

CONSTITUTIONAL PROPOSALS
ADOPTED BY
THE CONVENTION



THE *Pennsylvania*
CONSTITUTIONAL CONVENTION 1967-68

OFFICERS
OF THE
PENNSYLVANIA CONSTITUTIONAL CONVENTION

RAYMOND J. BRODERICK President

ROBERT P. CASEY First Vice President

FRANK A. ORBAN, JR. Second Vice President

JAMES A. MICHENER Secretary

COMMONWEALTH OF PENNSYLVANIA



Proposals For Revision

of

THE CONSTITUTION OF PENNSYLVANIA

Adopted By

The Constitutional Convention of 1967-68

and

To Be Submitted To The People

For

Approval or Rejection on April 23, 1968

CONTENTS

	Page
Address to the People	3
Ballot Questions	7
Summary and Explanation	
Legislative Apportionment	8
State Finance	11
Taxation	16
Local Government	19
Judicial Administration, Organization,	
Selection, and Tenure	26
Standing Committees	51
Staff	55
Roster of Delegates	56
Appendix	60

ADDRESS TO THE PEOPLE OF PENNSYLVANIA

This address presents the proposals for constitutional revision adopted by the limited Constitutional Convention which will be submitted to the voters of Pennsylvania for ratification on April 23, 1968.

The proposals amend, replace or supplement Articles and Sections of the present Constitution, as amended, in four subject areas. As set forth in Act No. 2 which was ratified by the people to call the convention, these four subject areas are: (1) Legislative Apportionment; (2) Taxation and State Finance; (3) Local Government, and (4) Judicial Administration, Organization, Selection and Tenure.

The Convention directed that this address be prepared and distributed so that the citizens of the Commonwealth would have full opportunity to study and evaluate the proposals before voting on them.

The important decision facing the voters is whether to complete the task of modernizing Pennsylvania's basic law by ratifying these proposals—or to leave the task only partially completed by rejecting them.

Our present Constitution was drafted in 1872 and 1873 against a background of corruption and special-interest legislation. Before the turn of the century, a number of its provisions were outmoded and it was beginning to hamper the government's ability to meet the needs of the people under changing social and economic conditions. Since 1890, the demand for revision steadily increased but six times over this same period the voters rejected calls for open Constitutional Conventions.

Early in this decade, it was decided to accomplish modernization of the Constitution by the gradual process of amendment. Twelve amendments were drafted to effect the needed updating of the basic law. In the period from 1964 to 1967, the Legislature twice adopted nine of these amendments.

Two of these nine were ratified by the people in 1966, and the other seven were approved in the May, 1967, Primary Election. These nine amendments made sweeping changes in many Articles and Sections of the Constitution. In fact, they did the entire job of modernizing except for the four subject areas assigned to the limited Constitutional Convention when its call was approved by the voters in May of 1967.

Act No. 2 directed the election of 150 delegates to the Convention and designated 13 ex-officio delegates, making a total of 163. Three delegates were elected from each of the fifty Senatorial Districts of the State in the Municipal Election of November 7, 1967. The 13 ex-officio delegates included the Lieutenant Governor and the Majority and Minority leadership of the Senate and House of Representatives.

Two alternative methods of nominating delegates were provided in the Act. The first, and most generally used, was nomination by political party. County Committees of each party were empowered to nominate

two candidates in each Senatorial District. The second method permitted individuals to get on the ballot by filing petitions signed by at least 500 electors residing in their Senatorial Districts.

In the November Election, each elector was entitled to vote for two candidates for delegate from his Senatorial District. The three candidates receiving the highest number of votes were certified as delegates to the Convention. This method made possible minority party representation in each district.

Act No. 2 not only limited the subject areas the Convention could consider, but also laid down other restrictions.

First, it set a three-month life for the Convention, beginning December 1, 1967, and adjourning sine die February 29, 1968.

Second, it specifically prohibited the Convention from making any recommendation that clearly permits or prohibits the imposition of a graduated income tax.

Third, it prohibited the Convention from changing in any manner that portion of the Constitution which specifies that all taxes shall be uniform, upon the same class of subjects, within the territorial limits of the authority levying the tax.

Fourth, it prohibited the Convention from altering the restriction that the Motor License Fund should be used solely for public highways, bridges and air navigation facilities.

The Convention faithfully observed the limitations thus placed upon it.

In addition, Act No. 2 specified that in presenting Convention recommendations to the electorate in April of 1968, proposed changes should be submitted separately with no less than one question for each article, and a separate question for the amendment on legislative apportionment.

A Preparatory Committee headed by Lieutenant Governor Raymond J. Broderick and the officers of both Houses of the General Assembly held preconvention public hearings on the subjects to be considered by the Convention and prepared, with the assistance of qualified authorities in the fields denoted, nine reference manuals that were used extensively by the delegates in their study and deliberations.

Official convening of the Pennsylvania Constitutional Convention of 1967-1968 occurred in the Hall of the House of Representatives of the Capitol in Harrisburg, December 1, 1967. The delegates were certified by the Secretary of the Commonwealth and the oath of office was administered by the Chief Justice of the Supreme Court of Pennsylvania.

The Convention organized by the election of the following officers: Lieutenant Governor Raymond J. Broderick, President; Former State Senator Robert P. Casey, First Vice President; Frank A. Orban, Jr., Second Vice President; and James A. Michener, Secretary.

After two working days, the Convention adopted its rules and within a week eight major committees and sixteen sub-committees were appointed. The major committees were: Legislative Apportionment;

Judiciary; Local Government; Taxation and State Finance; Style and Drafting; Rules; Administration and Finance, and Arrangement, Submission and Address to the People. These committees met daily following the plenary sessions of the Convention.

To assist the delegates in their work, a staff under the direction of John W. Ingram, made up of administrators, legal counsel, researchers, technical experts, secretaries, clerks and pages was appointed by the Convention.

During December, after the Convention had organized, delegate proposals were received and public hearings held. Delegates submitted 209 proposals which were referred to the appropriate committees and sub-committees where they were carefully studied, analyzed and discussed. Many features of these delegate proposals were contained in the final committee proposals which were subsequently offered to the Convention. Public hearings were held by each of the substantive committees to augment the information gained from the pre-convention hearings conducted by the Preparatory Committee.

During the first half of January, sub-committees completed their deliberations and prepared their reports and recommendations to the full standing committees. The last half of the month was devoted to exhaustive debate and amendment of the proposals by the full committees, leading to the eventual adoption of the formal committee proposals for presentation to the Convention.

Seven such committee proposals were given to the Convention on or before February 2, 1968. They were: Proposals Nos. 1 and 2, Legislative Apportionment; Proposals Nos. 3, 4 and 5, Taxation and State Finance; Proposal No. 6, Local Government, and Proposal No. 7, The Judiciary.

Each of these proposals was in turn debated and amended by the full Convention. After first and second consideration each proposal was sent to the Style and Drafting Committee for careful screening, to be checked for substantive matters omitted and to be sure the ideas were expressed in clear, concise language, and arranged in logical sequence. After being returned to the Convention by this Committee, the proposal was placed on third consideration and was finally adopted by the Convention.

The seven proposals adopted by the Convention are presented in full text with a summary and explanation in the second section of this address document, beginning on Page 7. The Articles and Sections of the present Constitution they are designed to replace are to be found in the Appendix, beginning on Page 41.

