

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2451

Session of
2008

INTRODUCED BY PETRI, CALTAGIRONE, CUTLER, DePASQUALE, GINGRICH,
GOODMAN, GRUCELA, MANN, NICKOL, O'NEILL, SAYLOR, SCAVELLO AND
MURT, APRIL 15, 2008

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 15, 2008

A JOINT RESOLUTION

1 Proposing integrated amendments to the Constitution of the
2 Commonwealth of Pennsylvania, providing for the election of
3 the Insurance Commissioner and for the qualifications
4 thereof.

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

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

9 (1) That Article IV be amended by adding a section to read:

10 § 4.2. Insurance Commissioner.

11 An Insurance Commissioner shall be chosen by the qualified
12 electors of the Commonwealth on the day the general election is
13 held for the Auditor General and State Treasurer; he shall hold
14 his office during four years from the third Tuesday of January
15 next ensuing his election and shall not be eligible to serve
16 continuously for more than two successive terms; he shall be the
17 chief officer of the Insurance Department and shall exercise
18 such powers and perform such duties as may be imposed by law.

1 The General Assembly shall enact legislation prohibiting
2 insurance companies and their officers and directors from making
3 direct and indirect monetary contributions to the political
4 campaigns of candidates for the office of Insurance
5 Commissioner. No elected Insurance Commissioner may be employed
6 directly or indirectly by an insurance company within four years
7 prior to or after serving as Insurance Commissioner.

8 (2) That section 5 of Article IV be amended to read:

9 § 5. Qualifications of Governor, Lieutenant Governor [and],
10 Attorney General and Insurance Commissioner.

11 No person shall be eligible to the office of Governor,
12 Lieutenant Governor [or], Attorney General or Insurance
13 Commissioner except a citizen of the United States, who shall
14 have attained the age of 30 years, and have been seven years
15 next preceding his election an inhabitant of this Commonwealth,
16 unless he shall have been absent on the public business of the
17 United States or of this Commonwealth. No person shall be
18 eligible to the office of Attorney General except a member of
19 the bar of the Supreme Court of Pennsylvania.

20 (3) That section 6 of Article IV be amended to read:

21 § 6. Disqualification for offices of Governor, Lieutenant
22 Governor [and], Attorney General and Insurance
23 Commissioner.

24 No member of Congress or person holding any office (except of
25 attorney-at-law or in the National Guard or in a reserve
26 component of the armed forces of the United States) under the
27 United States or this Commonwealth shall exercise the office of
28 Governor, Lieutenant Governor [or], Attorney General or
29 Insurance Commissioner.

30 (4) That section 17 of Article IV be amended to read:

1 § 17. Contested elections of Governor, Lieutenant Governor
2 [and], Attorney General and Insurance
3 Commissioner; when succeeded.

4 The Chief Justice of the Supreme Court shall preside upon the
5 trial of any contested election of Governor, Lieutenant Governor
6 [or], Attorney General or Insurance Commissioner and shall
7 decide questions regarding the admissibility of evidence, and
8 shall, upon request of the committee, pronounce his opinion upon
9 other questions of law involved in the trial. The Governor,
10 Lieutenant Governor [and], Attorney General and Insurance
11 Commissioner shall exercise the duties of their respective
12 offices until their successors shall be duly qualified.

13 Section 2. (a) Upon the first passage by the General
14 Assembly of these proposed constitutional amendments, the
15 Secretary of the Commonwealth shall proceed immediately to
16 comply with the advertising requirements of section 1 of Article
17 XI of the Constitution of Pennsylvania and shall transmit the
18 required advertisements to two newspapers in every county in
19 which such newspapers are published in sufficient time after
20 passage of these proposed constitutional amendments.

21 (b) Upon the second passage by the General Assembly of these
22 proposed constitutional amendments, the Secretary of the
23 Commonwealth shall proceed immediately to comply with the
24 advertising requirements of section 1 of Article XI of the
25 Constitution of Pennsylvania and shall transmit the required
26 advertisements to two newspapers in every county in which such
27 newspapers are published in sufficient time after passage of
28 these proposed constitutional amendments. The Secretary of the
29 Commonwealth shall submit the proposed constitutional amendments
30 under section 1 to the qualified electors of this Commonwealth

1 as a single ballot question at the first primary, general or
2 municipal election which meets the requirements of and is in
3 conformance with section 1 of Article XI of the Constitution of
4 Pennsylvania and which occurs at least three months after the
5 proposed constitutional amendments are passed by the General
6 Assembly. Upon approval of the amendments by the electors, there
7 shall be a vacancy in the office of the Insurance Commissioner
8 which shall be filled as provided herein.