
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 THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JULY 9, 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:

13 Article IV

14 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

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

6 (b) [Except as may now or hereafter be otherwise provided in
7 this Constitution as to appellate and other judges, he may,
8 during the recess of the Senate,] The Governor shall fill
9 vacancies [happening] in offices to which he appoints by
10 [granting commissions expiring at the end of its session and
11 fill vacancies happening in the office of Auditor General or
12 State Treasurer or in any other elective office he is authorized
13 to fill. If the vacancy happens during the session of the Senate
14 except as otherwise provided in this Constitution, he shall
15 nominate to the Senate, before its final adjournment, a proper
16 person to fill the vacancy.] nominating to the Senate a proper
17 person to fill the vacancy WITHIN NINETY DAYS OF THE FIRST DAY ←
18 OF THE VACANCY AND NOT THEREAFTER. The Senate shall act on each
19 executive nomination within twenty-five legislative days of its
20 submission. IF THE SENATE HAS NOT VOTED UPON A NOMINATION WITHIN ←
21 FIFTEEN LEGISLATIVE DAYS FOLLOWING SUCH SUBMISSION, ANY FIVE
22 MEMBERS OF THE SENATE MAY, IN WRITING, REQUEST THE PRESIDING
23 OFFICER OF THE SENATE TO PLACE THE NOMINATION BEFORE THE ENTIRE
24 SENATE BODY WHEREBY THE NOMINATION MUST BE VOTED UPON PRIOR TO
25 THE EXPIRATION OF FIVE LEGISLATIVE DAYS OR TWENTY-FIVE
26 LEGISLATIVE DAYS FOLLOWING SUBMISSION BY THE GOVERNOR, WHICHEVER
27 OCCURS FIRST. If the nomination is made during a recess or after
28 adjournment sine die, the Senate shall act upon it within
29 twenty-five legislative days after its return or reconvening. If
30 the Senate for any reason fails to act upon a nomination

1 submitted to it within the required twenty-five legislative
2 days, the nominee shall take office as if the appointment had
3 been consented to by the Senate. The Governor shall in a similar
4 manner fill vacancies in the offices of Auditor General, State
5 Treasurer, justice, judge, justice of the peace and in any other
6 elective office he is authorized to fill. In the case of a
7 vacancy in an elective office, a person shall be elected to the
8 office on the next election day appropriate to the office unless
9 the [vacancy happens] first day of the vacancy is within two
10 calendar months immediately preceding the election day in which
11 case the election shall be held on the second succeeding
12 election day appropriate to the office.

13 * * *

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

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

27 Article V

28 THE JUDICIARY

29 Section 13. Election of Justices, Judges and Justices of the
30 Peace; Vacancies.--* * *

1 (b) A vacancy in the office of justice, judge or justice of
2 the peace shall be filled by appointment by the Governor. [If
3 the vacancy occurs during the session of the Senate, the] The
4 appointment shall be with the advice and consent of two-thirds
5 of the members elected to the Senate, except in the case of
6 justices of the peace which shall be by a majority. [If the
7 vacancy occurs during sine die adjournment of the Senate such
8 appointment shall not require the advice and consent of the
9 Senate.] The person so appointed shall serve for an initial term
10 ending on the first Monday of January following the next
11 municipal election more than ten months after the vacancy
12 occurs.

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