The adopted proposals, together with the questions framed by the Convention for submission to the electors, will be certified by the President and Secretary of the Convention to the Secretary of the Commonwealth by March 7, 1968 in order that proper arrangements can be made for the 1968 Primary Election.

The adopted proposals now to be offered to the voters of Pennsylvania are the end product of thousands of hours of research, study and debate by 163 delegates who came to the Convention from every part of the State, with broad diversity of backgrounds and possessing personal or regional viewpoints, but with the over-riding determination to write provisions that would be in the best interest of the Commonwealth and its people.

Delegates to the Convention do not contend that they have drafted ideal or perfect proposals, for that would have been impossible to accomplish. Rather, they take the more practical view that these new provisions are sound and will be acceptable to the great majority of Pennsylvanians. Further, they firmly believe these proposals will not only complete the task of modernizing the Constitution but also give Pennsylvania a basic law that is flexible and forward-looking—well suited to the challenges of the years ahead.

The decision is now in the hands of the people. In this regard the powers of the people are eloquently set forth in Article 1, Section 2, of our Constitution which reads:

“All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness. For the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform or abolish their government in such manner as they may think proper.”

Shall modernization of our Constitution be completed or left only partially completed? This is the basic question the people will be called upon to answer in voting on these proposals April 23.

BALLOT QUESTIONS

The questions which will appear on the ballot in the Primary Election April 23, 1968 will be as follows:

I

Shall Proposals 1 and 2 on LEGISLATIVE APPORTIONMENT , adopted by the Constitutional Convention, providing for 50 Senators and 203 Representatives, and for a Commission to reapportion the Legislature after each decennial census, be approved?	YES
	NO

II

Shall Proposals 3 and 4 on STATE FINANCE , adopted by the Constitutional Convention, providing for a limit on borrowing based on tax revenues, budgeting, financial planning, auditing and related matters, be approved?	YES
	NO

III

Shall Proposal 5 on TAXATION , adopted by the Constitutional Convention, permitting certain tax exemptions, providing for reimbursement of local taxing authorities under certain conditions and related matters, be approved?	YES
	NO

IV

Shall Proposal 6 on LOCAL GOVERNMENT , adopted by the Constitutional Convention, providing for home rule for all units of local government, optional forms of government, uniform procedures for merger, consolidation and boundary change, intergovernmental cooperation and area governments, local finance and debt limits, apportionment, and related matters, be approved?	YES
	NO

V

Shall Proposal 7 on the JUDICIARY , adopted by the Constitutional Convention, establishing a unified judicial system, providing directly, or through Supreme Court rules, for the qualifications, selection, tenure, removal, discipline and retirement of, and prohibiting certain activities by justices, judges, and justices of the peace, and related matters, be approved?	YES
	NO

PRESENTATION of PROPOSALS

and

SUMMARY and EXPLANATION

LEGISLATIVE APPORTIONMENT

BALLOT QUESTION I

Shall Proposals 1 and 2 on LEGISLATIVE APPORTIONMENT, adopted by the Constitutional Convention, providing for 50 Senators and 203 Representatives, and for a Commission to reapportion the Legislature after each decennial census, be approved?	YES	
	NO	

PROPOSAL NO. 1

SUMMARY and EXPLANATION

A PROPOSAL

Amending the Constitution of Pennsylvania providing for apportionment of legislative districts.

THE CONSTITUTIONAL CONVENTION OF PENNSYLVANIA HEREBY PROPOSES AS FOLLOWS:

Section 1. Sections sixteen and seventeen of article two of the Constitution of Pennsylvania are amended to read:

Section 16. Legislative Districts.—The Commonwealth shall be divided into fifty senatorial and two hundred three representative districts, which shall be composed of compact and contiguous territory as nearly equal in population as practicable. Each senatorial district shall elect one Senator, and each representative district one Representative. Unless absolutely necessary no county, city, incorporated town, borough, township or ward shall be divided in forming either a senatorial or representative district.

SCHEDULE

The foregoing amendment to article two of the Constitution of Pennsylvania if approved by the electorate voting on April 23, 1968, shall become effective the year following that in which the next Federal decennial census is officially reported as required by Federal law.

The composition of the General Assembly remains the same.

The Commonwealth will be divided into fifty (50) Senatorial Districts and two hundred three (203) Representative Districts. Each Senatorial District will elect one Senator, and each Representative District will elect one Representative.

No county, city, town, borough, township or ward shall be divided in forming such districts unless absolutely necessary.

PROPOSAL NO. 2

A PROPOSAL

Amending the Constitution of Penn-

(Proposal No. 2—Cont.)

sylvania providing for apportionment of legislative districts.

THE CONSTITUTIONAL CONVENTION OF PENNSYLVANIA HEREBY PROPOSES AS FOLLOWS:

Section 1. Section eighteen of article two of the Constitution of Pennsylvania is amended to read:

Section 17. Legislative Reapportionment Commission.—(a) In each year following that in which the Federal decennial census is officially reported as required by Federal law, a Legislative Reapportionment Commission shall be constituted for the purpose of reapportioning the Commonwealth. The commission shall act by a majority of its entire membership.

(b) The commission shall consist of five members: four of whom shall be the majority and minority leaders of both the Senate and the House of Representatives, or deputies appointed by each of them, and a chairman selected as hereinafter provided. No later than the fourth Monday in January of the year following the year in which the Federal decennial census is officially reported as required by Federal law, the four members shall be certified by the President Pro Tempore of the Senate and the Speaker of the House of Representatives to the elections officer of the Commonwealth who under law shall have supervision over elections.

The four members within forty-five days after their certification shall select the fifth member, who shall serve as chairman of the commission, and shall immediately certify his name to such elections officer. The chairman shall be a citizen of the Commonwealth other than a local, State or Federal official holding an office to which compensation is attached.

If the four members fail to select the fifth member within the time prescribed, a majority of the entire membership of the Supreme Court within thirty days thereafter shall appoint the chairman as aforesaid and certify his appointment to such elections officer.

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

(c) No later than ninety days after either the commission has been duly

The duty of reapportioning the General Assembly is delegated to a five-member Legislative Reapportionment Commission to be constituted following each Federal decennial census.

The Commission will consist of the Majority and Minority Leaders of the Senate and the House of Representatives and a fifth member selected by them. The fifth member shall be the Chairman of the Commission. The Chairman may not hold any public office to which compensation is attached.

certified or the population data for the Commonwealth as determined by the Federal decennial census are available, whichever is later in time, the commission shall file a preliminary reapportionment plan with such elections officer. The commission shall have thirty days after filing the preliminary plan to make corrections in the plan.

Any person aggrieved by the preliminary plan shall have the same thirty-day period to file exceptions with the commission in which case the commission shall have thirty days after the date the exceptions were filed to prepare and file with such elections officer a revised reapportionment plan. If no exceptions are filed within thirty days, or if filed and acted upon, the commission's plan shall be final and have the force of law.

(d) Any aggrieved person may file an appeal from the final plan directly to the Supreme Court with thirty days after the filing thereof. If the appellant establishes that the final plan is contrary to law, the Supreme Court shall issue an order remanding the plan to the commission and directing the commission to reapportion the Commonwealth in a manner not inconsistent with such order.

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

(f) The General Assembly shall appropriate sufficient funds for the compensation and expenses of members and staff appointed by the commission, and other necessary expenses. The members of the commission shall be entitled to such compensation for their services as the General Assembly from time to time shall determine, but no part thereof shall be paid until a preliminary plan is filed. If a preliminary plan is filed but the commission fails to file a revised or final plan within the time prescribed, the commission members shall forfeit all right to compensation not paid.

