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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**  
**No. 1827** Session of  
2005

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INTRODUCED BY CALTAGIRONE, CRAHALLA, HANNA, HARRIS AND SCAVELLO,  
JULY 1, 2005

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, JULY 1, 2005

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A JOINT RESOLUTION

1 Proposing integrated amendments to the Constitution of the  
2 Commonwealth of Pennsylvania, eliminating the office of State  
3 Treasurer.

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

6 Section 1. The following integrated amendments to the  
7 Constitution of Pennsylvania are proposed in accordance with  
8 Article XI:

9 (1) That sections 1, 4.1, 8(b) and 18 of Article IV be  
10 amended to read:

11 § 1. Executive Department.

12 The Executive Department of this Commonwealth shall consist  
13 of a Governor, Lieutenant Governor, Attorney General, Auditor  
14 General, [State Treasurer,] and Superintendent of Public  
15 Instruction and such other officers as the General Assembly may  
16 from time to time prescribe.

17 § 4.1. Attorney General.

1 An Attorney General shall be chosen by the qualified electors  
2 of the Commonwealth on the day the general election is held for  
3 the Auditor General [and State Treasurer]; he shall hold his  
4 office during four years from the third Tuesday of January next  
5 ensuing his election and shall not be eligible to serve  
6 continuously for more than two successive terms; he shall be the  
7 chief law officer of the Commonwealth and shall exercise such  
8 powers and perform such duties as may be imposed by law.

9 § 8. Appointing power.

10 \* \* \*

11 (b) The Governor shall fill vacancies in offices to which he  
12 appoints by nominating to the Senate a proper person to fill the  
13 vacancy within 90 days of the first day of the vacancy and not  
14 thereafter. The Senate shall act on each executive nomination  
15 within 25 legislative days of its submission. If the Senate has  
16 not voted upon a nomination within 15 legislative days following  
17 such submission, any five members of the Senate may, in writing,  
18 request the presiding officer of the Senate to place the  
19 nomination before the entire Senate body whereby the nomination  
20 must be voted upon prior to the expiration of five legislative  
21 days or 25 legislative days following submission by the  
22 Governor, whichever occurs first. If the nomination is made  
23 during a recess or after adjournment sine die, the Senate shall  
24 act upon it within 25 legislative days after its return or  
25 reconvening. If the Senate for any reason fails to act upon a  
26 nomination submitted to it within the required 25 legislative  
27 days, the nominee shall take office as if the appointment had  
28 been consented to by the Senate. The Governor shall in a similar  
29 manner fill vacancies in the offices of Auditor General, [State  
30 Treasurer,] justice, judge, justice of the peace and in any

1 other elective office he is authorized to fill. In the case of a  
2 vacancy in an elective office, a person shall be elected to the  
3 office on the next election day appropriate to the office unless  
4 the first day of the vacancy is within two calendar months  
5 immediately preceding the election day in which case the  
6 election shall be held on the second succeeding election day  
7 appropriate to the office.

8 \* \* \*

9 § 18. [Terms] Term of office of Auditor General [and State  
10 Treasurer]; number of terms[; eligibility of State  
11 Treasurer to become Auditor General].

12 The [terms of the Auditor General and of the State Treasurer  
13 shall each] term of the Auditor General shall be four years from  
14 the third Tuesday of January next ensuing his election. [They]  
15 He shall be chosen by the qualified electors of the Commonwealth  
16 at general elections but shall not be eligible to serve  
17 continuously for more than two successive terms. [The State  
18 Treasurer shall not be eligible to the office of Auditor General  
19 until four years after he has been State Treasurer.]

20 (2) That section 13(c) of the Schedule to Article V be  
21 amended to read:

22 § 13. Magisterial districts.

23 So that the provisions of this article regarding the  
24 establishment of magisterial districts and the instruction and  
25 examination of justices of the peace may be self-executing,  
26 until otherwise provided by law in a manner agreeable to this  
27 article, the following provisions shall be in force:

28 \* \* \*

29 (c) Salaries of justices of the peace.

30 The salaries of the justices of the peace shall be as

1 follows:

2 (i) In first class magisterial districts, \$12,000 per year,

3 (ii) In second class magisterial districts, \$10,000 per  
4 year,

5 (iii) In third class magisterial districts, \$8,000 per year,

6 (iv) In fourth and fifth class magisterial districts, \$5,000  
7 per year.

