

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 324 Session of
2013

INTRODUCED BY VOGEL, KASUNIC, ERICKSON, TOMLINSON, VULAKOVICH,
BROWNE, WHITE, FERLO, SOLOBAY, YUDICHAK, WAUGH, BOSCOLA,
ALLOWAY, BRUBAKER, TEPLITZ, PILEGGI, BREWSTER AND SMITH,
JANUARY 25, 2013

AS AMENDED ON THIRD CONSIDERATION, JUNE 26, 2014

A JOINT RESOLUTION

1 ~~Proposing integrated amendments and separate and distinct~~ <--
2 ~~amendments~~ AN AMENDMENT to the Constitution of the
3 Commonwealth of Pennsylvania, ~~abolishing the Office of~~
4 ~~Lieutenant Governor and reorganizing executive functions;~~ <--
5 ~~reducing the size of the General Assembly; and reducing the~~ <--
6 ~~size of the Supreme Court and the Superior Court.~~

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 section 9 of Article II be amended to read:~~
13 ~~§ 9. Election of officers; judge of election and qualifications~~
14 ~~of members.~~

15 ~~The Senate shall, at the beginning and close of each regular~~
16 ~~session and at such other times as may be necessary, elect one~~
17 ~~of its members President pro tempore[, who shall perform the~~

1 ~~duties of the Lieutenant Governor, in any case of absence or~~
2 ~~disability of that officer, and whenever the said office of~~
3 ~~Lieutenant Governor shall be vacant]. The House of~~
4 ~~Representatives shall elect one of its members as Speaker. Each~~
5 ~~House shall choose its other officers, and shall judge of the~~
6 ~~election and qualifications of its members.~~

7 ~~(2) That section 1 of Article IV be amended to read:~~

8 ~~§ 1. Executive Department.~~

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

14 ~~(3) That section 4 of Article IV be amended to read:~~

15 ~~{§ 4. Lieutenant Governor.~~

16 ~~A Lieutenant Governor shall be chosen jointly with the~~
17 ~~Governor by the casting by each voter of a single vote~~
18 ~~applicable to both offices, for the same term, and subject to~~
19 ~~the same provisions as the Governor; he shall be President of~~
20 ~~the Senate. As such, he may vote in case of a tie on any~~
21 ~~question except the final passage of a bill or joint resolution,~~
22 ~~the adoption of a conference report or the concurrence in~~
23 ~~amendments made by the House of Representatives.]~~

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

25 ~~§ 5. Qualifications of Governor[, Lieutenant Governor] and~~
26 ~~Attorney General.~~

27 ~~No person shall be eligible to the office of Governor[,~~
28 ~~Lieutenant Governor] or Attorney General except a citizen of the~~
29 ~~United States, who shall have attained the age of 30 years, and~~
30 ~~have been seven years next preceding his election an inhabitant~~

1 of this Commonwealth, unless he shall have been absent on the
2 public business of the United States or of this Commonwealth. No
3 person shall be eligible to the office of Attorney General
4 except a member of the bar of the Supreme Court of Pennsylvania.

5 ~~(5) That section 6 of Article IV be amended to read:~~

6 ~~§ 6. Disqualification for offices of Governor[, Lieutenant~~
7 ~~Governor] and Attorney General.~~

8 ~~No member of Congress or person holding any office (except of~~
9 ~~attorney at law or in the National Guard or in a reserve~~
10 ~~component of the armed forces of the United States) under the~~
11 ~~United States or this Commonwealth shall exercise the office of~~
12 ~~Governor[, Lieutenant Governor] or Attorney General.~~

13 ~~(6) That section 9 of Article IV be amended to read:~~

14 ~~§ 9. Pardoning power; Board of Pardons.~~

15 ~~(a) In all criminal cases except impeachment the Governor~~
16 ~~shall have power to remit fines and forfeitures, to grant~~
17 ~~reprieves, commutation of sentences and pardons; but no pardon~~
18 ~~shall be granted, nor sentence commuted, except on the~~
19 ~~recommendation in writing of a majority of the Board of Pardons,~~
20 ~~and, in the case of a sentence of death or life imprisonment, on~~
21 ~~the unanimous recommendation in writing of the Board of Pardons,~~
22 ~~after full hearing in open session, upon due public notice. The~~
23 ~~recommendation, with the reasons therefor at length, shall be~~
24 ~~delivered to the Governor and a copy thereof shall be kept on~~
25 ~~file in the office of the [Lieutenant] Governor in a docket kept~~
26 ~~for that purpose.~~

