and abrogating this Court's decision in *Consumer Party*, which erroneously conflated the original-purpose and single-subject inquiries by analyzing the original-purpose challenge by reference to "the title of the legislation and its content in final form." *PAGE*, 877 A.2d at 408; *see Marcavage v. Rendell*, 936 A.2d 188, 193 (Pa. Cmwlth. 2007) (referring to the original purpose of the bill challenged, "viewed in reasonably broad terms" according to its original form, as one criminalizing crop destruction, and comparing it to the final version, which "regulate[d] vastly different activities," adding provisions expanding the class of persons protected by the offense of ethnic intimidation). *Marcavage* is a Commonwealth Court decision, but we adopted that court's opinion as our own. *See Marcavage v. Rendell*, 951 A.2d 345 (Pa. 2008)(*per curiam*).

[25] *Commonwealth v. Neiman*, 84 A.3d 603, 612 (Pa. 2013) (emphasis in original); *see id.* (quoting *PAGE*, 877 A.2d at 395) ("[T]he single subject requirement proscribes the inclusion of provisions into legislation without allowing for fair notice to the public and to legislators of the existence of the same."); *Washington*, 188 A.3d at 1146 (noting that the single-subject requirement "safeguards the ability of all residents of the Commonwealth who will be impacted by a bill to have the opportunity to make their views on its provisions known to their elected representatives *prior to their final vote on the measure*"). We noted the importance of public notice in connection with Section 3's clear-title requirement a mere decade after the ratification of the 1874 Constitution. *See Fredericks v. Pa. Canal Co.*, 2 A. 48, 49 (Pa. 1885) (rejecting a Section 3 challenge because, "as [the title] gives such notice of the subject of the bill as reasonably to lead to an inquiry into the body thereof, that is all that is required").

[26] 838 A.2d at 571.

[27] *Id*.

[28] PA. CONST. art. III, § 4 ("Consideration of bills"), provides in relevant part: "Every bill shall be considered on three different days in each House...."

[29] "Germaneness" as a general concept appears in connection with Article III requirements as early as 1878 and has remained ever since, over time becoming the prevailing standard. *See, e.g.*, *Craig v. First Presbyterian Church of Pittsburgh*, 88 Pa. 42, 46 (Pa. 1878) (rejecting the argument that the subject of a supplemental bill was not clearly expressed in the bill, and holding that the supplement was "germane to the subject of the original bill" because "[t]hey all relate to cemeteries and the dead therefrom"); *In re Reber*, 84 A. 587, 589 (Pa. 1912) (observing that "[p]rovisions for attaining various objects which relate to the general subject of the bill" "are all germane to the main purpose of the act").

[30] *PAGE*, 877 A.2d at 391.

[31] *Id*. at 408. This purported paraphrase arguably diminishes the explicit, textual requirement of a bill's unity of *purpose* at inception and the contributory role of all provisions found in the final bill at enactment. Similarly, the Court's qualified indication that Section 1's "verbiage certainly suggests a comparative analysis" is too ginger by half. Hedged paraphrases like these bedevil our Article III case law in derogation of clear constitutional commands.

[32] Justice Mundy correctly notes that this aspect of the *PAGE* test lacks constitutional provenance. *See* Conc. Op. at 1-2 (Mundy, J.).

[33] As I explain below, how a bill traveled to its enacted form is irrelevant to the singlesubject inquiry, which specifies only a necessary condition for a bill in its enacted form. That condition is not informed by the various iterations of the bill during its journey.

[34] *PAGE*, 877 A.2d at 409.

[35] The distinction between inferring an original purpose, inferring a final purpose, and comparing them, versus inferring a reasonably broad original purpose and then reviewing the final bill's provisions for conformity with that purpose may be subtle, but it is consequential. The test primarily appears in the former guise in our case law, including in the Majority opinion in this case. *See* Maj. Op. at 36. But that formulation interposes an additional layer of inference and extrapolation-*i.e.*, inferring an overarching purpose from the final bill as well as the original-which increases the risk of uncertainty twofold. The Constitution does not ask whether the final *purpose* of the bill is consistent with the original purpose. It asks whether the final bill's provisions serve the bill's original purpose.

