

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL**No. 633** Session of
2007

INTRODUCED BY LAVALLE, LOGAN, FONTANA, MUSTO, COSTA, KASUNIC,
FERLO, KITCHEN, STACK AND WASHINGTON, MARCH 21, 2007

REFERRED TO STATE GOVERNMENT, MARCH 21, 2007

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 amendment to the Constitution of
8 Pennsylvania is 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; he shall be the chief officer of the
16 Insurance Department and shall exercise such powers and perform
17 such duties as may be imposed by law. The General Assembly shall
18 enact legislation prohibiting insurance companies and their

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

7 (2) That sections 5, 6 and 17 of Article IV be amended to
8 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 § 6. Disqualification for offices of Governor, Lieutenant
21 Governor [and], Attorney General and Insurance Commissioner.

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

28 § 17. Contested elections of Governor, Lieutenant Governor
29 [and], Attorney General and Insurance
30 Commissioner; when succeeded.

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

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

18 (b) Upon the second passage by the General Assembly of these
19 proposed constitutional amendments, the Secretary of the
20 Commonwealth shall proceed immediately to comply with the
21 advertising requirements of section 1 of Article XI of the
22 Constitution of Pennsylvania and shall transmit the required
23 advertisements to two newspapers in every county in which such
24 newspapers are published in sufficient time after passage of
25 these proposed constitutional amendments. The Secretary of the
26 Commonwealth shall submit the proposed constitutional amendments
27 under section 1 to the qualified electors of this Commonwealth
28 as a single ballot question at the first primary, general or
29 municipal election which meets the requirements of and is in
30 conformance with section 1 of Article XI of the Constitution of

1 Pennsylvania and which occurs at least three months after the
2 proposed constitutional amendments are passed by the General
3 Assembly. Upon approval of this amendment by the electors, there
4 shall be a vacancy in the office of the Insurance Commissioner
5 which shall be filled as provided herein.