

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 114 Session of
1997

INTRODUCED BY GODSHALL, HALUSKA, JAMES, ITKIN, BUNT, DEMPSEY,
E. Z. TAYLOR, GEIST, READSHAW, STABACK, FICHTER, BAKER,
BELFANTI AND CLYMER, JANUARY 29, 1997

SENATOR LOEPER, RULES AND EXECUTIVE NOMINATIONS, IN SENATE, RE-
REPORTED AS AMENDED, JUNE 2, 1998

A JOINT RESOLUTION

1 Proposing amendments to the Constitution of the Commonwealth of
2 Pennsylvania, further providing for ~~judicial administration~~ <—
3 ~~and for~~ THE SELECTION OF THE CHAIRMAN OF THE LEGISLATIVE <—
4 REAPPORTIONMENT COMMISSION; PROVIDING FOR THE EFFECTIVE DATE
5 OF NEWLY REAPPORTIONED DISTRICTS AND FOR THE ELECTION OF
6 SENATORS IN CERTAIN CIRCUMSTANCES; AND FURTHER PROVIDING FOR
7 retirement of justices, judges and justices of the peace.

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

10 Section 1. The following amendments to the Constitution of
11 Pennsylvania are proposed in accordance with Article XI:

12 ~~(1) That section 10(d) of Article V be amended to read:~~ <—

13 ~~§ 10. Judicial administration.~~

14 * * *

15 ~~(d) The Chief Justice and president judges of all courts~~

16 ~~with [seven] two or less] FOUR OR FEWER judges shall be the~~ <—

17 ~~justice or judge longest in continuous service on their~~

18 ~~respective courts; and in the event of his resignation from this~~

1 ~~position the justice or judge next longest in continuous service~~
2 ~~shall be the Chief Justice or president judge. The president~~
3 ~~judges of all other courts shall be selected for five year terms~~
4 ~~by the members of their respective courts, except that the~~
5 ~~president judge of the traffic court in the City of Philadelphia~~
6 ~~shall be appointed by the Governor. A Chief Justice or president~~
7 ~~judge may resign such position and remain a member of the court.~~
8 ~~In the event of a tie vote for office of president judge in a~~
9 ~~court which elects its president judge, the Supreme Court shall~~
10 ~~appoint as president judge one of the judges receiving the~~
11 ~~highest number of votes.~~

12 * * *

13 (1) THAT SECTION 17(B), (C) AND (E) OF ARTICLE II BE AMENDED <—
14 TO READ:

15 § 17. LEGISLATIVE REAPPORTIONMENT COMMISSION.

16 * * *

17 (B) THE COMMISSION SHALL CONSIST OF FIVE MEMBERS: FOUR OF
18 WHOM SHALL BE THE MAJORITY AND MINORITY LEADERS OF BOTH THE
19 SENATE AND THE HOUSE OF REPRESENTATIVES, OR DEPUTIES APPOINTED
20 BY EACH OF THEM, AND A CHAIRMAN SELECTED AS HEREINAFTER
21 PROVIDED. NO LATER THAN 60 DAYS FOLLOWING THE OFFICIAL REPORTING
22 OF THE FEDERAL DECENNIAL CENSUS AS REQUIRED BY FEDERAL LAW, THE
23 FOUR MEMBERS SHALL BE CERTIFIED BY THE PRESIDENT PRO TEMPORE OF
24 THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO
25 THE ELECTIONS OFFICER OF THE COMMONWEALTH WHO UNDER LAW SHALL
26 HAVE SUPERVISION OVER ELECTIONS.

27 THE FOUR MEMBERS WITHIN 45 DAYS AFTER THEIR CERTIFICATION
28 SHALL SELECT, BY AN AFFIRMATIVE VOTE OF THREE MEMBERS, THE FIFTH
29 MEMBER, WHO SHALL SERVE AS CHAIRMAN OF THE COMMISSION, AND SHALL
30 IMMEDIATELY CERTIFY HIS NAME TO SUCH ELECTIONS OFFICER. THE

1 CHAIRMAN SHALL BE A CITIZEN OF THE COMMONWEALTH OTHER THAN A
2 LOCAL, STATE OR FEDERAL OFFICIAL HOLDING AN OFFICE TO WHICH
3 COMPENSATION IS ATTACHED.

