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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 330 Session of  
2005

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INTRODUCED BY LAVALLE, LOGAN, KITCHEN, FERLO, MUSTO, COSTA,  
KASUNIC AND STACK, FEBRUARY 18, 2005

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REFERRED TO STATE GOVERNMENT, FEBRUARY 18, 2005

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A JOINT RESOLUTION

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

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

6 Section 1. The following amendment to the Constitution of  
7 Pennsylvania is proposed in accordance with Article XI:

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

9 § 4.2. Insurance Commissioner.

10 An Insurance Commissioner shall be chosen by the qualified  
11 electors of the Commonwealth on the day the general election is  
12 held for the Auditor General and State Treasurer; he shall hold  
13 his office during four years from the third Tuesday of January  
14 next ensuing his election; he shall be the chief officer of the  
15 Insurance Department and shall exercise such powers and perform  
16 such duties as may be imposed by law. The General Assembly shall  
17 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 this proposed constitutional amendment, 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 this proposed constitutional amendment.

18       (b) Upon the second passage by the General Assembly of this  
19 proposed constitutional amendment, 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 this proposed constitutional amendment. The Secretary of the  
26 Commonwealth shall submit this proposed constitutional amendment  
27 to the qualified electors of this Commonwealth at the first  
28 primary, general or municipal election which meets the  
29 requirements of and is in conformance with section 1 of Article  
30 XI of the Constitution of Pennsylvania and which occurs at least

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