

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1409 Session of 1974

INTRODUCED BY KURY, MESSINGER, AMMERMAN, ORLANDO, McCREESH, LAMB AND MURRAY, JANUARY 21, 1974

AS AMENDED ON SECOND CONSIDERATION, APRIL 16, 1974

A JOINT RESOLUTION

1 Proposing amendments to the Constitution of the Commonwealth of
2 Pennsylvania, further providing for the appointing power of
3 the Governor relating to appointive and elective offices.

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

6 Section 1. The following amendments to the Constitution of
7 the Commonwealth of Pennsylvania are proposed in accordance with
8 the provisions of the eleventh article thereof.

9 That subsections (a) and (b) of section eight and subsection
10 (b) of section nine, article four, and subsection (b) of section
11 thirteen, article five of the Constitution of the Commonwealth
12 of Pennsylvania be amended to read:

Article IV

THE EXECUTIVE

15 Section 8. Appointing Power.--(a) The Governor shall appoint
16 an Attorney General, a [Superintendent of Public Instruction]
17 Secretary of Education and such other officers as he shall be
18 authorized by law to appoint. The appointment of the Attorney

1 General, the [Superintendent of Public Instruction] Secretary of
2 Education and of such other officers as may be specified by law,
3 shall be subject to the consent of two-thirds or a majority of
4 the members elected to the Senate as is specified by law.

5 (b) [Except as may now or hereafter be otherwise provided in
6 this Constitution as to appellate and other judges, he may,
7 during the recess of the Senate,] The Governor shall fill
8 vacancies [happening] in offices to which he appoints by
9 [granting commissions expiring at the end of its session and
10 fill vacancies happening in the office of Auditor General or
11 State Treasurer or in any other elective office he is authorized
12 to fill. If the vacancy happens during the session of the Senate
13 except as otherwise provided in this Constitution, he shall
14 nominate to the Senate, before its final adjournment, a proper
15 person to fill the vacancy.] nominating to the Senate a proper
16 person to fill the vacancy. within ninety days of the first day ←
17 of the vacancy and not thereafter. The Senate shall act on each
18 executive nomination within twenty-five legislative days of its
19 submission. If the nomination is made during a recess or after
20 adjournment sine die, the Senate shall act upon it within
21 twenty-five legislative days after its return or reconvening. If
22 the Senate for any reason fails to act upon a nomination
23 submitted to it within the required twenty-five legislative
24 days, the nominee shall take office as if the appointment had
25 been consented to by the Senate. The Governor shall in a similar
26 manner fill vacancies in the offices of Auditor General, State
27 Treasurer, justice, judge, justice of the peace and in any other
28 elective office he is authorized to fill. In the case of a
29 vacancy in an elective office, a person shall be elected to the
30 office on the next election day appropriate to the office unless

1 the [vacancy happens] first day of the vacancy is within two
2 calendar months immediately preceding the election day in which
3 case the election shall be held on the second succeeding
4 election day appropriate to the office.

5 * * *

6 Section 9. Pardoning Power; Board of Pardons.--* * *

7 (b) The Board of Pardons shall consist of the Lieutenant
8 Governor who shall be chairman, the Attorney General and three
9 members appointed by the Governor with the consent of two-thirds
10 or a majority of the members elected to the Senate [, one for
11 two years, one for four years, and one for six years and
12 thereafter for full] as is specified by law for terms of six
13 years. The three members appointed by the Governor shall be
14 residents of Pennsylvania and shall be recognized leaders in
15 their fields; one shall be a member of the bar, one a
16 penologist, and the third a doctor of medicine, psychiatrist or
17 psychologist. The board shall keep records of its actions, which
18 shall at all times be open for public inspection.

19 Article V

20 THE JUDICIARY

21 Section 13. Election of Justices, Judges and Justices of the
22 Peace; Vacancies.--* * *

23 (b) A vacancy in the office of justice, judge or justice of
24 the peace shall be filled by appointment by the Governor. [If
25 the vacancy occurs during the session of the Senate, the] The
26 appointment shall be with the advice and consent of two-thirds
27 of the members elected to the Senate, except in the case of
28 justices of the peace which shall be by a majority. [If the
29 vacancy occurs during sine die adjournment of the Senate such
30 appointment shall not require the advice and consent of the

1 Senate.] The person so appointed shall serve for an initial term
2 ending on the first Monday of January following the next
3 municipal election more than ten months after the vacancy
4 occurs.

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