4 IF THE FOUR MEMBERS FAIL TO SELECT THE FIFTH MEMBER WITHIN
5 THE TIME PRESCRIBED, THE SUPREME COURT, BY ACTION OF A MAJORITY
6 OF THE ENTIRE MEMBERSHIP OF THE SUPREME COURT PLUS ONE WITHIN 30
7 DAYS THEREAFTER SHALL APPOINT THE CHAIRMAN AS AFORESAID AND
8 CERTIFY HIS APPOINTMENT TO SUCH ELECTIONS OFFICER.

9 ANY VACANCY IN THE COMMISSION SHALL BE FILLED WITHIN 15 DAYS
10 IN THE SAME MANNER IN WHICH SUCH POSITION WAS ORIGINALLY FILLED.

11 (C) NO LATER THAN 90 DAYS AFTER EITHER THE [COMMISSION]
12 CHAIRMAN HAS BEEN DULY CERTIFIED OR THE POPULATION DATA FOR THE
13 COMMONWEALTH AS DETERMINED BY THE FEDERAL DECENNIAL CENSUS ARE
14 AVAILABLE, WHICHEVER IS LATER IN TIME, THE COMMISSION SHALL FILE
15 A PRELIMINARY REAPPORTIONMENT PLAN WITH SUCH ELECTIONS OFFICER.

16 THE COMMISSION SHALL HAVE 30 DAYS AFTER FILING THE
17 PRELIMINARY PLAN TO MAKE CORRECTIONS IN THE PLAN.

18 ANY PERSON AGGRIEVED BY THE PRELIMINARY PLAN SHALL HAVE THE
19 SAME 30-DAY PERIOD TO FILE EXCEPTIONS WITH THE COMMISSION IN
20 WHICH CASE THE COMMISSION SHALL HAVE 30 DAYS AFTER THE DATE THE
21 EXCEPTIONS WERE FILED TO PREPARE AND FILE WITH SUCH ELECTIONS
22 OFFICER A REVISED REAPPORTIONMENT PLAN. IF NO EXCEPTIONS ARE
23 FILED WITHIN 30 DAYS, OR IF FILED AND ACTED UPON, THE
24 COMMISSIONS'S PLAN SHALL BE FINAL AND, UNLESS AN APPEAL IS FILED
25 UNDER SUBSECTION (D), HAVE THE FORCE OF LAW FOR USE THEREAFTER
26 IN ELECTIONS TO THE GENERAL ASSEMBLY UNTIL THE NEXT
27 REAPPORTIONMENT AS REQUIRED UNDER THIS SECTION 17.

28 * * *

29 (E) WHEN THE SUPREME COURT HAS FINALLY DECIDED AN APPEAL OR
30 WHEN THE LAST DAY FOR FILING AN APPEAL HAS PASSED WITH NO APPEAL

1 TAKEN, THE REAPPORTIONMENT PLAN SHALL HAVE THE FORCE OF LAW [AND
2 THE DISTRICTS THEREIN PROVIDED SHALL BE USED] FOR USE THEREAFTER
3 IN ELECTIONS TO THE GENERAL ASSEMBLY UNTIL THE NEXT
4 REAPPORTIONMENT AS REQUIRED UNDER THIS SECTION 17.

5 (2) THAT SECTION 17(F), (G) AND (H) OF ARTICLE II BE AMENDED
6 AND THE SECTION BE AMENDED BY ADDING A SUBSECTION TO READ:

7 § LEGISLATIVE REAPPORTIONMENT COMMISSION.

8 * * *

9 (F) ANY DISTRICT WHICH DOES NOT INCLUDE THE RESIDENCE FROM
10 WHICH A MEMBER OF THE SENATE WAS ELECTED WHETHER OR NOT
11 SCHEDULED FOR ELECTION AT THE NEXT GENERAL ELECTION SHALL ELECT
12 A SENATOR AT SUCH ELECTION: PROVIDED, HOWEVER, THAT NO DISTRICT
13 WHICH IS NOT SCHEDULED FOR ELECTION AT THE FIRST GENERAL
14 ELECTION FOR THE GENERAL ASSEMBLY OCCURRING AFTER THE PLAN HAS
15 THE FORCE OF LAW SHALL BE ALTERED SO AS TO EXCLUDE THE RESIDENCE
16 FROM WHICH THE SENATOR REPRESENTING THE DISTRICT WAS ELECTED.

