

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2607 Session of
2012

INTRODUCED BY WHITE, GOODMAN, HORNAMAN, KORTZ, KOTIK AND
M. O'BRIEN, SEPTEMBER 5, 2012

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
SEPTEMBER 5, 2012

A JOINT RESOLUTION

1 Proposing integrated amendments to the Constitution of the
2 Commonwealth of Pennsylvania, providing for the election of
3 the Secretary of Environmental Protection; further providing
4 for the qualifications of the Secretary of Environmental
5 Protection; and providing for vacancy in the office of
6 Secretary of Environmental Protection.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby resolves as follows:

9 Section 1. The following integrated amendments to the
10 Constitution of Pennsylvania are proposed in accordance with
11 Article XI:

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

13 § 4.2. Secretary of Environmental Protection.

14 A Secretary of Environmental Protection shall be chosen by
15 the qualified electors of the Commonwealth on the day the
16 general election is held for the Auditor General and State
17 Treasurer; he shall hold his office during four years from the
18 third Tuesday of January next ensuing his election and shall not
19 be eligible to serve continuously for more than two successive

1 terms; he shall be the chief officer of the Department of
2 Environmental Protection and shall exercise such powers and
3 perform such duties as may be imposed by law.

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

5 § 5. Qualifications of Governor, Lieutenant Governor [and],
6 Attorney General and Secretary of Environmental
7 Protection.

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

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

18 § 6. Disqualification for offices of Governor, Lieutenant
19 Governor [and], Attorney General and Secretary of
20 Environmental Protection.

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

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

28 § 17. Contested elections of Governor, Lieutenant Governor
29 [and], Attorney General and Secretary of
30 Environmental Protection; 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 Secretary of Environmental Protection
4 and shall decide questions regarding the admissibility of
5 evidence, and shall, upon request of the committee, pronounce
6 his opinion upon other questions of law involved in the trial.
7 The Governor, Lieutenant Governor [and], Attorney General and
8 Secretary of Environmental Protection shall exercise the duties
9 of their respective offices until their successors shall be duly
10 qualified.

11 Section 2. Upon approval of this amendment by the electors,
12 there shall be a vacancy in the office of the Secretary of
13 Environmental Protection which shall be filled as provided in
14 this joint resolution.

15 Section 3. (a) Upon the first passage by the General
16 Assembly of these proposed constitutional amendments, the
17 Secretary of the Commonwealth shall proceed immediately to
18 comply with the advertising requirements of section 1 of Article
19 XI of the Constitution of Pennsylvania and shall transmit the
20 required advertisements to two newspapers in every county in
21 which such newspapers are published in sufficient time after
22 passage of these proposed constitutional amendments.

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

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