(g) If a preliminary, revised or final reapportionment plan is not filed

(Proposal No. 2—Cont.)

by the commission within the time prescribed by this section, unless the time be extended by the Supreme Court for cause shown, the Supreme Court shall immediately proceed on its own motion to reapportion the Commonwealth.

(h) Any reapportionment plan filed by the commission, or ordered or prepared by the Supreme Court upon the failure of the commission to act, shall be published by the elections officer once in at least one newspaper of general circulation in each senatorial and representative district. The publication shall contain a map of the Commonwealth showing the complete reapportionment of the General Assembly by districts, and a map showing the reapportioned districts in the area normally served by the newspaper in which the publication is made. The publication shall also state the population of the senatorial and representative districts having the smallest and largest population and the percentage variation of such districts from the average population for senatorial and representative districts.

SCHEDULE

The foregoing amendment to article two of the Constitution of Pennsylvania if approved by the electorate voting on April 23, 1968, shall become effective the year following that in which the next Federal decennial census is officially reported as required by Federal law.

STATE TAXATION

AND

FINANCE

BALLOT QUESTION II

Shall Proposals 3 and 4 on STATE FINANCE, adopted by the Constitutional Convention, providing for a limit on borrowing based on tax revenues, budgeting, financial planning, auditing and related matters, be approved?	YES	—
	NO	

PROPOSAL NO. 3

SUMMARY and EXPLANATION

A PROPOSAL

Amending the Constitution of Pennsylvania further providing for Commonwealth indebtedness.

THE CONSTITUTIONAL CONVENTION OF PENNSYLVANIA HEREBY PROPOSES AS FOLLOWS:

Section 1. Article eight of the Constitution of Pennsylvania is amended by adding after section six two new sections to read:

Section 7. Commonwealth Indebtedness.—(a) No debt shall be incurred by or on behalf of the Commonwealth except by law and in accordance with the provisions of this section.

(1) Debt may be incurred without limit to suppress insurrection, rehabilitate areas affected by man-made or natural disaster, or to implement unissued authority approved by the electors prior to the adoption of this article.

(2) The Governor, State Treasurer and Auditor General, acting jointly, may (i) issue tax anticipation notes having a maturity within the fiscal year of issue and payable exclusively from revenues received in the same fiscal year, and (ii) incur debt for the purpose of refunding other debt, if such refunding debt matures within the term of the original debt.

(3) Debt may be incurred without limit for purposes specifically itemized in the law authorizing such debt, if the question whether the debt shall be incurred has been submitted to the electors and approved by a majority of those voting on the question.

(4) Debt may be incurred without the approval of the electors for capital projects specifically itemized in a capital budget, if such debt will not cause the amount of all net debt outstanding to exceed one and three-quarters times the average of the annual tax revenues deposited in the previous five fiscal years as certified by the Auditor General. For the purposes of this subsection, debt outstanding shall not include debt incurred under clauses (1) and (2) (i), or debt incurred under clause (2) (ii) if the original debt would not be so considered, or debt incurred under subsection (3) unless the General Assembly shall so provide in the law authorizing such debt.

Proposal 3 is intended to establish a realistic limit on the borrowing authority of the Legislature. The limit is set at 1.75 times the average yearly tax collections over a five-year period. This eliminates the necessity of resorting to the device of creating authorities to finance capital expenditures. Authority and other debt which is self-liquidating and debt approved by the voters in a referendum are excluded from the debt limit, as

(b) All debt incurred for capital projects shall mature within a period not to exceed the estimated useful life of the projects as stated in the authorizing law, and when so stated shall be conclusive. All debt, except indebtedness permitted by clause (2) (j), shall be amortized in substantial and regular amounts, the first of which shall be due prior to the expiration of a period equal to one-tenth the term of the debt.

(c) As used in this section, debt shall mean the issued and outstanding obligations of the Commonwealth and shall include obligations of its agencies or authorities to the extent they are to be repaid from lease rentals or other charges payable directly or indirectly from revenues of the Commonwealth. Debts shall not include either (1) that portion of obligations to be repaid from charges made to the public for the use of the capital projects financed, as determined by the Auditor General, or (2) obligations to be repaid from lease rentals or other charges payable by a school district or other local taxing authority, or (3) obligations to be repaid by agencies or authorities created for the joint benefit of the Commonwealth and one or more other State governments.

(d) If sufficient funds are not appropriated for the timely payment of the interest upon and installments of principal of all debt, the State Treasurer shall set apart from the first revenues thereafter received applicable to the appropriate fund a sum sufficient to pay such interest and installments of principal, and shall so apply the money so set apart. The State Treasurer may be required to set aside and apply such revenues at the suit of any holder of Commonwealth obligations.

Section 2. Section nine of the article is amended to read:

Section 8. Commonwealth Credit Not to be Pledged.—The credit of the Commonwealth shall not be pledged or loaned to any individual, company, corporation or association nor shall the Commonwealth become a joint owner or stockholder in any company, corporation or association.

Section 9. Municipal Debt Not to be Assumed by Commonwealth.—The Commonwealth shall not assume the

is debt incurred to suppress insurrection or rehabilitation areas affected by disaster.

Payment of principal and interest of all debt of the Commonwealth is guaranteed by a requirement that revenues be set apart for the purpose.

Any debt incurred for capital improvements must be amortized over a period of time which does not exceed the useful life of the improvement.

(Proposal No. 3—Cont.)

debt, or any part thereof, of any county, city, borough, incorporated town, township or any similar general purpose unit of government unless such debt shall have been incurred to enable the Commonwealth to suppress insurrection or to assist the Commonwealth in the discharge of any portion of its present indebtedness.

SCHEDULE

The existing sections four, five, eleven, twelve, thirteen, sixteen, sixteen, seventeen, twenty-one, twenty-two and twenty-three of article eight of the Constitution of Pennsylvania are hereby repealed.

Effective when the last bonds have been issued under their authority, sections twenty-four and twenty-five of article eight of the Constitution of Pennsylvania are hereby repealed.

PROPOSAL NO. 4

A PROPOSAL

Amending the Constitution of Pennsylvania specifying audit control of public moneys and establishing and regulating a balanced State budget for the next fiscal year and financial plans for the succeeding five years.

THE CONSTITUTIONAL CONVENTION OF PENNSYLVANIA HEREBY PROPOSES AS FOLLOWS:

Section 1. Article eight of the Constitution of Pennsylvania is amended by adding after section nine a new section to read:

Section 10. Audit.—The financial affairs of any entity funded or financially aided by the Commonwealth, and all departments, boards, commissions, agencies, instrumentalities, authorities and institutions of the Commonwealth, shall be subject to audits made in accordance with generally accepted auditing standards.

Any Commonwealth officer whose approval is necessary for any transaction relative to the financial affairs of the Commonwealth shall not be charged with the function of auditing that transaction after its occurrence.

Section 2. Article eight of the Constitution of Pennsylvania is amended by adding after section eleven three new sections to read:

**SUMMARY and
EXPLANATION**

(Proposal No. 4—Cont.)