27 ~~(b) The Board of Pardons shall consist of the [Lieutenant~~
28 ~~Governor] Attorney General who shall be chairman[, the Attorney~~
29 ~~General and three] and four members appointed by the Governor~~
30 ~~with the consent of a majority of the members elected to the~~

1 ~~Senate for terms of six years. The [three] members appointed by~~
2 ~~the Governor shall be residents of Pennsylvania. One shall be a~~
3 ~~crime victim, one a corrections expert [and the third], one a~~
4 ~~doctor of medicine, psychiatrist or psychologist and one a law~~
5 ~~enforcement officer. The board shall keep records of its~~
6 ~~actions, which shall at all times be open for public inspection.~~

7 ~~(7) That section 13 of Article IV be amended to read:~~

8 ~~§ 13. When [Lieutenant Governor] President of the Senate to act~~
9 ~~as Governor.~~

10 ~~(a) In the case of the death, conviction on impeachment,~~
11 ~~failure to qualify or resignation of the Governor, the~~
12 ~~[Lieutenant Governor] President of the Senate shall become~~
13 ~~Governor for the remainder of the term [and in] if there are~~
14 ~~fewer than 60 days remaining to that term or, if there are 60~~
15 ~~days or more remaining to that term, the President of the Senate~~
16 ~~shall become Governor until a special election is convened and a~~
17 ~~Governor is sworn in as provided by law.~~

18 ~~(b) In the case of the disability of the Governor, the~~
19 ~~powers, duties and emoluments of the office shall devolve upon~~
20 ~~the [Lieutenant Governor] President of the Senate until the~~
21 ~~disability is removed.~~

22 ~~(8) That section 14 of Article IV be amended to read:~~

23 ~~{§ 14. Vacancy in office of Lieutenant Governor.~~

24 ~~In case of the death, conviction on impeachment, failure to~~
25 ~~qualify or resignation of the Lieutenant Governor, or in case he~~
26 ~~should become Governor under section 13 of this article, the~~
27 ~~President pro tempore of the Senate shall become Lieutenant~~
28 ~~Governor for the remainder of the term. In case of the~~
29 ~~disability of the Lieutenant Governor, the powers, duties and~~
30 ~~emoluments of the office shall devolve upon the President pro~~

1 ~~tempore of the Senate until the disability is removed. Should~~
2 ~~there be no Lieutenant Governor, the President pro tempore of~~
3 ~~the Senate shall become Governor if a vacancy shall occur in the~~
4 ~~office of Governor and in case of the disability of the~~
5 ~~Governor, the powers, duties and emoluments of the office shall~~
6 ~~devolve upon the President pro tempore of the Senate until the~~
7 ~~disability is removed. His seat as Senator shall become vacant~~
8 ~~whenever he shall become Governor and shall be filled by~~
9 ~~election as any other vacancy in the Senate.]~~

10 ~~(9) That section 17 of Article IV be amended to read:~~

11 ~~§ 17. Contested elections of Governor[, Lieutenant Governor]~~
12 ~~and Attorney General; when succeeded.~~

13 ~~The Chief Justice of the Supreme Court shall preside upon the~~
14 ~~trial of any contested election of Governor[, Lieutenant~~
15 ~~Governor] or Attorney General and shall decide questions~~
16 ~~regarding the admissibility of evidence, and shall, upon request~~
17 ~~of the committee, pronounce his opinion upon other questions of~~
18 ~~law involved in the trial. The Governor[, Lieutenant Governor]~~
19 ~~and Attorney General shall exercise the duties of their~~
20 ~~respective offices until their successors shall be duly~~
21 ~~qualified.~~

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

23 ~~§ 7. Removal of civil officers.~~

24 ~~All civil officers shall hold their offices on the condition~~
25 ~~that they behave themselves well while in office, and shall be~~
26 ~~removed on conviction of misbehavior in office or of any~~
27 ~~infamous crime. Appointed civil officers, other than judges of~~
28 ~~the courts of record, may be removed at the pleasure of the~~
29 ~~power by which they shall have been appointed. All civil~~
30 ~~officers elected by the people, except the Governor, [the~~

1 ~~Lieutenant Governor,] members of the General Assembly and judges~~
2 ~~of the courts of record, shall be removed by the Governor for~~
3 ~~reasonable cause, after due notice and full hearing, on the~~
4 ~~address of two thirds of the Senate.~~

5 Section 2 1. The following ~~separate and distinct amendments~~ <--
6 AMENDMENT to the Constitution ~~are~~ IS proposed in accordance with <--
7 Article XI:

8 ~~(1)~~ That section 16 of Article II be amended to read: <--

9 § 16. Legislative districts.

