
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 114 Session of
1997

INTRODUCED BY GODSHALL, HALUSKA, JAMES, ITKIN, BUNT, DEMPSEY,
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BELFANTI AND CLYMER, JANUARY 29, 1997

AMENDMENTS TO SENATE AMENDMENTS, HOUSE OF REPRESENTATIVES,
JUNE 8, 1998

A JOINT RESOLUTION

1 Proposing amendments to the Constitution of the Commonwealth of
2 Pennsylvania, further providing for the selection of the
3 chairman of the Legislative Reapportionment Commission;
4 providing for the effective date of newly reapportioned
5 districts and for the election of Senators in certain
6 circumstances; and further providing for retirement of
7 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 17(b), (c) and (e) of Article II be amended
13 to read:

14 § 17. Legislative Reapportionment Commission.

15 * * *

16 (b) The commission shall consist of five members: four of
17 whom shall be the majority and minority leaders of both the
18 Senate and the House of Representatives, or deputies appointed

1 by each of them, and a chairman selected as hereinafter
2 provided. No later than 60 days following the official reporting
3 of the Federal decennial census as required by Federal law, the
4 four members shall be certified by the President pro tempore of
5 the Senate and the Speaker of the House of Representatives to
6 the elections officer of the Commonwealth who under law shall
7 have supervision over elections.

8 The four members within 45 days after their certification
9 shall select, by an affirmative vote of three members, the fifth
10 member, who shall serve as chairman of the commission, and shall
11 immediately certify his name to such elections officer. The
12 chairman shall be a citizen of the Commonwealth other than a
13 local, State or Federal official holding an office to which
14 compensation is attached.

15 If the four members fail to select the fifth member within
16 the time prescribed, the Supreme Court, by action of a majority
17 of the entire membership of the Supreme Court plus one within 30
18 days thereafter shall appoint the chairman as aforesaid and
19 certify his appointment to such elections officer.

20 Any vacancy in the commission shall be filled within 15 days
21 in the same manner in which such position was originally filled.

22 (c) No later than 90 days after either the [commission]
23 chairman has been duly certified or the population data for the
24 Commonwealth as determined by the Federal decennial census are
25 available, whichever is later in time, the commission shall file
26 a preliminary reapportionment plan with such elections officer.

27 The commission shall have 30 days after filing the
28 preliminary plan to make corrections in the plan.

29 Any person aggrieved by the preliminary plan shall have the
30 same 30-day period to file exceptions with the commission in

1 which case the commission shall have 30 days after the date the
2 exceptions were filed to prepare and file with such elections
3 officer a revised reapportionment plan. If no exceptions are
4 filed within 30 days, or if filed and acted upon, the
5 commissions's plan shall be final and, unless an appeal is filed
6 under subsection (d), have the force of law for use thereafter
7 in elections to the General Assembly until the next
8 reapportionment as required under this section 17.

9 * * *

10 (e) When the Supreme Court has finally decided an appeal or
11 when the last day for filing an appeal has passed with no appeal
12 taken, the reapportionment plan shall have the force of law [and
13 the districts therein provided shall be used] for use thereafter
14 in elections to the General Assembly until the next
15 reapportionment as required under this section 17.

16 (2) That section 17(f), (g) and (h) of Article II be amended
17 and the section be amended by adding a subsection to read:
18 § Legislative Reapportionment Commission.

19 * * *

20 (f) Any district which does not include the residence from
21 which a member of the Senate was elected whether or not
22 scheduled for election at the next general election shall elect
23 a Senator at such election. Provided, however, That no district ←
24 which is not scheduled for election at the first general
25 election for the General Assembly occurring after the plan has
26 the force of law shall be altered so as to exclude the residence
27 from which the Senator representing the district was elected.

28 [(f)] (g) The General Assembly shall appropriate sufficient
29 funds for the compensation and expenses of members and staff
30 appointed by the commission, and other necessary expenses. The

1 members of the commission shall be entitled to such compensation
2 for their services as the General Assembly from time to time
3 shall determine, but no part thereof shall be paid until a
4 preliminary plan is filed. If a preliminary plan is filed but
5 the commission fails to file a revised or final plan within the
6 time prescribed, the commission members shall forfeit all right
7 to compensation not paid.

8 [(g)] (h) If a preliminary, revised or final reapportionment
9 plan is not filed by the commission within the time prescribed
10 by this section, unless the time be extended by the Supreme
11 Court for cause shown, the Supreme Court shall immediately
12 proceed on its own motion to reapportion the Commonwealth.

13 [(h)] (i) Any reapportionment plan filed by the commission,
14 or ordered or prepared by the Supreme Court upon the failure of
15 the commission to act, shall be published by the elections
16 officer once in at least one newspaper of general circulation in
17 each senatorial and representative district. The publication
18 shall contain a map of the Commonwealth showing the complete
19 reapportionment of the General Assembly by districts, and a map
20 showing the reapportionment districts in the area normally
21 served by the newspaper in which the publication is made. The
22 publication shall also state the population of the senatorial
23 and representative districts having the smallest and largest
24 population and the percentage variation of such districts from
25 the average population for senatorial and representative
26 districts.

27 (3) That section 16(b) of Article V be amended to read:
28 § 16. Compensation and retirement of justices, judges and
29 justices of the peace.

30 * * *

1 (b) Justices, judges and justices of the peace shall be
2 retired [upon attaining] on the last day of the calendar year in
3 which they attain the age of 70 years. Former and retired
4 justices, judges and justices of the peace shall receive such
5 compensation as shall be provided by law. Except as provided by
6 law, no salary, retirement benefit or other compensation,
7 present or deferred, shall be paid to any justice, judge or
8 justice of the peace who, under section 18 or under Article VI,
9 is suspended, removed or barred from holding judicial office for
10 conviction of a felony or misconduct in office or conduct which
11 prejudices the proper administration of justice or brings the
12 judicial office into disrepute.

13 * * *

14 Section 2. (a) Upon the first passage by the General
15 Assembly of these three separate proposed constitutional
16 amendments, the Secretary of the Commonwealth shall proceed
17 immediately to comply with the advertising requirements of
18 section 1 of Article XI of the Constitution of Pennsylvania and
19 shall transmit the required advertisements to two newspapers in
20 every county in which such newspapers are published in
21 sufficient time after passage of these proposed constitutional
22 amendments.

23 (b) Upon the second passage by the General Assembly of any
24 of these three proposed constitutional amendments, the Secretary
25 of the Commonwealth shall proceed immediately to comply with the
26 advertising requirements of section 1 of Article XI of the
27 Constitution of Pennsylvania and shall transmit the required
28 advertisements to two newspapers in every county in which such
29 newspapers are published in sufficient time after passage of
30 these proposed constitutional amendments. The Secretary of the

1 Commonwealth shall submit any of these three proposed
2 constitutional amendments to the qualified electors of this
3 Commonwealth at the first primary, general or municipal election
4 occurring at least three months after any of these three
5 proposed constitutional amendments are passed by the General
6 Assembly which meets the requirements of and is in conformance
7 with section 1 of Article XI of the Constitution of
8 Pennsylvania.