Section 12. Governor's Budgets and Financial Plan.—Annually, at the times set by law, the Governor shall submit to the General Assembly:

(a) A balanced operating budget for the ensuing fiscal year setting forth in detail (i) proposed expenditures classified by department or agency and by program and (ii) estimated revenues from all sources. If estimated revenues and available surplus are less than proposed expenditures, the Governor shall recommend specific additional sources of revenue sufficient to pay the deficiency and the estimated revenue to be derived from each source;

(b) A capital budget for the ensuing fiscal year setting forth in detail proposed expenditures to be financed from the proceeds of obligations of the Commonwealth or of its agencies or authorities or from operating funds; and

(c) A financial plan for not less than the next succeeding five fiscal years, which plan shall include for each such fiscal year:

(i) Projected operating expenditures classified by department or agency and by program, in reasonable detail, and estimated revenues, by major categories, from existing and additional sources, and

(ii) Projected expenditures for capital projects specifically itemized by purpose, and the proposed sources of financing each.

Section 13. Appropriations.—(a) Operating budget appropriations made by the General Assembly shall not exceed the actual and estimated revenues and surplus available in the same fiscal year.

(b) The General Assembly shall adopt a capital budget for the ensuing fiscal year.

Section 14. Surplus.—All surplus of operating funds at the end of the fiscal year shall be appropriated during the ensuing fiscal year by the General Assembly.

SCHEDULE

The following schedule is adopted: Sections ten, twelve, thirteen and fourteen of article eight shall take effect as soon as possible, but no later than July 1, 1970.

Under Proposal 4, the General Assembly must limit appropriations in a fiscal year to the revenues that are available for each fiscal year and must approve a capital budget for the next fiscal year.

The Governor must prepare annually a financial plan for at least a five-year period to disclose proposed programs, costs and revenues.

The Sinking Fund requirement is eliminated and the General Assembly is required to use any surplus at the end of the fiscal year in balancing the budget for the following year.

The financial affairs of the Commonwealth are subjected to audits made in accordance with generally accepted auditing standards. The functions of pre-audit and post-audit may not be performed by the same officer or department.

BALLOT QUESTION III

Shall Proposal 5 on TAXATION, adopted by the Constitutional Convention, permitting certain tax exemptions, providing for reimbursement of local taxing authorities under certain conditions and related matters, be approved?	YES	
	NO	

PROPOSAL NO. 5

A PROPOSAL

Amending the Constitution of Pennsylvania further regulating exemptions from taxation and providing for the taxation of real property of public utilities.

THE CONSTITUTIONAL CONVENTION OF PENNSYLVANIA HEREBY PROPOSES AS FOLLOWS:

Section 1. Section one of article eight of the Constitution of Pennsylvania is amended and a new section is added after said section, to read:

Section 1. Uniformity of Taxation.—All taxes shall be uniform, upon the same class of subjects, within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws.

Section 2. Exemptions and Special Provisions.—(a) The General Assembly may by law exempt from taxation:

(i) Actual places of regularly stated religious worship;

(ii) Actual places of burial, when used or held by a person or organization deriving no private or corporate profit therefrom and no substantial part of whose activity consists of selling personal property in connection therewith;

(iii) That portion of public property which is actually and regularly used for public purposes;

(iv) That portion of the property owned and occupied by any branch, post or camp of honorably discharged servicemen or servicewomen which is actually and regularly used for benevolent, charitable or patriotic purposes; and

(v) Institutions of purely public charity, but in the case of any real property tax exemptions only that portion of real property of such institution which is actually and regularly used for the purposes of the institution.

SUMMARY AND EXPLANATION

The provisions of the Constitution relating to exemption of certain classes of property from State and local taxation, including property of public utilities, are further defined by Proposal 5. In lieu of local taxation, a portion of the gross receipts tax imposed by the State upon public utilities will be allocated to local governments on a fair and equitable basis.

The requirement that all taxes shall be uniform upon the same classes of subjects and shall be levied and collected under general laws is retained. Also retained is the provision that gasoline taxes be earmarked for the motor license fund.

The General Assembly may permit special tax exemptions for needy citizens which local taxing authorities may grant if they so desire. The General Assembly may mandate such exemptions from real estate taxes only if they provide for local governments to be reimbursed for any losses suffered as a result

(b) The General Assembly may, by law:

(i) Establish standards and qualifications for private forest reserves, and make special provision for the taxation thereof;

(ii) Establish as a class or classes of subjects of taxation the property or privileges of persons who, because of age, disability, infirmity or poverty are determined to be in need of tax exemption or of special tax provisions, and for any such class or classes, uniform standards and qualifications. The Commonwealth, or any other taxing authority, may adopt or employ such class or classes and standards and qualifications, and except as herein provided may impose taxes, grant exemptions, or make special tax provisions in accordance therewith. No exemption or special provision shall be made under this clause with respect to taxes upon the sale or use of personal property, and no exemption from any tax upon real property shall be granted by the General Assembly under this clause unless the General Assembly shall provide for the reimbursement of local taxing authorities by or through the Commonwealth for revenue losses occasioned by such exemption;

(iii) Establish standards and qualifications by which local taxing authorities may make uniform special tax provisions applicable to a taxpayer for a limited period of time to encourage improvement of deteriorating property or areas by an individual, association or corporation, or to encourage industrial development by a non-profit corporation; and

(iv) Make special tax provisions on any increase in value of real estate resulting from residential construction. Such special tax provisions shall be applicable for a period not to exceed two years.

(c) Citizens and residents of this Commonwealth, who served in any war or armed conflict in which the United States was engaged and were honorably discharged or released under honorable circumstances from active service, shall be exempt from the payment of all real property taxes upon the residence occupied by the said citizens and residents of this Commonwealth imposed by the Commonwealth of Pennsylvania or any of

of any such additional exemptions.

The General Assembly may also provide for exemptions or special taxing provisions to be applicable for a limited period of time, generally at the option of local taxing authorities, to encourage rehabilitation of deteriorating areas, and promoting industrial and housing development.

Existing Sections 1b, 2, 3, 18, 24, and 25 of Article VIII are retained verbatim, except they are renumbered as Sections 3, 5, 6, 11, 15, and 16 respectively. (See Appendix pages 43-50.)

its political subdivisions if, as a result of military service, they are blind, paraplegic or double or quadruple amputees, and if the State Veterans' Commission determines that such persons are in need of the tax exemptions granted herein.

Section 2. Sections one B, two, eighteen, twenty-four and twenty-five of article eight of the Constitution of Pennsylvania are renumbered three, five, eleven, fifteen and sixteen respectively, and section three of article eight of the Constitution of Pennsylvania is amended to read:

Section 6. Taxation of Corporations.—The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the Commonwealth shall be a party.

Section 3. Article eight of the Constitution of Pennsylvania is amended by adding after section three, a new section, to read:

Section 4. Public Utilities.—The real property of public utilities is subject to real estate taxes imposed by local taxing authorities. Payment to the Commonwealth of gross receipts taxes or other special taxes in replacement of gross receipts taxes by a public utility and the distribution by the Commonwealth to the local taxing authorities of the amount as herein provided shall, however, be in lieu of local taxes upon its real property which is used or useful in furnishing its public utility service. The amount raised annually by such gross receipts or other special taxes shall not be less than the gross amount of real estate taxes which the local taxing authorities could have imposed upon such real property but for the exemption herein provided. This gross amount shall be determined in the manner provided by law. An amount equivalent to such real estate taxes shall be distributed annually among all local taxing authorities in the proportion which the total tax receipts of each local taxing authority bear to the total tax receipts of all local taxing authorities, or in such other equitable proportions as may be provided by law.

Notwithstanding the provisions of this section, any law which presently subjects real property of public utili-

(Proposal No. 5—Cont.)

ties to local real estate taxation by local taxing authorities shall remain in full force and effect.

