



SENAT RP

## NOTES ON THE SENATE

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OF POLAND

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# Legislative Initiatives of the Third and Fourth Term Senate

The Third Term Senate, elected on 19 September 1993, demonstrated a great deal of vigour and commitment with respect to initiating legislation. During that term, the Senate worked on 39 legislative proposals, of which 19 were submitted to the Sejm. The Sejm adopted seven, rejected four, whereas work on the remaining eight was interrupted when the term of parliament came to an end.

The first legislative project of the Third Term Senate was an amendment of the **Law on Employment and Unemployment**. Introduced in parliament on 29 December 1993, the proposal aimed at improving the application of unemployment countermeasures and at convincing businesses to hire university graduates. The Sejm approved it and made it into law on 19 August 1994.

The effort by a group of senators (started during the preceding term of the Senate) was complete when on 29 December 1993 the proposal concerning the “**Ossoliński**” **National Institute** was brought to parliament. Its goal was to establish, by way of a law, the “**Ossoliński**” National Institute Foundation. The Sejm adopted it on 5 January 1995.

The next legislative proposal submitted to the Sejm by a group of senators, on 26 January 1994, also met with its approval. The proposed legislation aimed at amending the **Law on Elections to the Senate of the Republic of Poland**. Its principal intention was to standardize the rules of elections to the Sejm and Senate and make it possible to conduct supplemental elections to the Senate jointly with elections to local councils. The Sejm adopted that legislation on 10 March 1994.

The Senate’s fourth legislative proposal adopted by the Sejm had been worked out by the Senate Legislative Committee. Its objective was to amend the **Law on Professional Military Service**. It entered the legislative path on 22 September 1994, was submitted to the Sejm on 10 December 1994 and was adopted on 9 October 1995. Its objective was to eliminate contradictions between the Law on Professional Military Service and the constitution, and clear the way for professional soldiers to run in regional elections.

Out of the remaining 15 proposals adopted by the Senate and submitted to the Sejm, most noteworthy were those dealing with “settling historical accounts”. That was the nature of the proposal to amend the **Law on Veterans and Certain Categories of Victims of the War and Post-War Period**. Submitted to the Senate on 18 January 1994, the proposal aimed at expanding veteran benefits to people who between 1949 and 1956 were directed within the framework of alternative military service to work in mines, quarries and uranium ore exploration fields. The type of activities performed by members of these euphemistically called “mining” or “construction” work battalions, and the man-



(Fot. Senate Archives)

caused impairment of the functioning of a bodily organ for more than seven days. The Sejm considered the Senate legislative proposal and adopted it on 24 April 1997.

Of great importance was the Senate's initiative to pass the **Law on Financial Benefits to Underage Victims of the War of 1939–1945**. That initiative was created as a supplement to the law of 30 May 1996 on financial benefits for persons deported to perform forced labour or placed in camps by Nazi Germany or the Soviet Union, and focused on the issue of children deported, placed in camps or used in forced labour. The Sejm did not consider that proposal.

Out of concern for the well-being of the family and of children, and wishing to improve the situation of women in Poland, the Senate initiated several actions that ended up as legislative proposals submitted to the Sejm. Furthest reaching were **legislative projects initiated by Madam Senator Maria Łopatkowa. They focused on the reinforcement of child's position in Polish law, creation of the institution of Commissioner for Children's Rights, granting particular privileges to pregnant women and women caring for a small child**. The draft legislation submitted to the Senate on 22 June 1994 modified the Civil Code, the Family and Guardianship Code and the Code of Civil Proceedings. Passed by the Senate on 14 November 1995, it was submitted to the Sejm on 18 January 1996, where it was rejected. The proposal to create the institution of Commissioner of Children's Rights was adopted by the Senate on 20 August 1997, but the Sejm failed to consider it.

