

RESOLUTIONS
 PROPOSING AMENDMENTS TO THE CONSTITUTION
 OF THE COMMONWEALTH OF PENNSYLVANIA

(These Joint Resolutions Nos. 1, 2, 3, 4 and 5 were passed for the first time at the
 Legislative Session of 1966.)

JOINT RESOLUTION NO. 1

SB 112

Proposing an amendment to article three, section twenty of the Constitution of the Commonwealth of Pennsylvania, authorizing the enactment of laws providing that findings of panels selected for settlement of disputes between policemen and firemen and their public employers must be complied with by such public employers.

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

Section 1. The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of the eighteenth article thereof:

That section twenty, article three of the Constitution of the Commonwealth of Pennsylvania be amended to read:

Section 20. The General Assembly shall not delegate to any special commission, private corporation or association, any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, or to levy taxes or perform any municipal function whatever.

Notwithstanding the foregoing limitation or any other provision of the Constitution, the General Assembly may enact laws which provide that the findings of panels or commissions, selected and acting in accordance with law for the adjustment or settlement of grievances or disputes or for collective bargaining between policemen and firemen and their public employers shall be binding upon all parties and shall constitute a mandate to the head of the political subdivision which is the employer, or to the appropriate officer of the Commonwealth if the Commonwealth is the employer, with respect to matters which can be remedied by administrative action, and to the law-making body of such political subdivision or of the Commonwealth, with respect to matters which require legislative action, to take the action necessary to carry out such findings.

(These Joint Resolutions Nos. 1, 2, 3, 4 and 5 were passed for the first time at the Legislative Session of 1966.)

JOINT RESOLUTION NO. 2

HB 401

Proposing that article four of the Constitution of the Commonwealth of Pennsylvania relating to the Executive be amended.

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

Section 1. The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of the eighteenth article thereof:

That article four of the Constitution of the Commonwealth of Pennsylvania be amended by repealing sections 18, 19, 20 and 21 thereof, by renumbering section 22, by adding a new section 18, and by rewording sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 13 and 14 so that sections 1, 3 to 10 inclusive, 13, 14, 18 and 19 will read:

ARTICLE IV

THE EXECUTIVE

Section 1. Executive Department.—The Executive Department of this Commonwealth shall consist of a Governor, Lieutenant Governor, [Secretary of the Commonwealth] Attorney General, Auditor General, State Treasurer, [Secretary of Internal Affairs] and [a] Superintendent of Public Instruction and such other officers as the General Assembly may from time to time prescribe.

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Section 3. Terms of Office of Governor; Number of Terms.—The Governor shall hold his office during four years from the third Tuesday of January next ensuing his election. [, and shall not be eligible to the office for the next succeeding term] Except for the Governor who may be in office when this amendment is adopted, he shall be eligible to succeed himself for one additional term.

Section 4. Lieutenant Governor.—A Lieutenant Governor shall be chosen [at the same time, in the same manner,] jointly with the Governor by the casting by each voter of a single vote applicable to both offices, for the same term, and subject to the same provisions as the Governor; he shall be President of the Senate. [, but shall have no vote unless they be equally divided] As such, he may vote in case of a tie on any question except the final passage of a bill or

joint resolution, the adoption of a conference report or the concurrence in amendments made by the House of Representatives.

Section 5. Qualifications of Governor and Lieutenant Governor.—

No person shall be eligible to the office of Governor or Lieutenant Governor except a citizen of the United States, who shall have attained the age of thirty years, and have been seven years next preceding his election an inhabitant of [the State] this Commonwealth, unless he shall have been absent on the public business of the United States or of this [State] Commonwealth.

Section 6. Disqualifications for Offices of Governor and Lieutenant Governor.—No member of Congress or person holding any office (except of attorney-at-law or in the National Guard or in a reserve component of the armed forces of the United States) under the United States or this [State] Commonwealth shall exercise the office of Governor or Lieutenant Governor.

Section 7. Military Power.—The Governor shall be commander-in-chief of the [army and navy] military forces of the Commonwealth, [and of the militia,] except when they shall be called into the actual service of the United States.