SCHEDULE

Sections one and two shall take effect as soon as possible, but no later than July 1, 1970. Section four shall take effect July 1, 1970, unless the General Assembly earlier provides enabling legislation in accordance therewith.

LOCAL GOVERNMENT

BALLOT QUESTION IV

Shall Proposal 6 on LOCAL GOVERNMENT, adopted by the Constitutional Convention, providing for home rule for all units of local government, optional forms of government, uniform procedures for merger, consolidation and boundary change, intergovernmental cooperation and area governments, local finance and debt limits, apportionment and related matters, be approved?	YES	
	NO	

PROPOSAL NO. 6

A PROPOSAL

Amending the Constitution of Pennsylvania providing for local government in Pennsylvania.

THE CONSTITUTIONAL CONVENTION OF PENNSYLVANIA HEREBY PROPOSES AS FOLLOWS:

Section 1. The Constitution of Pennsylvania is amended by adding a new article to read:

**ARTICLE IX
LOCAL GOVERNMENT**

Section 1. Local Government.—The General Assembly shall provide by general law for local government within the Commonwealth. Such general law shall be uniform as to all classes of local government regarding procedural matters.

Section 2. Home Rule.—Municipalities shall have the right and power to frame and adopt home rule charters. Adoption, amendment or repeal of a home rule charter shall be by referendum. The General Assembly shall provide the procedure by which a home rule charter may be framed and its adoption, amendment

**SUMMARY AND
EXPLANATION**

All units of local government are given the right to adopt a home rule charter under guidelines to be determined by the General Assembly.

Should the General Assembly fail to act within four years, any unit of local government may adopt a home rule charter by majority vote of the electorate in a referendum, and upon adoption of such a charter, will be

or repeal presented to the electors. If the General Assembly does not so provide, a home rule charter or a procedure for framing and presenting a home rule charter may be presented to the electors by initiative or by the governing body of the municipality. A municipality which has a home rule charter may exercise any power or perform any function not denied by this Constitution, by its home rule charter or by the General Assembly at any time.

Section 3. Optional Plans.—Municipalities shall have the right and power to adopt optional forms of government as provided by law. The General Assembly shall provide optional forms of government for all municipalities. An optional form of government shall be presented to the electors by initiative, by the governing body of the municipality, or by the General Assembly. Adoption or repeal of an optional form of government shall be by referendum.

Section 4. County Government.—County officers shall consist of commissioners, controllers or auditors, district attorneys, public defenders, treasurers, sheriffs, registers of wills, recorders of deeds, prothonotaries, clerks of the courts, and such others as may from time to time be provided by law.

County officers, except for public defenders who shall be appointed as shall be provided by law, shall be elected at the municipal elections and shall hold their offices for the term of four years, beginning on the first Monday of January next after their election, and until their successors shall be duly qualified; all vacancies shall be filled in such a manner as may be provided by law.

County officers shall be paid only by salary as provided by law for services performed for the county or any other governmental unit. Fees incidental to the conduct of any county office shall be payable directly to the county or the Commonwealth, or as otherwise provided by law.

Three county commissioners shall be elected in each county. In the election of these officers each qualified elector shall vote for no more than two persons, and the three persons receiving the highest number of votes shall be elected.

entitled to exercise any power not denied to it by the Constitution, the General Assembly or its own charter.

The General Assembly is also required to provide optional forms of government for all municipalities. One optional form of government preserved to counties is a modified version of the present form of county government in which the offices of coroner and surveyor are removed as Constitutional offices; county treasurers will be permitted to succeed themselves; appointed public defenders are made county officers; residence requirements for appointed county officers are now statutory; all county officers are to be compensated solely by salary; and vacancies in the offices of county commissioner and county auditor will be filled as provided by the General Assembly instead of by the court of common pleas. Constitutional offices other than coroner and surveyor are retained.

Provisions for county government in this section shall apply to every county except a county which has adopted a home rule charter or an optional form of government. One of the optional forms of county government provided by law shall include the provisions of this section.

Section 5. Intergovernmental Cooperation.—A municipality by act of its governing body may, or upon being required by initiative and referendum in the area affected shall, cooperate or agree in the exercise of any function, power or responsibility with, or delegate or transfer any function, power or responsibility to, one or more other governmental units including other municipalities or districts, the Federal government, any other state or its governmental units, or any newly created governmental unit.

Section 6. Area Government.—The General Assembly shall provide for the establishment and dissolution of government of areas involving two or more municipalities or parts thereof.

Section 7. Area-wide Powers.—The General Assembly may grant powers to area governments or to municipalities within a given geographical area in which there exists intergovernmental cooperation or area government and designate the classes of municipalities subject to such legislation.

Section 8. Consolidation, Merger or Boundary Change.—Uniform Legislation. The General Assembly shall, within two years following the adoption of this article, enact uniform legislation establishing the procedure for consolidation, merger or change of the boundaries of municipalities.

Initiative. The electors of any municipality shall have the right, by initiative and referendum, to consolidate, merge and change boundaries by a majority vote of those voting thereon in each municipality, without the approval of any governing body.

Study. The General Assembly shall designate an agency of the Commonwealth to study consolidation, merger and boundary changes, advise municipalities on all problems which might be connected therewith, and initiate local referendum.

Legislative Power. Nothing herein shall prohibit or prevent the General

The proposal allows any unit of local government to cooperate with or delegate to, either voluntarily or through initiative and referendum, any other governmental unit, including a State or the Federal government; permits the General Assembly to provide for the government of areas involving more than one municipality, and provides for the granting of powers by the General Assembly to governmental units functioning on an intergovernmental or area-wide basis.

The General Assembly is given two years to adopt uniform merger, consolidation and boundary laws. Annexation of territory of a contiguous unit is permitted upon approval by a majority vote of the electors of each of the local units involved, without the approval of the governing body subject to the right of the General Assembly to provide additional methods for boundary changes.

An agency will be designated by the General Assembly to study and advise municipalities on consolidation, merger and boundary changes and to initiate local referenda.

Assembly from providing additional methods for consolidation, merger or change of boundaries.

Section 9. Appropriation for Public Purposes.—The General Assembly shall not authorize any municipality or incorporated district to become a stockholder in any company, association or corporation, or to obtain or appropriate money for, or to loan its credit to, any corporation, association, institution or individual. The General Assembly may provide standards by which municipalities or school districts may give financial assistance or lease property to public service, industrial or commercial enterprises if it shall find that such assistance or leasing is necessary to the health, safety or welfare of the Commonwealth or any municipality or school district. Existing authority of any municipality or incorporated district to obtain or appropriate money for, or to loan its credit to, any corporation, association, institution or individual, is preserved.

Section 10. Local Government Debt.—Subject only to the restrictions imposed by this section, the General Assembly shall prescribe the debt limits of all units of local government including municipalities and school districts. For such purposes, the debt limit base shall be a percentage of the total revenue, as defined by the General Assembly, of the unit of local government computed over a specific period immediately preceding the year of borrowing. The debt limit to be prescribed in every such case shall exclude all indebtedness (1) for any project to the extent that it is self-liquidating or self-supporting or which has heretofore been defined as self-liquidating or self-supporting, or (2) which has been approved by referendum held in such manner as shall be provided by law. The provisions of this paragraph shall not apply to the City or County of Philadelphia.