Guided by similar motives, the Senate prepared a legislative proposal on the **National Fund to Assist Pregnant Women**. Submitted on 31 October 1996, it aimed at establishing a fund that would assist destitute pregnant women and mothers of children up to three years old. The Senate adopted it on 20 June 1997 and submitted it to the Sejm, but the latter did not consider it.

The bill of 2 November 1994, which aimed at amending the constitutional provision **on Mutual Relations between the Legislative and Executive Branches of Administration of the Republic of Poland and on the Territorial Self-Government** had an interesting history. Its authors advocated extending the time given to the Senate for consideration of urgent Ministers' Council legislative proposals from seven to 14 days. The bill was adopted by the Senate and submitted to the Sejm in December 1994. That initiative, although not considered by the Sejm, was included in the agenda of the National Assembly and had a definite impact on the wording of Art. 123, Sec. 3 of the Constitution of the Republic of Poland adopted on 2 April 1997.

*Beata Mandylis, Legislative Office, May 1998*

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The Fourth Term Senate came up with many legislative initiatives dealing with various social and economic aspects of life. It submitted 27 bills to the Sejm: 14 were adopted, three were rejected and 10 were left unconsidered. The Senate also adopted 11 circumstantial resolutions.

The Fourth Term Senate continued work on legislation associated with “settling historical accounts”. The bill that aimed at amending the **Law on Nullifying Verdicts against Persons Repressed for Activities Conducted on Behalf of an Independent Polish State** took into account the resolution of the Constitutional Tribunal, which stated that the term “territory of Poland” used in the law also covered the land located on the eastern side of the Curzon Line and, consequently, the law should also apply to Poles who lived there. The Senate also proposed changes to the deadline legally recognized as the end of the use of repression by Soviet organs of prosecution and administration of justice, to the legal time frame defining activities on behalf of Poland’s independence and to the statutory deadline for filing applications for compensation by victims of repression. On 16 July 1998, the Sejm adopted all Senate amendments and passed the law.

The amendment of the **Law on the Requirement from Persons Holding Public Office to Disclose Having Worked for, Served in or Collaborated with State Security Organs between 1944 and 1990** assumed abandoning the plan to establish a vetting court and instead directing vetting cases to the Warsaw Appeal Court. The project also made it possible to prevent re-penalization for acts deemed criminal under the Criminal Code. That law was adopted by the Sejm on 18 June 1998.

The Sejm rejected Senate legislative proposals **on Financial Benefits to Underage Victims of the War of 1939–1945** and **on Amending the Law on Veterans and Certain Categories of Victims of the War and Post-War Period**.

In its response to expectations of Polish émigrés, the Fourth Term Senate attempted to create a comprehensive legal framework for issues dealing with Polish citizenship, repatriation and the Pole’s Charter. The bill on **repatriation** was adopted by the successive parliament – the Sejm voted in its favour on 20 July 2000. It broadened the notion of repatriation and granted the right of return to Poland to all repatriates, particularly those from Kazakhstan and other Asian regions. By virtue of that law, thanks to joint effort of local authorities and community organizations, some Polish families were able to return to Poland.

The Senate’s legislative proposals concerning the **Law on the Polish Citizenship, on the Pole’s Charter and on Procedure of Ascertaining Appurtenance to the Polish Nation of Persons Claiming Polish Nationality or Origin** were ultimately not considered by the Sejm.

On 21 January 1999, the Sejm adopted a Senate proposal to amend the **Law on Social Assistance**, which defined the terms of granting guaranteed benefits to the unemployed.

On 4 November 1999, the Sejm voted in favour of the Senate’s amendment of the **Law on Physical Culture**. The amendment aimed at honouring outstanding Polish participants in Olympic Games by way of granting them guaranteed financial benefits.

On 3 December 1999, the Sejm rejected a Senate proposal to amend the **Labour Code** by way of instituting a 40-hour work week.

