



SENAT RP

## NOTES ON THE SENATE

SENATE  
OF THE REPUBLIC  
OF POLAND

CHANCELLERY OF THE SENATE  
OFFICE FOR CITIZEN RELATIONS  
ul. Wiejska 6, 00-902 Warszawa  
tel. (48-22) 694-92-84  
fax (48-22) 694-95-70  
[www.senat.gov.pl](http://www.senat.gov.pl)

# Legislative Initiatives of the First and Second Term Senate

According to the “small constitution” the Sejm Deputies, the Senate, the President and the Council of Ministers have the right to initiate legislation. Parliament worked with an unprecedented intensity in the 1989–1991 term, because of the political and economic changes taking place in Poland. The laws passed came primarily from Sejm Deputies and the Council of Ministers. The Senate’s legislative role was not so active, but it did concern important issues in the life of the state.

The Senate’s first legislative initiative were linked with the transformation of the constitutional principles of the country’s system of government, and with local authority reform. A debate on local self-government took place in the Senate as early as July 1989. The parish (gmina) is the basic unit in the proposed self-government model. It is an independent community consisting of its inhabitants, with legal status and its own budget. The Senate Bills **on local self-government, on parish council election regulations and on amendments to the Constitution of the Republic of Poland** were passed by the Sejm on 8th March 1990, and the Bill **on local self-government employees** was passed on 22nd March. Local self-government elections were held according to the parish council election regulations in May 1990.



(Fot. J. Zawadzki)

On the Senate’s initiative, a Bill on **restoring the Third of May** as a national holiday came before the Sejm in 1990. This holiday had been observed since 1919, but after World War II, Poland’s authorities treated 3rd May as on ordinary working day, downgrading its importance in the national consciousness and ignoring what it commemorated. The Sejm passed the Senate Bill to restore it on 6th April 1990.

Another Senate legislative initiative passed by the Sejm was the law of 21st June 1990 **on the repayment of gains made at the expense of the State Treasury or other corporate bodies**. This reflected the public feeling against wrongful gain, popularly called the enfranchisement of the communist “nomenklatura”.

The Senate Bill **on compensation for industrial injuries and occupational diseases** aims at increased protection of the interests of injured employees and their families. The Senate tabled a new act, because the 1975 act which was in force would have required too many amendments.

A Bill **on streamlining financial liabilities**, which was meant to alleviate inflationary processes, did not meet with the Sejm Committee's approval and the Sejm was advised to reject it.

Two Bills concerned the recovery of private property. They were: the Bill **on the restitution of property appropriated by the state under regulations on the adjustment of the legal status of property administered by the state**, and **on the restitution of pharmacies appropriated by the state**. The reprivatization laws concern important public issues, but they require the introduction of a general system which takes the financial capabilities of the state and of parishes into account.

The law passed by the Sejm on 21st July 1990 **creating a Cross for participation in the War of 1918–1921 against Russia** can be seen as a continuation of the 1939 Volunteer's Cross and Medal Act, which was repealed in 1960.

Seeing the urgent need for new laws **on employers' organizations and the resolution of collective disputes**, to fit Poland's new political and economic situation, the Senate took legislative initiatives in this area. The Sejm passed the Senate's Bills in April 1991.

In September 1990, the Senate passed a resolution to table a Bill before the Sejm **on the development of the education system**. The Bill aimed to guarantee respect for the right of parents to have their children educated in accordance with the parents' religious and philosophical beliefs. The Bill was passed on 19th July 1991. Another Senate legislative initiative – the Bill **on the legal protection of the unborn child** – was taken in September 1991.

In order to compensate those who had fought to defend Poland and for her independence, and who had later been the victims of repression, the Senate tabled a Bill before the Sejm **on the invalidation of repressive sentences passed on those who had worked for the independence of the Polish state**, the so-called "rehabilitation bill". It was passed on 23rd February 1991.

In January 1991, the Senate tabled before the Sejm a Bill amending **the law on co-operatives**, which was not passed owing to a legislative stalemate. On 10th May 1991, the Sejm passed a Bill submitted by the Senate **on the electoral regulations for the Senate of the Republic of Poland**. In April 1991, the Senate submitted two bills to the Sejm: **on health care**, passed on 30th August 1991 and **on the parish referendum**, passed on 17th October 1991.

Another initiative by the Senate was the bill **on the repeal of the 1982 National Cultural Council Act**, which put almost all cultural affairs under state control. The Council had ceased to function as a result of the political changes in Poland, and the Senate wished to facilitate the creation of a body composed of representatives of culture and the arts, which could advise the prime minister on important matters concerning the development of Polish culture. The Sejm passed this bill on 28th June 1991. In the same month, the Senate tabled bills **on farmers' socio-occupational organizations** and **on settling collective disputes**. These bills have not been examined by the Sejm. The Senate's proposed amendments to the law **on the protection of agricultural land and forestry** and **to the agricultural taxation act**, which were passed by the Sejm on 4th October 1991, aim to remove outdated legal solutions inappropriate to the situation of rural Poland.

The changes taking place in all areas of Polish life have also affected science. The Senate bill **on scientific institutes** is adapted to the far-reaching changes affecting previously state-owned research units. An appropriate resolution was passed on 30th August 1991, but the Sejm has not reviewed this bill.