10 The Commonwealth shall be divided into [50] 45 senatorial and
11 203 representative districts, which shall be composed of compact
12 and contiguous territory as nearly equal in population as
13 practicable. Each senatorial district shall elect one Senator,
14 and each representative district one Representative. Unless
15 absolutely necessary no county, city, incorporated town,
16 borough, township or ward shall be divided in forming either a
17 senatorial or representative district.

18 ~~(2)~~ ~~That section 2 of Article V be amended to read:~~ <--

19 ~~§ 2. Supreme Court.~~

20 ~~The Supreme Court (a) shall be the highest court of the~~
21 ~~Commonwealth and in this court shall be reposed the supreme~~
22 ~~judicial power of the Commonwealth;~~

23 ~~(b) shall consist of [seven] five justices, one of whom~~
24 ~~shall be the Chief Justice; and~~

25 ~~(c) shall have such jurisdiction as shall be provided by~~
26 ~~law.~~

27 ~~(3)~~ ~~That section 3 of Article V be amended to read:~~

28 ~~§ 3. Superior Court.~~

29 ~~The Superior Court shall be a statewide court, and shall~~
30 ~~consist of the number of judges, which shall be not less than~~

1 ~~seven judges and not more than eleven judges, and have such~~
2 ~~jurisdiction as shall be provided by this Constitution or by the~~
3 ~~General Assembly. One of its judges shall be the president~~
4 ~~judge.~~

5 ~~Section 3. (a) Upon the first passage by the General~~
6 ~~Assembly of the proposed integrated constitutional amendments~~
7 ~~under section 1, the Secretary of the Commonwealth shall proceed~~
8 ~~immediately to comply with the advertising requirements of~~
9 ~~section 1 of Article XI of the Constitution of Pennsylvania and~~
10 ~~shall transmit the required advertisements to two newspapers in~~
11 ~~every county in which such newspapers are published in~~
12 ~~sufficient time after passage of these proposed constitutional~~
13 ~~amendments.~~

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

30 ~~(c) Upon ratification by the electors of the proposed~~

1 ~~integrated constitutional amendments under section 1, any act or~~
2 ~~part of an act of the General Assembly that is in effect upon~~
3 ~~such approval and that refers to the Lieutenant Governor shall~~
4 ~~not be deemed to include the Lieutenant Governor, and where such~~
5 ~~act or part of an act requires the Lieutenant Governor to have~~
6 ~~any power or to exercise any duty, such power or duty shall be~~
7 ~~abolished following the expiration of the current Lieutenant~~
8 ~~Governor's term of office.~~

9 ~~Section 4. (a) Upon the first passage by the General~~
10 ~~Assembly of the three separate and distinct proposed~~
11 ~~constitutional amendments under section 2, the Secretary of the~~
12 ~~Commonwealth shall proceed immediately to comply with the~~
13 ~~advertising requirements of section 1 of Article XI of the~~
14 ~~Constitution of Pennsylvania and shall transmit the required~~
15 ~~advertisements to two newspapers in every county in which such~~
16 ~~newspapers are published in sufficient time after passage of~~
17 ~~the three separate and distinct proposed constitutional~~
18 ~~amendments under section 2.~~

19 ~~(b) Upon the second passage by the General Assembly of the~~
20 ~~three separate and distinct proposed constitutional amendments~~
21 ~~under section 2, the Secretary of the Commonwealth shall proceed~~
22 ~~immediately to comply with the advertising requirements of~~
23 ~~section 1 of Article XI of the Constitution of Pennsylvania and~~
24 ~~shall transmit the required advertisements to two newspapers in~~
25 ~~every county in which such newspapers are published in~~
26 ~~sufficient time after passage of the three separate and distinct~~
27 ~~proposed constitutional amendments under section 2 1. The~~
28 ~~Secretary of the Commonwealth shall submit the three separate~~
29 ~~and distinct proposed constitutional amendments under section 2~~
30 ~~as separate ballot questions to the qualified electors of this~~