[36] 905 A.2d 918 (Pa. 2006).

[37] *Id*. at 953 (cleaned up).

[38] *Id*. at 954.

[39] *Id*. at 957.

[40] *See* Maj. Op. at 27.

[41] *See Weeks I*, 222 A.3d at 730 ("[W]e find that the Commonwealth Court correctly concluded that no [original-purpose] violation had occurred.").

[42] *Id*. More specifically, the bill in its original form proposed to eliminate Cash Assistance, a program, providing a modest monthly stipend to (as of 2019) at least 12,000 qualified Pennsylvanians who were unable to work and had no other source of income. As well, Pennsylvania has a Medical Assistance program that provides state-funded health insurance to certain individuals-and at the time of Act 12's passage under certain circumstances one's Cash Assistance status could affect Medical Assistance eligibility. *See generally* Maj. Op. at 4-5; Diss. Op. at 3 (Donohue, J.).

[43] *Weeks*, 222 A.3d at 730. The Court's formulation clearly ran afoul of my earlier observation regarding the distinction between teasing out *one* original purpose and measuring the final bill provision by provision for its role (or lack of a role) in advancing that purpose versus surmising as a well a broad final purpose and using that as the basis for comparison. It also reflected our persistent confusion regarding the distinct definitions of "subject" and

"purpose."

[44] *Id*. at 731 (quoting *Washington*, 188 A.3d at 1151).

[45] *Id*.

[46] *Id*. (emphasis added).

[47] *Id*.

[48] *See* Conc. Op. at 3 (Mundy, J.) (quoting *Purpose*, WEBSTER'S NEW WORLD COLLEGIATE DICTIONARY (4th ed. 1999)).

[49] *See Robinson Twp.*, 83 A.3d at 946. This is yet another reason to question the wisdom of using "germaneness" in analyzing the four distinct constitutional inquiries that appear in Sections 1, 3, and 4, given the risk, long since realized, that four distinct constitutional requirements will be hopelessly admixed when tested by one overriding rubric.

[50] *Subject*, OED.

[51] To illustrate what I take to be the distinction, the *subject* of Act 12 as introduced was Cash Assistance. Its *purpose*, though, was the *elimination* of Cash Assistance. Thus, if a bill began as one that proposed to end Cash Assistance but it later was amended to preserve and extend Cash Assistance, one might credibly argue that the final bill violated the original-purpose requirement but satisfied the single-subject rule.

[52] 31 A. 1072 (Pa. 1895).

[53] *Id*. at 1074.

[54] *Id*.

[55] The Majority aptly notes that logrolling may just as perniciously be used to force a Governor to sign (or at least not veto) a bill as it may be used to cobble together a bare majority for a suite of legislative provisions that would not command a majority individually. Maj. Op. at 21 (The single subject limitation "guarantee[s] the same freedom from 'logrolling' during executive review of legislative enactments." (quoting ROBERT F. WILLIAMS, THE LAW OF AMERICAN STATE CONSTITUTIONS, 261-62 (2009); citing in accord *Attorney Gen. v. Barnett*, 48 A. 976 (Pa. 1901))).

[56] *Stofchek*, 185 A. at 843 n.2 (quoting the writings of Charles R. Buckalew, who was an active participant in the 1873 constitutional convention).

[57] *Neiman*, 84 A.3d at 612 (Pa. 2013) (quoting *City of Phila.*, 838 A.2d at 589).

[58] *Id*.

[59] *Id*.

[60] *Id*. at 586-87. Even allowing that *City of Philadelphia* is the recent case that seems most faithful to the Constitution's proper function, the Court is not immune to creating problems with its poorly chosen language. In this one short passage, with its use of the word "otherwise," the Court suggests that "germaneness" is an *alternative* to assisting in carrying out a bill's main objective, such that a bill can weather a single-subject challenge for no better reason than that a given late encrustation on the bill "is germane to the bill's subject as reflected in its title." I'm not entirely sure what this means, but I know that recent legislative practice is not so much to describe a purpose in a bill's title as it is to index at length, but in vague, often neutral terms, the contents of the bill. The simple truth is there can be no alternative to testing whether any given provision advances a proposed unifying topic that is not overbroad.