The last bills of the Senate of the First Term (which were not reviewed by the Sejm) were: **the bill on amendments to the local self-government act**, and the bill **on combatting the negative effects of smoking**.

The term of the parliament elected in the June 1989 elections was cut short by the Sejm's resolution to dissolve itself, passed on 9th March 1991. An immense amount of legislative work had been done, making the first changes to Poland's system of government. The Sejm and Senate together drew up more than 200 laws. In the First Term, the Senate submitted 27 legislative initiatives, of which the Sejm examined 18, passed 17 and rejected one (the bill **on streamlining financial liabilities**).

The first legislative initiative of the Senate of the Second Term, taken in February 1992, was the **draft amendments to the 1990 Local Self-government Act**, which had been passed in the previous term on the Senate's initiative. After two years of practical application, there was a need to change some of the act's provisions, particularly those concerning the proper functioning of the self-government body as the true administrator of the parish (including the procedure for dismissing the board of administrators and for appointing a parish secretary, and the availability to the board and the



(Fot. Senate Archives)

village elder of the protection due to public servants). The Sejm passed this law in November 1992.

The 1990 Local Self-government Act provided for the creation of regional accounting chambers on the strength of a separate law. The lack of such a law over a two-year period meant that control over the finances of communal entities was temporarily assumed by their bodies, which was in contravention of the concept for control of self-government finances. Seeing this, the Senate took the initiative and submitted a bill **on regional accounting chambers** to the Sejm in March 1992. The bill provided for the creation of these chambers as the control bodies of the finances of parishes, inter-parish unions, other corporate bodies and self-government assemblies. The Sejm passed this law in October 1992. The Senate's next three legislative initiatives, submitted to the Sejm in June and July 1992 refer to the recent past of our state, functioning under the conditions of socialist realism. The first one concerned amendments to the act **on the invalidation of verdicts passed on the victims of repression for their activities towards achieving an independent Polish state**, passed in the previous term at the Senate's initiative. The deadline for seeking compensation by the victims of repression was now extended, and the range of people entitled to claim compensation broadened. These amendments were passed by the Sejm in March 1993.

In the second initiative, the so-called "vetting" bill, **on the preconditions for taking up some posts in the Republic of Poland**, the Senate proposes that the holding of public office by people who had in the past been employees or collaborators of the security services or communist party officials should be regulated by law. The bill sets out a procedure to be applied to candidates for public office, and also proposes the creation of a body to resolve possible disputes resulting from its application. The bill had its first reading in the Sejm in the autumn of 1992, in conjunction with five deputies' bills regulating this problem.

The bill **on prosecuting Stalinist crimes, and other crimes against life, health and freedom and the administration of justice, not prosecuted for political reasons from 1944–1989**, concerns offences committed as part of the functioning of the state in that period. They were committed (or tolerated) as part of the policy of state bodies and were not prosecuted. The purpose of the bill was to remove the legal obstacles to prosecuting these offences, which had lapsed or were covered by general amnesties.

The Senate of the Second Term also tackled two problems which had occupied the previous Senate, and submitted legislative initiatives to the Sejm. After making certain changes, the Senate thought it necessary for social and economic reasons to submit a bill **on combatting the harmful effects of smoking** to the Sejm in July 1992. A second bill concerns **scientific institutes**. Statutory regulation was held to be necessary because many scientific institutes had to become different entities without altering their profile. The bill on scientific institutes was sent to the Sejm in August 1992.

On a Senate initiative of December 1992, the Sejm passed April amendments to the law **on changes in co-operative organizations** and their activity. It aims to prevent agricultural cooperatives from circumventing the law when selling immovables.

In March 1993, the Senate proposed a legislative initiative concerning **economic self-governments**. The bill is aimed at tidying up the organizational structures of economic self-governments in a single legal act. It is currently possible to set up organizations representing the interests of economic subjects. The Senate is not proposing to abolish them, but to create a closely-defined economic self-government structure.

In the Second Term, the Senate submitted nine legislative initiatives to the Sejm, which were given the regulation two readings. The Sejm passed four of these, sometimes entirely as proposed by the Senate (the law on changes in cooperative organizations and their activity), or changed to a greater or lesser extent (the law on regional accounting chambers differs most from the Senate bill). This is typical of the legislative process, which is sometimes lengthy and is a law unto itself, as well as being subject to political pressures.

Some bills submitted by the Senate were not reviewed by the Sejm, because the Sejm Presidium did not include them on the agenda of the House.

Legislative activity was more extensive than has been described here. At one of its recent sittings, committees submitted three draft initiatives to the Senate: bills **on hunting, on the Ossoliński National Publishers, and on the scope and principles of organizing and financing general and compulsory social insurance**. The legislative procedure was not completed in the case of these three bills, because of the dissolution of the Sejm.

There have been many occasions when legislative procedures were also pursued under the Regulations, but were not supported by the Senate Committees, which thought the proposed legislation inadequately prepared or in need of extensive research, e.g. the bills on insurance activity, on enterprise finances, on changes to the civil code, and on health resorts.

*Legislative Office, September 1997*