1 ~~Commonwealth at the first primary, general or municipal election~~
2 ~~which meets the requirements of and is in conformance with~~
3 ~~section 1 of Article XI of the Constitution of Pennsylvania and~~
4 ~~which occurs at least three months after the three separate and~~
5 ~~distinct proposed constitutional amendments under section 2 are~~
6 ~~passed by the General Assembly.~~

7 SECTION 2. (A) UPON THE FIRST PASSAGE BY THE GENERAL <--
8 ASSEMBLY OF THIS PROPOSED CONSTITUTIONAL AMENDMENT, THE
9 SECRETARY OF THE COMMONWEALTH SHALL PROCEED IMMEDIATELY TO
10 COMPLY WITH THE ADVERTISING REQUIREMENTS OF SECTION 1 OF ARTICLE
11 XI OF THE CONSTITUTION OF PENNSYLVANIA AND SHALL TRANSMIT THE
12 REQUIRED ADVERTISEMENTS TO TWO NEWSPAPERS IN EVERY COUNTY IN
13 WHICH SUCH NEWSPAPERS ARE PUBLISHED IN SUFFICIENT TIME AFTER
14 PASSAGE OF THIS PROPOSED CONSTITUTIONAL AMENDMENT.

15 (B) UPON THE SECOND PASSAGE BY THE GENERAL ASSEMBLY OF THIS
16 PROPOSED CONSTITUTIONAL AMENDMENT, THE SECRETARY OF THE
17 COMMONWEALTH SHALL PROCEED IMMEDIATELY TO COMPLY WITH THE
18 ADVERTISING REQUIREMENTS OF SECTION 1 OF ARTICLE XI OF THE
19 CONSTITUTION OF PENNSYLVANIA AND SHALL TRANSMIT THE REQUIRED
20 ADVERTISEMENTS TO TWO NEWSPAPERS IN EVERY COUNTY IN WHICH SUCH
21 NEWSPAPERS ARE PUBLISHED IN SUFFICIENT TIME AFTER PASSAGE OF
22 THIS PROPOSED CONSTITUTIONAL AMENDMENT. THE SECRETARY OF THE
23 COMMONWEALTH SHALL SUBMIT THIS PROPOSED CONSTITUTIONAL AMENDMENT
24 TO THE QUALIFIED ELECTORS OF THIS COMMONWEALTH AT THE FIRST
25 PRIMARY, GENERAL OR MUNICIPAL ELECTION WHICH MEETS THE
26 REQUIREMENTS OF AND IS IN CONFORMANCE WITH SECTION 1 OF ARTICLE
27 XI OF THE CONSTITUTION OF PENNSYLVANIA AND WHICH OCCURS AT LEAST
28 THREE MONTHS AFTER THE PROPOSED CONSTITUTIONAL AMENDMENT IS
29 PASSED BY THE GENERAL ASSEMBLY.

30 Section 5 3. Upon ratification by the electors, the General <--

1 Assembly shall enact legislation to implement the amendment of
2 section 16 of ~~article ii~~ ARTICLE II of the Constitution of <--
3 Pennsylvania so that it applies for the first time to the first
4 session of the General Assembly which begins after the
5 reapportionment following the 2020 Federal decennial census.

6 ~~Section 6. Upon ratification by the electors, the General <--~~
7 ~~Assembly shall enact legislation to implement the amendment of~~
8 ~~section 2 of Article V of the Constitution of Pennsylvania so~~
9 ~~that it applies for the first time when a vacancy exists on the~~
10 ~~Supreme Court and does not apply to any current member of the~~
11 ~~Supreme Court.~~

12 ~~Section 7. Upon ratification by the electors, the General~~
13 ~~Assembly shall enact legislation to implement the amendment of~~
14 ~~section 3 of Article V of the Constitution of Pennsylvania so~~
15 ~~that it applies for the first time when a vacancy exists on the~~
16 ~~Superior Court and does not apply to any current member of the~~
17 ~~Superior Court.~~