

LEGISLATIVE REFERENCE BUREAU

AMENDMENTS TO SENATE BILL NO. 324

Sponsor:

Printer's No. 234

1 Amend Bill, page 1, line 1, by striking out "an amendment"

2 and inserting

3 integrated amendments and separate and distinct amendments

4 Amend Bill, page 1, line 2, by inserting after "Pennsylvania,

5 "

6 abolishing the Office of Lieutenant Governor;

7 Amend Bill, page 1, line 2, by inserting after "Assembly"

8 ; and reducing the size of the Supreme Court and the Superior
9 Court

10 Amend Bill, page 1, lines 5 and 6, by striking out all of

11 said lines and inserting

12 Section 1. The following integrated amendments to the
13 Constitution of Pennsylvania are proposed in accordance with
14 Article XI:

15 (1) That section 9 of Article II be amended to read:

16 § 9. Election of officers; judge of election and qualifications
17 of members.

18 The Senate shall, at the beginning and close of each regular
19 session and at such other times as may be necessary, elect one
20 of its members President pro tempore[, who shall perform the
21 duties of the Lieutenant Governor, in any case of absence or
22 disability of that officer, and whenever the said office of
23 Lieutenant Governor shall be vacant]. The House of
24 Representatives shall elect one of its members as Speaker. Each
25 House shall choose its other officers, and shall judge of the
26 election and qualifications of its members.

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

28 § 1. Executive Department.

29 The Executive Department of this Commonwealth shall consist
30 of a Governor, [Lieutenant Governor,] Attorney General, Auditor
31 General, State Treasurer, and Superintendent of Public
32 Instruction and such other officers as the General Assembly may
33 from time to time prescribe.

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

2 [§ 4. Lieutenant Governor.

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

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

12 § 5. Qualifications of Governor[, Lieutenant Governor] and
13 Attorney General.

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

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

23 § 6. Disqualification for offices of Governor[, Lieutenant
24 Governor] and Attorney General.

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

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

31 § 9. Pardoning power; Board of Pardons.

32 (a) In all criminal cases except impeachment the Governor
33 shall have power to remit fines and forfeitures, to grant
34 reprieves, commutation of sentences and pardons; but no pardon
35 shall be granted, nor sentence commuted, except on the
36 recommendation in writing of a majority of the Board of Pardons,
37 and, in the case of a sentence of death or life imprisonment, on
38 the unanimous recommendation in writing of the Board of Pardons,
39 after full hearing in open session, upon due public notice. The
40 recommendation, with the reasons therefor at length, shall be
41 delivered to the Governor and a copy thereof shall be kept on
42 file in the office of the [Lieutenant] Governor in a docket kept
43 for that purpose.

44 (b) The Board of Pardons shall consist of the [Lieutenant
45 Governor] Attorney General who shall be chairman[, the Attorney
46 General and three] and four members appointed by the Governor
47 with the consent of a majority of the members elected to the
48 Senate for terms of six years. The [three] members appointed by
49 the Governor shall be residents of Pennsylvania. One shall be a
50 crime victim, one a corrections expert [and the third], one a
51 doctor of medicine, psychiatrist or psychologist and one a law

1 enforcement officer. The board shall keep records of its
2 actions, which shall at all times be open for public inspection.

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

4 § 13. When [Lieutenant Governor] President pro tempore of the
5 Senate to act as Governor.

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

15 (b) In the case of the disability of the Governor, the
16 powers, duties and emoluments of the office shall devolve upon
17 the [Lieutenant Governor] President pro tempore of the Senate
18 until the disability is removed or if there are fewer than 60
19 days remaining to the term of office for the Governor or, if
20 there are 60 days or more remaining to the term of office for
21 the Governor, the President pro tempore of the Senate shall
22 become Governor until a special election is convened and a
23 Governor is sworn in as provided by law.

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

25 § 17. Contested elections of Governor[, Lieutenant Governor]
26 and Attorney General; when succeeded.

27 The Chief Justice of the Supreme Court shall preside upon the
28 trial of any contested election of Governor[, Lieutenant
29 Governor] or Attorney General and shall decide questions
30 regarding the admissibility of evidence, and shall, upon request
31 of the committee, pronounce his opinion upon other questions of
32 law involved in the trial. The Governor[, Lieutenant Governor]
33 and Attorney General shall exercise the duties of their
34 respective offices until their successors shall be duly
35 qualified.