Any unit of local government, including municipalities and school districts, incurring any indebtedness, shall at or before the time of so doing adopt a covenant, which shall be binding upon it so long as any such indebtedness shall remain unpaid, to make payments out of its sinking fund or any other of its revenues or funds at such time and in such annual

Provision is made for the General Assembly to establish standards pursuant to which any municipality may give financial assistance to public service, industrial, or commercial enterprises if necessary for the health, safety or welfare of the Commonwealth or any municipality. Existing rights of municipalities are preserved.

Debt limits will be established by the General Assembly for all units of local government based on a percentage of revenue. Financing of local projects through Authorities will continue to be permitted, and neither self-liquidating indebtedness nor debt approved by the voters in a referendum will be included within the debt limitation.

Added security will be provided for bondholders through a binding covenant to pay from first tax revenues in place of the current requirement that an annual tax be levied.

amounts specified in such covenant as shall be sufficient for the payment of the interest thereon and the principal thereof when due.

Section 11. Local Reapportionment.—Within the year following that in which the Federal decennial census is officially reported as required by Federal law, and at such other times as the governing body of any municipality shall deem necessary, each municipality having a governing body not entirely elected at large shall be reapportioned, by its governing body or as shall otherwise be provided by uniform law, into districts which shall be composed of compact and contiguous territory as nearly equal in population as practicable, for the purpose of describing the districts for those not elected at large.

Section 12. Philadelphia Debt.—The debt of the City of Philadelphia may be increased in such amount that the total debt of said city shall not exceed thirteen and one-half percent of the average of the annual assessed valuations of the taxable realty therein, during the ten years immediately preceding the year in which such increase is made, but said city shall not increase its indebtedness to an amount exceeding three percent upon such average assessed valuation of realty, without the consent of the electors thereof at a public election held in such manner as shall be provided by law.

In ascertaining the debt-incurring capacity of the City of Philadelphia at any time, there shall be deducted from the debt of said city so much of such debt as shall have been incurred, or is about to be incurred, and the proceeds thereof expended, or about to be expended, upon any public improvement, or in construction, purchase or condemnation of any public utility, or part thereof, or facility therefor, if such public improvement or public utility, or part thereof, or facility therefor, whether separately, or in connection with any other public improvement or public utility, or part thereof, or facility therefor, may reasonably be expected to yield revenue in excess of operating expenses sufficient to pay the interest and sinking fund charges thereon. The method of determining such amount, so to be deducted, shall

Each local governing body to the extent that the members are not elected at large, will be required to reapportion itself within one year following certification of each Federal decennial census into districts that are compact, contiguous and as nearly equal in population as practicable.

Debt limitations and governmental structure of the City of Philadelphia are unchanged.

be as now prescribed, or which may hereafter be prescribed by law.

In incurring indebtedness for any purpose the City of Philadelphia may issue its obligations maturing not later than fifty years from the date thereof, with provision for a sinking fund to be in equal or graded annual or other periodical installments. Where any indebtedness shall be or shall have been incurred by said City of Philadelphia for the purpose of the construction or improvement of public works or utilities of any character, from which income or revenue is to be derived by said city, or for the reclamation of land to be used in the construction of wharves or docks owned or to be owned by said city, such obligations may be in an amount sufficient to provide for, and may include the amount of the interest and sinking fund charges accruing and which may accrue thereon throughout the period of construction, and until the expiration of one year after the completion of the work for which said indebtedness shall have been incurred.

No debt shall be incurred by, or on behalf of, the County of Philadelphia.

Section 13. Abolition of County Offices in Philadelphia.—(a) In Philadelphia all county offices are hereby abolished, and the city shall henceforth perform all functions of county government within its area through officers selected in such manner as may be provided by law.

(b) Local and special laws, regulating the affairs of the City of Philadelphia and creating offices or prescribing the powers and duties of officers of the City of Philadelphia, shall be valid notwithstanding the provisions of section thirty-two of article three of this Constitution.

(c) All laws applicable to the County of Philadelphia shall apply to the City of Philadelphia.

(d) The City of Philadelphia shall have, assume and take over all powers, property, obligations and indebtedness of the County of Philadelphia.

(e) The provisions of section two of this article shall apply with full force and effect to the functions of the county government hereafter to be performed by the city government.

(f) Upon adoption of this amendment all county officers shall become

(Proposal No. 6—Cont.)

officers of the City of Philadelphia, and until the General Assembly shall otherwise provide, shall continue to perform their duties and be elected, appointed, compensated and organized in such manner as may be provided by the provisions of this Constitution and the laws of the Commonwealth in effect at the time this amendment becomes effective, but such officers serving when this amendment becomes effective shall be permitted to complete their terms.

Section 14. Definitions.—As used in this article, the following words shall have the following meanings:

“Municipality” means a county, city, borough, incorporated town, township or any similar general purpose unit of government which shall hereafter be created by the General Assembly.

“Initiative” means the filing with the applicable election officials at least ninety days prior to the next primary or general election of a petition containing a proposal for referendum signed by electors comprising five percent of the number of electors voting for the office of Governor in the last gubernatorial general election in each municipality or area affected. The applicable election official shall place the proposal on the ballot in a manner fairly representing the content of the petition for decision by referendum at said election. Initiative on a similar question shall not be submitted more often than once in five years. No enabling law shall be required for initiative.

“Referendum” means approval of a question placed on the ballot, by initiative or otherwise, by a majority vote of the electors voting thereon.

Section 2. Sections seven, eight, ten, fifteen and nineteen of article eight; section one of article thirteen; sections one, two, three, four, five, six, seven and eight of article fourteen and sections one, two, three, four and five of article fifteen are repealed.

SCHEDULE

This new article and the repeal of existing sections shall take effect on the date of approval by the electorate, except that the following sections shall take effect on the effective date of legislation adopted pursuant to the sections or the date indicated below, whichever shall first occur.

(Proposal No. 6—Cont.)

The first, third and fourth paragraphs of section eight shall take effect two years after the effective date. The second sentence of section one, the fourth sentence of section two, all of section three, the third paragraph of section four, and the first paragraph of section ten shall take effect four years after the effective date. The second sentence of section one and the first paragraph of section eight on Uniform Legislation shall be construed so as to be consistent with the jurisdiction of this Convention.

JUDICIARY

BALLOT QUESTION V

Shall Proposal 7 on the JUDICIARY, adopted by the Constitutional Convention, establishing a unified judicial system, providing directly or through Supreme Court rules, for the qualifications, selection, tenure, removal, discipline and retirement of, and prohibiting certain activities by justices, judges, and justices of the peace, and related matters, be approved?	YES	
	NO	

PROPOSAL NO. 7

A PROPOSAL

Repealing article five of the Constitution of Pennsylvania relating to the Judiciary and adding a new Judiciary article.

THE CONSTITUTIONAL CONVENTION OF PENNSYLVANIA HEREBY PROPOSES AS FOLLOWS:

Section 1. The Constitution of Pennsylvania is amended by adding after article four, a new article to read:

ARTICLE THE JUDICIARY

Section 1. Unified Judicial System.—The judicial power of the Commonwealth shall be vested in a unified judicial system consisting of the Supreme Court, the Superior Court, the Commonwealth Court, courts of common pleas, community courts, municipal and traffic courts in the City of Philadelphia, such other courts as may be provided by law and justices of the peace. All courts and justices

SUMMARY and EXPLANATION

This proposal creates for the first time in Pennsylvania a completely unified judicial system. All courts of the Commonwealth—the Superior Court, a State-wide court to be known as the Commonwealth Court, Courts of Common Pleas, Community Courts where adopted, the Municipal and Traffic Courts in the

of the peace and their jurisdiction shall be in this unified judicial system.