Section 8. Appointing Power.—[He shall nominate and, by and with the advice and consent of two-thirds of all the members of the Senate, appoint a Secretary of the Commonwealth and an Attorney General during pleasure, a Superintendent of Public Instruction for four years, and such other officers of the Commonwealth as he is or may be authorized by the Constitution or by law to appoint; he shall have power to fill all vacancies that may happen, in offices to which he may appoint, during the recess of the Senate, by granting commissions which shall expire at the end of their next session; he shall have power to fill any vacancy that may happen, during the recess of the Senate, in the office of Auditor General, State Treasurer, Secretary of Internal Affairs or Superintendent of Public Instruction, in a judicial office, or in any other elective office which he is or may be authorized to fill; if the vacancy shall happen during the session of the Senate, the Governor shall nominate to the Senate, before their final adjournment, a proper person to fill said vacancy; but in any such case of vacancy, in an elective office, a person shall be chosen to said office on the next election day appropriate to such office according to the provisions of this Constitution, unless the vacancy shall happen within two calendar months immediately preceding such election day, in which case the election for said office shall be held on the second succeeding election day appropriate to such office. In acting on

executive nominations the Senate shall sit with open doors, and, in confirming or rejecting the nominations of the Governor, the vote shall be taken by yeas and nays and shall be entered on the journal.]

(a) The Governor shall appoint an Attorney General, a Superintendent of Public Instruction and such other officers as he shall be authorized by law to appoint. The appointment of the Attorney General, the Superintendent of Public Instruction and of such other officers as may be specified by law, shall be subject to the consent of two-thirds of the members elected to the Senate.

(b) Except as may now or hereafter be otherwise provided in this Constitution as to appellate and other judges, he may, during the recess of the Senate, fill vacancies happening in offices to which he appoints by granting commissions expiring at the end of its session and fill vacancies happening in the office of Auditor General or State Treasurer or in any other elective office he is authorized to fill. If the vacancy happens during the session of the Senate except as otherwise provided in this Constitution, he shall nominate to the Senate, before its final adjournment, a proper person to fill the vacancy. In the case of a vacancy in an elective office, a person shall be elected to the office on the next election day appropriate to the office unless the vacancy happens within two calendar months immediately preceding the election day in which case the election shall be held on the second succeeding election day appropriate to the office.

(c) In acting on executive nominations, the Senate shall sit with open doors. The votes shall be taken by yeas and nays and shall be entered on the journal.

Section 9. Pardoning Power; Board of Pardons.—[He shall have power to remit fines and forfeitures, to grant reprieves, commutations of sentence and pardons, except in cases of impeachment; but no pardon shall be granted, nor sentence commuted, except upon the recommendation in writing of the Lieutenant Governor, Secretary of the Commonwealth, Attorney General and Secretary of Internal Affairs, or any three of them, after full hearing, upon due public notice and in open session, and such recommendation, with the reasons therefor at length, shall be recorded and filed in the office of the

Secretary of the Commonwealth.] (a) In all criminal cases except impeachment, the Governor shall have power to remit fines and forfeitures, to grant reprieves, commutation of sentences and pardons; but no pardon shall be granted, nor sentence commuted, except on the recommendation in writing of a majority of the Board of Pardons, after full hearing in open session, upon due public notice. The recommendation, with the reasons therefor at length, shall be delivered to the Governor and a copy thereof shall be kept on file in the office of the Lieutenant Governor in a docket kept for that purpose.

(b) The Board of Pardons shall consist of the Lieutenant Governor who shall be chairman, the Attorney General and three members appointed by the Governor with the consent of two-thirds of the members elected to the Senate, one for two years, one for four years, and one for six years, and thereafter for full terms of six years. The three members appointed by the Governor shall be residents of Pennsylvania and shall be recognized leaders in their fields; one shall be a member of the bar, one a penologist, and the third a doctor of medicine, psychiatrist or psychologist. The board shall keep records of its actions, which shall at all times be open for public inspection.

Section 10. Information from Department Officials.—[He] The Governor may require information in writing from the officers of the Executive Department, upon any subject relating to the duties of their respective offices.