8 (v) The salaries here fixed shall be paid by the [State  
9 Treasurer] Treasury Department and for such payment this article  
10 and schedule shall be sufficient warrant.

11 \* \* \*

12 (3) That section 7(a) and (d) of Article VIII be amended to  
13 read:

14 § 7. Commonwealth indebtedness.

15 (a) No debt shall be incurred by or on behalf of the  
16 Commonwealth except by law and in accordance with the provisions  
17 of this section.

18 (1) Debt may be incurred without limit to suppress  
19 insurrection, rehabilitate areas affected by man-made or natural  
20 disaster, or to implement unissued authority approved by the  
21 electors prior to the adoption of this article.

22 (2) The Governor[, State Treasurer] and Auditor General,  
23 acting jointly, may (i) issue tax anticipation notes having a  
24 maturity within the fiscal year of issue and payable exclusively  
25 from revenues received in the same fiscal year, and (ii) incur  
26 debt for the purpose of refunding other debt, if such refunding  
27 debt matures within the term of the original debt.

28 (3) Debt may be incurred without limit for purposes  
29 specifically itemized in the law authorizing such debt, if the  
30 question whether the debt shall be incurred has been submitted

1 to the electors and approved by a majority of those voting on  
2 the question.

3 (4) Debt may be incurred without the approval of the  
4 electors for capital projects specifically itemized in a capital  
5 budget, if such debt will not cause the amount of all net debt  
6 outstanding to exceed one and three-quarters times the average  
7 of the annual tax revenues deposited in the previous five fiscal  
8 years as certified by the Auditor General. For the purposes of  
9 this subsection, debt outstanding shall not include debt  
10 incurred under clauses (1) and (2) (i), or debt incurred under  
11 clause (2) (ii) if the original debt would not be so considered,  
12 or debt incurred under subsection (3) unless the General  
13 Assembly shall so provide in the law authorizing such debt.

14 \* \* \*

15 (d) If sufficient funds are not appropriated for the timely  
16 payment of the interest upon and installments of principal of  
17 all debt, the [State Treasurer] Treasury Department shall set  
18 apart from the first revenues thereafter received applicable to  
19 the appropriate fund a sum sufficient to pay such interest and  
20 installments of principal, and shall so apply the money so set  
21 apart. The [State Treasurer] Treasury Department may be required  
22 to set aside and apply such revenues at the suit of any holder  
23 of Commonwealth obligations.

24 Section 2. (a) Upon the first passage by the General  
25 Assembly of these proposed integrated constitutional amendments,  
26 the Secretary of the Commonwealth shall proceed immediately to  
27 comply with the advertising requirements of section 1 of Article  
28 XI of the Constitution of Pennsylvania and shall transmit the  
29 required advertisements to two newspapers in every county in  
30 which such newspapers are published in sufficient time after

1 passage of these proposed integrated constitutional amendments.

2 (b) Upon the second passage by the General Assembly of these  
3 proposed integrated constitutional amendments, the Secretary of  
4 the Commonwealth shall proceed immediately to comply with the  
5 advertising requirements of section 1 of Article XI of the  
6 Constitution of Pennsylvania and shall transmit the required  
7 advertisements to two newspapers in every county in which such  
8 newspapers are published in sufficient time after passage of  
9 these proposed integrated constitutional amendments. The  
10 Secretary of the Commonwealth shall submit the proposed  
11 integrated constitutional amendments under section 1 to the  
12 qualified electors of this Commonwealth as a single ballot  
13 question at the first primary, general or municipal election  
14 which meets the requirements of and is in conformance with  
15 section 1 of Article XI of the Constitution of Pennsylvania and  
16 which occurs at least three months after the proposed integrated  
17 constitutional amendments are passed by the General Assembly.

18 Section 3. Upon approval by the electorate of these proposed  
19 integrated constitutional amendments, the Office of State  
20 Treasurer shall be abolished and the Secretary of Revenue shall  
21 assume the powers and duties of the Office of State Treasurer.  
22 Nothing in this act shall effect the powers and duties of the  
23 Treasury Department. All activities initiated by the Treasury  
24 Department before the approval by the electorate of these  
25 proposed integrated constitutional amendments shall continue and  
26 remain in full force and effect. Orders, regulations, rules and  
27 decisions which were made by the Treasury Department and which  
28 are in effect on the effective date of this section shall remain  
29 in full force and effect. Contracts, obligations and collective  
30 bargaining agreements entered into by the Treasury Department

1 are not affected nor impaired by the transfer.