Section 2. Supreme Court.—The Supreme Court (a) shall be the highest court of the Commonwealth and in this court shall be reposed the supreme judicial power of the Commonwealth;

(b) shall consist of seven justices, one of whom shall be the Chief Justice; and

(c) shall have such jurisdiction as shall be provided by law.

Section 3. Superior Court.—The Superior Court shall consist of seven judges, one of whom shall be the President Judge, and its jurisdiction shall be as provided by law.

Section 4. Commonwealth Court.—The Commonwealth Court shall be a State-wide court, and shall consist of the number of judges and have such jurisdiction as shall be provided by law. One of its judges shall be the president judge.

Section 5. Courts of Common Pleas.—There shall be one court of common pleas for each judicial district (a) having such divisions and consisting of such number of judges as shall be provided by law, one of whom shall be the president judge; and

(b) having unlimited original jurisdiction in all cases except as may otherwise be provided by law.

Section 6. Community Courts; Philadelphia Municipal Court and Traffic Court.—(a) In any judicial district a majority of the electors voting thereon may approve the establishment or discontinuance of a community court. Where a community court is approved, one community court shall be established; its divisions, number of judges and jurisdiction shall be as provided by law.

(b) The question whether a community court shall be established or discontinued in any judicial district shall be placed upon the ballot in a primary election by petition which shall be in the form prescribed by the officer of the Commonwealth who under law shall have supervision over elections. The petition shall be filed with that officer and shall be signed by a number of electors equal to five percent of the total votes cast for all candidates for the office occupied by

City of Philadelphia, and such other courts as may be provided by the General Assembly, Justices of the Peace—are made subject to the supervision and administrative control of the Supreme Court. The Supreme Court is authorized to appoint a Court Administrator and such subordinates as may be necessary to aid it in the supervision and control of the unified judicial system.

The number of members of the Supreme and Superior Courts will continue to be seven members for each.

Common Pleas Courts shall have such number of judges as the General Assembly shall from time to time determine.

Judges of existing separate Orphans' Courts will become judges of an Orphans' Court Division of the Court of Common Pleas.

The jurisdiction of the several courts and of the justice of the peace is left to the determination of the General Assembly.

Citizens of the Commonwealth are guaranteed a right of appeal from a court not of record to a court of record, and from a court of record or administrative agency to a court of record or an appellate court in all cases.

The electorate of each judicial district is given the option of adopting a Community Court with judges learned in the law to replace the present minor judiciary system in the judicial district and be organized into appropriate divisions to be established by the General Assembly. Upon adoption of a Community Court, the members of the minor

a single official for which the highest number of votes was cast in that judicial district at the last preceding general or municipal election. The manner of signing such petitions, the time of circulating them, the affidavits of the persons circulating them and all other details not contained herein shall be governed by the general laws relating to elections. The question shall not be placed upon the ballot in a judicial district more than once in any five-year period.

(c) In the City of Philadelphia there shall be a municipal court and a traffic court. The number of judges and the jurisdiction of each shall be as provided by law. These courts shall exist so long as a community court has not been established or in the event one has been discontinued under this section.

Section 7. Justices of the Peace; Magisterial Districts.—(a) In any judicial district, other than the City of Philadelphia, where a community court has not been established or where one has been discontinued there shall be one justice of the peace in each magisterial district. The jurisdiction of the justice of the peace shall be as provided by law.

(b) The General Assembly shall by law establish classes of magisterial districts solely on the basis of population and population density and shall fix the salaries to be paid justices of the peace in each class. The number and boundaries of magisterial districts of each class within each judicial district shall be established by the Supreme Court or by the courts of common pleas under the direction of the Supreme Court as required for the efficient administration of justice within each magisterial district.

Section 8. Other Courts.—The General Assembly may establish additional courts or divisions of existing courts, as needed, or abolish any statutory court or division thereof.

Section 9. Right of Appeal.—There shall be a right of appeal in all cases to a court of record from a court not of record; and there shall also be a right of appeal from a court of record or from an administrative agency to a court of record or to an appellate court, the selection of such court to be as provided by law; and

judiciary in that judicial district would serve out the balance of their terms. Their offices would then be abolished and their judicial functions would thereafter be performed by the Community Court.

In Philadelphia there will be a Municipal Court and a Traffic Court for minor cases.

In judicial districts not adopting a Community Court, the Justice of the Peace system will continue with substantial reforms. Members of the minor judiciary will be compensated by salaries, greatly reduced in number and subjected to judicial supervision by the Supreme Court. In addition, if they are not members of the bar of the Supreme Court, they will be required to complete a course of training and pass an examination. The General Assembly is empowered to establish classes of Magisterial Districts on the basis of population and population density with one justice of the peace to serve in each district. Boundaries of the Magisterial Districts will be set by the courts. The terms of office of all justices and judges are fixed at ten years. Municipal Court and Traffic Court judges in Philadelphia and justices of the peace will serve terms of six years.

there shall be such other rights of appeal as may be provided by law.

Section 10. Judicial Administration.—(a) The Supreme Court shall exercise general supervisory and administrative authority over all the courts and justices of the peace, including authority to temporarily assign judges and justices of the peace from one court or district to another as it deems appropriate.

(b) The Supreme Court shall appoint a court administrator and may appoint such subordinate administrators and staff as may be necessary and proper for the prompt and proper disposition of the business of all courts and justices of the peace.

(c) The Supreme Court shall have the power to prescribe general rules governing practice, procedure and the conduct of all courts, justices of the peace and all officers serving process or enforcing orders, judgments or decrees of any court or justice of the peace, including the power to provide for assignment and reassignment of classes of actions or classes of appeals among the several courts as the needs of justice shall require, and for admission to the bar and to practice law, and the administration of all courts and supervision of all officers of the judicial branch, if such rules are consistent with this Constitution and neither abridge, enlarge nor modify the substantive rights of any litigant, nor affect the right of the General Assembly to determine the jurisdiction of any court or justice of the peace, nor suspend nor alter any statute of limitation or repose. All laws shall be suspended to the extent that they are inconsistent with rules prescribed under these provisions.

(d) The Chief Justice and president judges of all courts with seven or less judges shall be the justice or judge longest in continuous service on their respective courts; and in the event of his resignation from this position the justice or judge next longest in continuous service shall be the Chief Justice or president judge. The president judges of all other courts shall be selected for five-year terms by the members of their respective courts, except that the president judge of the traffic court in the City of Philadelphia shall be appointed by

The power is given to the Supreme Court to prescribe rules of practice and conduct not only for the courts and justices of the peace, but also for all officers serving process or enforcing orders, judgments and decrees.

In courts with seven or less members the justice or judge with the longest continuous service will be Chief Justice or president judge. In other courts members of the court will select the president judge for a five-year term.

(Proposal No. 7—Cont.)

the Governor. A Chief Justice or president judge may resign such position and remain a member of the court. In the event of a tie vote for office of president judge in a court which elects its president judge, the Supreme Court shall appoint as president judge one of the judges receiving the highest number of votes.

(e) Should any two or more justices or judges of the same court assume office at the same time, they shall cast lots forthwith for priority of commission, and certify the results to the Governor who shall issue their commissions accordingly.

Section 11. Judicial Districts; Boundaries.—The number and boundaries of judicial districts shall be changed by the General Assembly only with the advice and consent of the Supreme Court.