On 1 February 2001, the Sejm adopted a Senate-initiated bill to amend the **Radio and Television Broadcast Law**. The amended law appointed the institution of social broadcaster tasked with broadcasting programming on social topics in the broadest sense of the word. The law specified entities entitled to obtain the status of social broadcaster and their financial privileges.

The Senate’s proposal to amend the **Law on the Goods and Services Tax and on Excise Tax**, intended to simplify the taxing procedure and create a foundation for a better cooperation between farmers and agricultural product buyers, was adopted by the Sejm on 20 July 2001.

The proposed **Law on the Establishment of the National Council on Bioethics** advocated creation of a consultative organ that would be issuing opinions, analysing progress made in the biomedical field and monitoring compliance with biomedical standards in Poland. The project was submitted to the Sejm but was not considered.

Some Senate proposals were considered jointly with similar projects submitted by deputies or the government. The Sejm would adopt laws that took into account parts of amendment proposals submitted by their individual promoters. That was the case of seven Senate initiatives.

The amendment of the **Law on Public Blood Service** was considered jointly with another initiative – amendment of the **Law on Universal Healthcare Insurance and Certain Other Laws**. Both bills suggested broadening the range of medical services available at no charge to honorary blood donors and expanding the healthcare coverage to foreigners and the homeless. They also proposed a gradual increase in the healthcare insurance premium in 2001–2003 and a method of calculating its rate on the basis of total income. Finally, they defined provincial parliament responsibilities as concerned providing healthcare services within the provincial jurisdiction. The amended law was adopted by the Sejm on 20 July 2001.

The Senate bill amending the **Law on the Educational System** was based on assumptions elaborated by the Legislative Initiative Committee on Art Education, backed by 80,000 signatures collected among the population. The bill called for providing the minister responsible for culture and protection of national heritage with the entitlement to establish art schools. The Sejm considered that bill jointly with a government bill and, on 8 December 2000, adopted the **Law Amending Regulations Introducing Public Administration Reforms** and the **Law Introducing Educational System Reforms**. The objective of the Senate bill amending the **Law on Local Self-Government**, the **Law on Personnel of the Territorial Self-Government**, the **Law on Commercializing and Privatizing State Enterprises**, the **Law on Universal Healthcare Insurance**, the **Law on Provincial Self-Government** and the **Law on District Self-Government** was to introduce the principle of linking remuneration of territorial self-government, health-fund management and state treasury enterprise management board personnel to the average national rate of pay or rate of pay in government administration. The Sejm considered the Senate project jointly with four bills submitted by deputies and, on 3 March 2000, passed the **Law on Remuneration of Managers of Certain Legal Entities**.

The Senate's proposal of the **Law on Elections to the Senate of the Republic of Poland** called for creation of a relatively autonomous electoral system rather than one copied *verbatim* from the Law on Elections to the Sejm. It was decided that, whenever possible, the boundaries of electoral districts would emulate provincial boundaries as they existed before the reform of the country's administrative division system. The majority election system was upheld. The proposal was adapted to the Polish constitution, which specifies entities entitled to submit candidatures for senator positions, i.e. political parties and voter committees. The provision on the expiry and renouncement of the senator's mandate was made more specific. The Sejm adopted the new Law on Elections to the Senate on 11 April 2001.

The Senate's initiative to amend the **Law on Presidential Elections** consisted in deleting the provision that restricted the voting right of Polish citizens living abroad to the second round of presidential elections. The Sejm considered that Senate bill jointly with three other projects. It took into account some Senate proposals and, on 28 April 2000, adopted the bill on the amendment of the **Law on Presidential Elections and Certain Other Laws**.

The Senate proposal of the amendment of **Criminal Code** provisions referring to dissemination of pornographic materials called for reinstating the ban on production, import and dissemination of such materials in any form. The Sejm passed the amendment on 3 March 2000. The president moved for its re-consideration (presidential veto). The Sejm failed to get a majority sufficient to repass the bill.