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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

**No. 231**      Session of  
1999

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INTRODUCED BY CONTI, TOMLINSON, EARLL, BELL, MELLOW, LEMMOND,  
WAUGH, THOMPSON, WHITE, WOZNIAK, CORMAN AND BRIGHTBILL,  
JANUARY 28, 1999

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SENATOR TILGHMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED,  
OCTOBER 3, 2000

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A JOINT RESOLUTION

1    ~~Proposing an amendment~~ AMENDMENTS to the Constitution of the      <—  
2    Commonwealth of Pennsylvania, PROVIDING FOR THE ELECTION OF      <—  
3    SENATORS IN CERTAIN CIRCUMSTANCES; AND further providing for  
4    retirement of justices, judges and justices of the peace.

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

7    ~~Section 1. The following amendment to the Constitution of~~      <—  
8    ~~Pennsylvania is proposed in accordance with Article XI:~~

9    ~~That section 16(b) of Article V be amended to read:~~

10    SECTION 1. THE FOLLOWING DISTINCT AMENDMENTS TO THE      <—  
11    CONSTITUTION OF PENNSYLVANIA ARE PROPOSED IN ACCORDANCE WITH  
12    ARTICLE XI:

13    (1) THAT SECTION 17(F), (G) AND (H) OF ARTICLE II BE AMENDED  
14    AND THE SECTION BE AMENDED BY ADDING A SUBSECTION TO READ:

15    § 17. LEGISLATIVE REAPPORTIONMENT COMMISSION.

16    \* \* \*

17    (F) ANY DISTRICT WHICH DOES NOT INCLUDE THE RESIDENCE FROM

1 WHICH A MEMBER OF THE SENATE WAS ELECTED WHETHER OR NOT  
2 SCHEDULED FOR ELECTION AT THE NEXT GENERAL ELECTION SHALL ELECT  
3 A SENATOR AT SUCH ELECTION.

4 [(F)](G) THE GENERAL ASSEMBLY SHALL APPROPRIATE SUFFICIENT  
5 FUNDS FOR THE COMPENSATION AND EXPENSES OF MEMBERS AND STAFF  
6 APPOINTED BY THE COMMISSION, AND OTHER NECESSARY EXPENSES. THE  
7 MEMBERS OF THE COMMISSION SHALL BE ENTITLED TO SUCH COMPENSATION  
8 FOR THEIR SERVICES AS THE GENERAL ASSEMBLY FROM TIME TO TIME  
9 SHALL DETERMINE, BUT NO PART THEREOF SHALL BE PAID UNTIL A  
10 PRELIMINARY PLAN IS FILED. IF A PRELIMINARY PLAN IS FILED BUT  
11 THE COMMISSION FAILS TO FILE A REVISED OF FINAL PLAN WITHIN THE  
12 TIME PRESCRIBED, THE COMMISSION MEMBERS SHALL FORFEIT ALL RIGHT  
13 TO COMPENSATION NOT PAID.

14 [(G)](H) IF A PRELIMINARY, REVISED OR FINAL REAPPORTIONMENT  
15 PLAN IS NOT FILE BY THE COMMISSION WITHIN THE TIME PRESCRIBED BY  
16 THIS SECTION, UNLESS THE TIME BE EXTENDED BY THE SUPREME COURT  
17 FOR CAUSE SHOWN, THE SUPREME COURT SHALL IMMEDIATELY PROCEED ON  
18 ITS OWN MOTION TO REAPPORTION THE COMMONWEALTH.

19 [(H)](I) ANY REAPPORTIONMENT PLAN FILED BY THE COMMISSION,  
20 OR ORDERED OR PREPARED BY THE SUPREME COURT UPON THE FAILURE OF  
21 THE COMMISSION TO ACT, SHALL BE PUBLISHED BY THE ELECTIONS  
22 OFFICER ONCE IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN  
23 EACH SENATORIAL AND REPRESENTATIVE DISTRICT. THE PUBLICATION  
24 SHALL CONTAIN A MAP OF THE COMMONWEALTH SHOWING THE COMPLETE  
25 REAPPORTIONMENT OF THE GENERAL ASSEMBLY BY DISTRICTS, AND A MAP  
26 SHOWING THE REAPPORTIONMENT DISTRICTS IN THE AREA NORMALLY  
27 SERVED BY THE NEWSPAPER IN WHICH THE PUBLICATION IS MADE. THE  
28 PUBLICATION SHALL ALSO STATE THE POPULATION OF THE SENSATIONAL  
29 AND REPRESENTATIVE DISTRICTS HAVING THE SMALLEST AND LARGEST  
30 POPULATION AND THE PERCENTAGE VARIATION OF SUCH DISTRICTS FROM

1 THE AVERAGE POPULATION FOR SENATORIAL AND REPRESENTATIVE  
2 DISTRICTS.

3 (2) THAT SECTION 16(B) OF ARTICLE V BE AMENDED TO READ:

4 § 16. Compensation and retirement of justices, judges and  
5 justices of the peace.

6 \* \* \*

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

19 \* \* \*

20 Section 2. Upon the second passage by the General Assembly  
21 of ~~this~~ THESE TWO proposed constitutional ~~amendment~~ AMENDMENTS, <—  
22 the Secretary of the Commonwealth shall proceed immediately to  
23 comply with the advertising requirements of section 1 of Article  
24 XI of the Constitution of Pennsylvania and shall transmit the  
25 required advertisements to two newspapers in every county in  
26 which such newspapers are published in sufficient time after  
27 passage of ~~this~~ THESE proposed constitutional ~~amendment~~ <—  
28 AMENDMENTS. The Secretary of the Commonwealth shall submit ~~this~~ <—  
29 BOTH proposed constitutional ~~amendment~~ AMENDMENTS to the <—  
30 qualified electors of this Commonwealth AS SEPARATE BALLOT <—

1 QUESTIONS at the first primary, general or municipal election  
2 occurring at least three months after the proposed  
3 constitutional ~~amendment is~~ AMENDMENTS ARE passed by the General ←  
4 Assembly which meets the requirements of and is in conformance  
5 with section 1 of Article XI of the Constitution of  
6 Pennsylvania.