[61] *Id*. at 587.

[62] *See Woodruff v. Humphrey*, 136 A. 213 (Pa. 1927).

[63] *See Yardley Mills Co. v. Bogardus*, 185 A. 218 (Pa. 1936).

[64] *City of Phila.*, 838 A.2d at 587. As noted earlier, this last characterization, presented here as a cautionary note, is remarkably similar to our uncritical description in later cases of the *applicable* standard. As I read this latter

passage, "loose" apparently is fine, provided the "loosely" defined subject also is not overbroad. The persistence of porous terms like these is as maddening as their inevitably inconsistent application.

[65] 31 A. at 1074; *see City of Phila.*, 838 A.2d at 587-588.

[66] *City of Phila.*, 838 A.2d at 588.

[67] *Id.* (quoting *In re PennDOT*, 515 A.2d 899, 902 (Pa. 1986)).

[68] *Id.*

[69] *Id.*

[70] *Id.* at 589.

[71] *PAGE*, 877 A.2d at 396.

[72] 977 A.2d 1132 (Pa. 2009).

[73] *Id.* at 1148 (quoting *PAGE*, 877 A.2d at 395).

[74] *Id.* at 1148 (Pa. 2009) (emphasis added).

[75] 64 A.2d at 616.

[76] *Id.*

[77] 141 A.3d 426 (Pa. 2016).

[78] *Neiman*, 84 A.3d at 612 (quoting *City of Phila.*, 838 A.2d at 589).

[79] *Leach*, 141 A.3d at 434.

[80] *Weeks I*, 222 A.3d at.

[81]

[82]

[83] *Id.* at 730.

[84] *See* Maj. Op. at 36 (quoting *PAGE*, 877 A.2d at 409).

[85] I think the framers would agree that a statute's title may fairly provide insight into an enactment's original purpose. But that is distinct from requiring an assessment of a title's deceptiveness about the contents of a bill in connection with the original-purpose requirement.

[86] *See* Maj. Op. at 28 ("[W]hen engaging in a germaneness analysis [under the single-subject test], a court may hypothesize a reasonably broad purpose for a bill that encompasses the original text and amendments thereto ").

[87] With respect to Section 4's reading requirement, the ratifiers' intent comprised concern for probity and deliberation, as well as for slowing down the process in furtherance of civic awareness and engagement. Here, too, the textual requirement is unequivocal and therefore does not invite consideration of the legislators' intent in bypassing or manipulating the three-reading requirement.

[88] *Stofchek*, 185 A. at 843 n.2 (Pa. 1936).

[89] *See* Diss. Op. at 12 (Donohue, J.).

[90] Maj. Op. at 37.

[91] *Id.*

[92] *See* Diss. Op. at 3 & n. 5 (Donohue, J.).

[93] Maj. Op. at 29.

[94] *Id.* at 30.

[95] *Id.*

[96] *See* Diss. Op. at 8 (Donohue, J.) ("Based on [the Majority's] reasoning, virtually any legislative act focused on benefitting the general public could fit into the subject of 'the provision of benefits pertaining to the basic necessities of life for low-income individuals' so long as low-income individuals are involved in some capacity.").

[97] *Id.*

[98] Among proposed constitutional amendments the General Assembly has put on the ballot in recent years are amendments: imposing mandatory retirement on judges (approved);

abolishing Philadelphia Traffic Court (approved); authorizing local taxing authorities to exempt the full value of homesteads from property taxes (approved); constitutionalizing "Marsy's Law," which *inter alia* would have enshrined certain rights for victims of crime (deemed unconstitutionally proposed for violating the law requiring a separate vote on discrete constitutional amendments); expanding the existing state loan program for volunteer fire departments to municipal fire departments and non-profit EMS providers (approved); precluding race and ethnicity discrimination (approved); and two amendments that collectively modified the Governor's and General Assembly's respective roles regarding the termination and extension of emergency declarations (approved).