36 (9) That section 7 of Article VI be amended to read:

37 § 7. Removal of civil officers.

38 All civil officers shall hold their offices on the condition
39 that they behave themselves well while in office, and shall be
40 removed on conviction of misbehavior in office or of any
41 infamous crime. Appointed civil officers, other than judges of
42 the courts of record, may be removed at the pleasure of the
43 power by which they shall have been appointed. All civil
44 officers elected by the people, except the Governor, [the
45 Lieutenant Governor,] members of the General Assembly and judges
46 of the courts of record, shall be removed by the Governor for
47 reasonable cause, after due notice and full hearing, on the
48 address of two-thirds of the Senate.

49 Section 2. The following separate and distinct amendments to
50 the Constitution are proposed in accordance with Article XI:

51 (1)

1 Amend Bill, page 1, by inserting between lines 16 and 17

2 (2) That sections 1 and 2 of Article V be amended to read:
3 § 2. Supreme Court.

4 The Supreme Court (a) shall be the highest court of the
5 Commonwealth and in this court shall be reposed the supreme
6 judicial power of the Commonwealth;

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

9 (c) shall have such jurisdiction as shall be provided by
10 law.

11 § 3. Superior Court.

12 The Superior Court shall be a statewide court, and shall
13 consist of the number of judges, which shall be not less than
14 seven judges and not more than eleven judges, and have such
15 jurisdiction as shall be provided by this Constitution or by the
16 General Assembly. One of its judges shall be the president
17 judge.

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

27 (b) Upon the second passage by the General Assembly of the
28 proposed integrated constitutional amendments under section 1,
29 the Secretary of the Commonwealth shall proceed immediately to
30 comply with the advertising requirements of section 1 of Article
31 XI of the Constitution of Pennsylvania and shall transmit the
32 required advertisements to two newspapers in every county in
33 which such newspapers are published in sufficient time after
34 passage of the proposed constitutional amendments under section
35 1. The Secretary of the Commonwealth shall submit the proposed
36 constitutional amendments under section 1 as separate ballot
37 questions to the qualified electors of this Commonwealth at the
38 first primary, general or municipal election which meets the
39 requirements of and is in conformance with section 1 of Article
40 XI of the Constitution of Pennsylvania and which occurs at least
41 three months after the proposed integrated constitutional
42 amendments under section 1 are passed by the General Assembly.

43 (c) Upon approval of the proposed integrated constitutional
44 amendments under section 1 by the qualified electors of this
45 Commonwealth, any act or part of an act of the General Assembly
46 that is in effect upon such approval and that refers to the
47 Lieutenant Governor shall not be deemed to include the
48 Lieutenant Governor, and where such act or part of an act
49 requires the Lieutenant Governor to have any power or to

1 exercise any duty, such power or duty shall be abolished
2 following the expiration of the current Lieutenant Governor's
3 term of office.

4 Amend Bill, page 1, line 17, by striking out "2" and
5 inserting

6 4

7 Amend Bill, page 2, line 1, by striking out "this" and
8 inserting

9 the separate and distinct

10 Amend Bill, page 2, line 1, by striking out "amendment" and
11 inserting

12 amendments under section 2

13 Amend Bill, page 2, line 7, by striking out "this" and
14 inserting

15 the separate and distinct

16 Amend Bill, page 2, line 7, by striking out "amendment" and
17 inserting

18 amendments under section 2

19 Amend Bill, page 2, line 8, by striking out "this" and
20 inserting

21 the separate and distinct

22 Amend Bill, page 2, line 9, by striking out "amendment" and
23 inserting

24 amendments under section 2

25 Amend Bill, page 2, line 15, by striking out "this" and
26 inserting

27 the separate and distinct

28 Amend Bill, page 2, line 15, by striking out "amendment" and
29 inserting

30 amendments under section 2

31 Amend Bill, page 2, line 16, by striking out "this" and
32 inserting

1 the separate and distinct
2 Amend Bill, page 2, line 16, by striking out "amendment" and
3 inserting
4 amendments under section 2
5 Amend Bill, page 2, line 21, by striking out "the" and
6 inserting
7 the separate and distinct
8 Amend Bill, page 2, line 21, by striking out "amendment is"
9 and inserting
10 amendments under section 2 are
11 Amend Bill, page 2, line 23, by striking out "3" and
12 inserting
13 5
14 Amend Bill, page 2, line 26, by striking out "4" and
15 inserting
16 6