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Section 13. When Lieutenant Governor to Act as Governor.—In the case of the death, conviction on impeachment, failure to qualify or resignation [or other disability] of the Governor, [the powers, duties and emoluments of the office,] the Lieutenant Governor shall become Governor for the remainder of the term [, or until the disability be removed, shall devolve upon the Lieutenant Governor] and in the case of the disability of the Governor, the powers, duties and emoluments of the office shall devolve upon the Lieutenant Governor until the disability is removed.

Section 14. Vacancy in Office of Lieutenant Governor.—[In case of a vacancy in the office of Lieutenant Governor, or when the Lieutenant Governor shall be impeached by the House of Representatives, or shall be unable to exercise the duties of his office, the powers, duties and emoluments thereof for the remainder of the term, or until the disability be removed, shall devolve upon the President Pro Tempore of the Senate; and the President Pro Tempore of the Senate shall in like manner become Governor if a vacancy or disability shall occur in the office of Governor; his seat as senator shall become vacant whenever he shall become Governor, and shall be filled by election as any other vacancy in the Senate.] In case of the death, conviction on impeachment, failure to qualify or resignation of the Lieutenant Governor, or in case he should become Governor under the preceding section, the President Pro Tempore of the Senate shall become Lieutenant Governor for the remainder of the term. In case of the disability of the Lieutenant Governor, the powers, duties and emoluments of the office shall devolve upon the President Pro Tempore of the Senate until the disability is removed. Should there be no Lieutenant Governor, the President Pro Tempore of the Senate shall become Governor if a vacancy shall occur in the office of Governor and in case of the disability of the Governor, the powers, duties and emoluments of the office shall devolve upon the President Pro Tempore of the Senate until the disability is removed. His seat as senator shall become vacant whenever he shall become Governor and shall be filled by election as any other vacancy in the Senate.

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Section 18. Terms of Office of Auditor General and State Treasurer; Number of Terms; Eligibility of State Treasurer to become Auditor General.—The terms of the Auditor General and of the State Treasurer shall each be four years from the third Tuesday of January next ensuing his election. They shall be chosen by the qualified electors of the Commonwealth at general elections but shall not be eligible to serve continuously for more than two successive terms. The State Treasurer shall not be eligible to the office of Auditor General until four years after he has been State Treasurer.

Section [22] 19. State Seal; Commissions.—The present Great Seal of Pennsylvania shall be the seal of the State. All commissions shall be in the name and by authority of the Commonwealth of Pennsylvania, and be sealed with the State seal and signed by the Governor.

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[Section 18. The Secretary of the Commonwealth shall keep a record of all official acts and proceedings of the Governor, and when required lay the same, with all papers, minutes and vouchers relating thereto, before either branch of the General Assembly, and perform such other duties as may be enjoined upon him by law.

Section 19. The Secretary of Internal Affairs shall exercise all the powers and perform all the duties of the Surveyor General, subject to such changes as shall be made by law. His department shall embrace a Bureau of Industrial Statistics, and he shall discharge such duties relating to corporations, to the charitable institutions, the agricultural, manufacturing, mining, mineral, timber and other material or business interests of the State as may be prescribed by law. He shall annually, and at such other times as may be required by law, make report to the General Assembly.

Section 20. The Superintendent of Public Instruction shall exercise all the powers and perform all the duties of the Superintendent of Common Schools, subject to such changes as shall be made by law.

Section 21. The terms of the Secretary of Internal Affairs, the Auditor General, and the State Treasurer, shall each be four years. The term of the Secretary of Internal Affairs shall be from the third Tuesday of January next following his election. They shall be chosen by the qualified electors of the State at general elections. No person elected to the office of Auditor General or State Treasurer shall be capable of holding the same office for two consecutive terms.]

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SCHEDULE

That no inconvenience may arise from changes in article IV of the Constitution of this Commonwealth, it is hereby declared that the State Treasurer and Auditor General first elected after this amended article becomes effective shall serve terms beginning the first Tuesday in May next following their election and expiring four years from the third Tuesday in January next ensuing their election.

Section 2. This proposed amendment shall be submitted by the Secretary of the Commonwealth to the qualified electors of the State, at the primary election next held after the advertising requirements of article eighteen, section one of the Constitution of the Commonwealth of Pennsylvania have been satisfied.