17 [(F)] (G) THE GENERAL ASSEMBLY SHALL APPROPRIATE SUFFICIENT
18 FUNDS FOR THE COMPENSATION AND EXPENSES OF MEMBERS AND STAFF
19 APPOINTED BY THE COMMISSION, AND OTHER NECESSARY EXPENSES. THE
20 MEMBERS OF THE COMMISSION SHALL BE ENTITLED TO SUCH COMPENSATION
21 FOR THEIR SERVICES AS THE GENERAL ASSEMBLY FROM TIME TO TIME
22 SHALL DETERMINE, BUT NO PART THEREOF SHALL BE PAID UNTIL A
23 PRELIMINARY PLAN IS FILED. IF A PRELIMINARY PLAN IS FILED BUT
24 THE COMMISSION FAILS TO FILE A REVISED OR FINAL PLAN WITHIN THE
25 TIME PRESCRIBED, THE COMMISSION MEMBERS SHALL FORFEIT ALL RIGHT
26 TO COMPENSATION NOT PAID.

27 [(G)] (H) IF A PRELIMINARY, REVISED OR FINAL REAPPORTIONMENT
28 PLAN IS NOT FILED BY THE COMMISSION WITHIN THE TIME PRESCRIBED
29 BY THIS SECTION, UNLESS THE TIME BE EXTENDED BY THE SUPREME
30 COURT FOR CAUSE SHOWN, THE SUPREME COURT SHALL IMMEDIATELY

1 PROCEED ON ITS OWN MOTION TO REAPPORTION THE COMMONWEALTH.

2 [(H)] (I) ANY REAPPORTIONMENT PLAN FILED BY THE COMMISSION,
3 OR ORDERED OR PREPARED BY THE SUPREME COURT UPON THE FAILURE OF
4 THE COMMISSION TO ACT, SHALL BE PUBLISHED BY THE ELECTIONS
5 OFFICER ONCE IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN
6 EACH SENATORIAL AND REPRESENTATIVE DISTRICT. THE PUBLICATION
7 SHALL CONTAIN A MAP OF THE COMMONWEALTH SHOWING THE COMPLETE
8 REAPPORTIONMENT OF THE GENERAL ASSEMBLY BY DISTRICTS, AND A MAP
9 SHOWING THE REAPPORTIONMENT DISTRICTS IN THE AREA NORMALLY
10 SERVED BY THE NEWSPAPER IN WHICH THE PUBLICATION IS MADE. THE
11 PUBLICATION SHALL ALSO STATE THE POPULATION OF THE SENATORIAL
12 AND REPRESENTATIVE DISTRICTS HAVING THE SMALLEST AND LARGEST
13 POPULATION AND THE PERCENTAGE VARIATION OF SUCH DISTRICTS FROM
14 THE AVERAGE POPULATION FOR SENATORIAL AND REPRESENTATIVE
15 DISTRICTS.

16 ~~(2)~~ (3) That section 16(b) of Article V be amended to read: ←
17 § 16. Compensation and retirement of justices, judges and
18 justices of the peace.

19 * * *

20 (b) Justices, judges and justices of the peace shall be
21 retired [upon attaining] on the last day of the calendar year in
22 which they attain the age of 70 years. Former and retired
23 justices, judges and justices of the peace shall receive such
24 compensation as shall be provided by law. Except as provided by
25 law, no salary, retirement benefit or other compensation,
26 present or deferred, shall be paid to any justice, judge or
27 justice of the peace who, under section 18 or under Article VI,
28 is suspended, removed or barred from holding judicial office for
29 conviction of a felony or misconduct in office or conduct which
30 prejudices the proper administration of justice or brings the

1 judicial office into disrepute.

2 * * *

3 Section 2. (a) Upon the first passage by the General
4 Assembly of these THREE SEPARATE proposed constitutional ←
5 amendments, the Secretary of the Commonwealth shall proceed
6 immediately to comply with the advertising requirements of
7 section 1 of Article XI of the Constitution of Pennsylvania and
8 shall transmit the required advertisements to two newspapers in
9 every county in which such newspapers are published in
10 sufficient time after passage of these proposed constitutional
11 amendments.

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