

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2391 Session of
2010

INTRODUCED BY GIBBONS, BENNINGHOFF, GRUCELA, DALEY, HORNAMAN AND
MCILVAINE SMITH, APRIL 7, 2010

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 7, 2010

A JOINT RESOLUTION

1 Proposing integrated amendments to the Constitution of the
2 Commonwealth of Pennsylvania, eliminating the office of
3 Lieutenant Governor and providing for State 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 section 1 of Article IV be amended to read:

10 § 1. Executive Department.

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

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

17 § 4. [Lieutenant Governor] State Treasurer.

18 A [Lieutenant Governor] State Treasurer shall be chosen

1 jointly with the Governor by the casting by each voter of a
2 single vote applicable to both offices, for the same term, and
3 subject to the same provisions as the Governor[; he shall be
4 President of the Senate. As such, he may vote in case of a tie
5 on any question except the final passage of a bill or joint
6 resolution, the adoption of a conference report or the
7 concurrence in amendments made by the House of Representatives].

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

9 § 5. Qualifications of Governor, [Lieutenant Governor] State
10 Treasurer and Attorney General.

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

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

21 § 6. Disqualification for offices of Governor, [Lieutenant
22 Governor] State Treasurer and Attorney General.

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

29 (5) That section 9 of Article IV be amended to read:

30 § 9. Pardoning power; Board of Pardons.

1 (a) In all criminal cases except impeachment the Governor
2 shall have power to remit fines and forfeitures, to grant
3 reprieves, commutation of sentences and pardons; but no pardon
4 shall be granted, nor sentence commuted, except on the
5 recommendation in writing of a majority of the Board of Pardons,
6 and, in the case of a sentence of death or life imprisonment, on
7 the unanimous recommendation in writing of the Board of Pardons,
8 after full hearing in open session, upon due public notice. The
9 recommendation, with the reasons therefor at length, shall be
10 delivered to the Governor and a copy thereof shall be kept on
11 file in the office of the [Lieutenant Governor] Attorney General
12 in a docket kept for that purpose.

13 (b) The Board of Pardons shall consist of the [Lieutenant
14 Governor who shall be chairman, the] Attorney General and
15 [three] four members appointed by the Governor with the consent
16 of a majority of the members elected to the Senate for terms of
17 six years. One of the members appointed by the Governor shall be
18 appointed as chairman by the Governor. The [three] members
19 appointed by the Governor shall be residents of Pennsylvania.
20 One shall be a crime victim, one shall be a member of the bar,
21 one a corrections expert and the [third] fourth a doctor of
22 medicine, psychiatrist or psychologist. The board shall keep
23 records of its actions, which shall at all times be open for
24 public inspection.

25 (6) That section 13 of Article IV be amended to read:
26 § 13. When [Lieutenant Governor] State Treasurer to act as
27 Governor.

28 In the case of the death, conviction on impeachment, failure
29 to qualify or resignation of the Governor, the [Lieutenant
30 Governor] State Treasurer shall become Governor for the

1 remainder of the term and in the case of the disability of the
2 Governor, the powers, duties and emoluments of the office shall
3 devolve upon the [Lieutenant Governor] State Treasurer until the
4 disability is removed. Should there be no State Treasurer, the
5 Auditor General shall become Governor if a vacancy shall occur
6 in the office of Governor and in case of the disability of the
7 Governor, the powers, duties and emoluments of the office shall
8 devolve upon the Auditor General until the disability is
9 removed. The order of succession to the office of Governor shall
10 be the State Treasurer, the Auditor General and then the
11 Attorney General. Should the State Treasurer, Auditor General or
12 Attorney General succeed to the Office of the Governor, the
13 office shall be vacant and shall be filled by election as
14 provided for that respective office.

15 (7) That section 14 of Article IV be repealed:

16 [§ 14. Vacancy in office of Lieutenant Governor.

17 In case of the death, conviction on impeachment, failure to
18 qualify or resignation of the Lieutenant Governor, or in case he
19 should become Governor under section 13 of this article, the
20 President pro tempore of the Senate shall become Lieutenant
21 Governor for the remainder of the term. In case of the
22 disability of the Lieutenant Governor, the powers, duties and
23 emoluments of the office shall devolve upon the President pro
24 tempore of the Senate until the disability is removed. Should
25 there be no Lieutenant Governor, the President pro tempore of
26 the Senate shall become Governor if a vacancy shall occur in the
27 office of Governor and in case of the disability of the
28 Governor, the powers, duties and emoluments of the office shall
29 devolve upon the President pro tempore of the Senate until the
30 disability is removed. His seat as Senator shall become vacant

1 whenever he shall become Governor and shall be filled by
2 election as any other vacancy in the Senate.]

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

4 § 17. Contested elections of Governor, [Lieutenant Governor]
5 State Treasurer and Attorney General; when succeeded.

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

15 (9) That section 18 of Article IV be amended to read:

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

19 The [terms] term of the Auditor General [and of the State
20 Treasurer] shall each be four years from the third Tuesday of
21 January next ensuing his election. [They] He shall be chosen by
22 the qualified electors of the Commonwealth at general elections
23 but shall not be eligible to serve continuously for more than
24 two successive terms. The State Treasurer shall not be eligible
25 to the office of Auditor General until four years after he has
26 been State Treasurer.

27 (10) That section 7 of Article VI be amended to read:

28 § 7. Removal of civil officers.

29 All civil officers shall hold their offices on the condition
30 that they behave themselves well while in office, and shall be

1 removed on conviction of misbehavior in office or of any
2 infamous crime. Appointed civil officers, other than judges of
3 the courts of record, may be removed at the pleasure of the
4 power by which they shall have been appointed. All civil
5 officers elected by the people, except the Governor, the
6 [Lieutenant Governor] State Treasurer, members of the General
7 Assembly and judges of the courts of record, shall be removed by
8 the Governor for reasonable cause, after due notice and full
9 hearing, on the address of two-thirds of the Senate.

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.