Section 12. Qualifications of Justices, Judges and Justices of the Peace.—(a) Justices, judges and justices of the peace shall be citizens of the Commonwealth. Justices and judges, except the judges of the traffic court in the City of Philadelphia, shall be members of the bar of the Supreme Court. Justices and judges of state-wide courts, for a period of one year preceding their election or appointment and during their continuance in office, shall reside within the Commonwealth. Other judges and justices of the peace, for a period of one year preceding their election or appointment and during their continuance in office, shall reside within their respective districts, except as provided in this article for temporary assignments.

(b) Judges of the traffic court in the City of Philadelphia and justices of the peace shall be members of the bar of the Supreme Court or shall complete a course of training and instruction in the duties of their respective offices and pass an examination prior to assuming office. Such courses and examinations shall be as provided by law.

Section 13. Election of Justices, Judges and Justices of the Peace; Vacancies.—(a) Justices, judges and justices of the peace shall be elected at the municipal election next preceding the commencement of their respective terms of office by the electors of the Commonwealth or the respective dis-

The boundaries and number of judicial districts may not be changed by the General Assembly without approval by the Supreme Court.

Special provisions are made to provide for local problems in Philadelphia and Pittsburgh.

Justices, judges and justices of the peace will be elected at municipal elections.

At the Primary Election in 1969 the electorate of the Commonwealth will be given an oppor-

(Proposal No. 7—Cont.)

tricts in which they are to serve.

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

(c) The provisions of section thirteen (b) shall not apply either in the case of a vacancy to be filled by retention election as provided in section fifteen (b). In case of a vacancy created by failure of a justice or judge to file a declaration for retention election as provided in section fifteen (b). In case of a vacancy occurring at the expiration of an appointive term under section thirteen (b), the vacancy shall be filled by election as provided in section thirteen (a).

(d) At the primary election in 1969, the electors of the Commonwealth may elect to have the justices and judges of the Supreme, Superior, Commonwealth and all other state-wide courts appointed by the Governor from a list of persons qualified for the offices submitted to him by the Judicial Qualifications Commission. If a majority vote of those voting on the question is in favor of this method of appointment, then whenever any vacancy occurs thereafter for any reason in such court, the Governor shall fill the vacancy by appointment in the manner prescribed in this subsection. Such appointment shall not require the consent of the Senate.

(e) Each justice or judge appointed by the Governor under section thirteen (d) shall hold office for an initial term ending the first Monday of January following the next municipal election more than twenty-four months following the appointment.

tunity to adopt a plan for the appointment of justices and judges of state-wide courts by the Governor from a list of 10 to 20 names submitted to him by a Judicial Qualifications Commission composed of four non-lawyer electors appointed by the Governor and three non-judge members of the bar appointed by the Supreme Court.

Vacancies in the office of justice, judge or justice of the peace will be filled by appointment of the Governor with the approval of the Senate if the vacancy occurs while the Senate is in session, and without the approval of the Senate if the vacancy occurs while the Senate is adjourned. Appointments to the office of justice of the peace will require the approval of a majority of the Senate, while appointments of justices and judges will require a two-thirds majority.

Justices, judges and justices of the peace appointed by the Governor to fill a vacancy will hold office for a term ending on the first Monday of January following the next municipal election more than ten months after the happening of such vacancy except that a justice or judge appointed to a vacancy in a state-wide court from a list submitted to the Governor by a Judicial Qualifications Commission, if this plan for selection of state-wide judges is adopted by the electorate at the Primary Election in 1969, will hold office for a term ending on the first Monday of January following the next municipal election more than twenty-four months after his appointment.

(Proposal No. 7—Cont.)

Section 14. Judicial Qualifications Commission.—(a) Should the method of judicial selection be adopted as provided in section thirteen (d), there shall be a Judicial Qualifications Commission, composed of four non-lawyer electors appointed by the Governor and three non-judge members of the bar of the Supreme Court appointed by the Supreme Court. No more than four members shall be of the same political party. The members of the commission shall serve for terms of seven years, with one member being selected each year. The commission shall consider all names submitted to it and recommend to the Governor not fewer than ten nor more than twenty of those qualified for each vacancy to be filled.

(b) During his term, no member shall hold a public office or public appointment for which he receives compensation, nor shall he hold office in a political party or political organization.

(c) A vacancy on the commission shall be filled by the appointing authority for the balance of the term.

Section 15. Tenure of Justices, Judges and Justices of the Peace.—

(a) The regular term of office of justices and judges shall be ten years and the regular term of office for judges of the municipal court and traffic court in the City of Philadelphia and of justices of the peace shall be six years. The tenure of any justice or judge shall not be affected by changes in judicial districts or by reduction in the number of judges.

(b) A justice or judge elected under section thirteen (a), appointed under section thirteen (d) or retained under this section fifteen (b) may file a declaration of candidacy for retention election with the officer of the Commonwealth who under law shall have supervision over elections on or before the first Monday of January of the year preceding the year in which his term of office expires. If no declaration is filed, a vacancy shall exist upon the expiration of the term of office of such justice or judge, to be filled by election under section thirteen (a) or by appointment under section thirteen (d) if applicable. If a justice or judge files a declaration, his name shall be submitted to the electors without party designation, on a separate judicial ballot or in a sep-

Any justice or judge who has been elected to office will be entitled to have his name submitted to the electors for re-election on a non-partisan ballot, leaving it to the electorate to determine whether his record merits retention in office.

(Proposal No. 7—Cont.)

arate column on voting machines, at the municipal election immediately preceding the expiration of the term of office of the justice or judge, to determine only the question whether he shall be retained in office. If a majority is against retention, a vacancy shall exist upon the expiration of his term of office, to be filled by appointment under section thirteen (b) or under section thirteen (d) if applicable. If a majority favors retention, the justice or judge shall serve for the regular term of office provided herein, unless sooner removed or retired. At the expiration of each term a justice or judge shall be eligible for retention as provided herein, subject only to the retirement provisions of this article.

Section 16. Compensation and Retirement of Justices, Judges and Justices of the Peace.—(a) Justices, judges and justices of the peace shall be compensated by the Commonwealth as provided by law. Their compensation shall not be diminished during their terms of office, unless by law applying generally to all salaried officers of the Commonwealth.

(b) Justices, judges and justices of the peace shall be retired upon attaining the age of seventy years. Former and retired justices, judges and justices of the peace shall receive such compensation as shall be provided by law. No compensation shall be paid to any justice, judge or justice of the peace who is suspended or removed from office under section eighteen of this article or under article six.

(c) A former or retired justice or judge may, with his consent, be assigned by the Supreme Court on temporary judicial service as may be prescribed by rule of the Supreme Court.

Section 17. Prohibited Activities.

—(a) Justices and judges shall devote full time to their judicial duties, and shall not engage in the practice of law, hold office in a political party or political organization, or hold an office or position of profit in the government of the United States, the Commonwealth or any municipal corporation or political subdivision thereof, except in the armed service of the United States or the Commonwealth.

(b) Justices and judges shall not engage in any activity prohibited by law and shall not violate any canon of legal or judicial ethics prescribed

All justices and judges hereafter elected or appointed will be required to retire at the age of 70 years, but former and retired justices and judges may be with their consent assigned post-retirement service by the Supreme Court.

Justices and judges will be required to devote full time to their official duties and may not engage in certain prohibited activities. Justices of the peace will be required to conduct their activities according to rules or canons of ethics to be prescribed by the Supreme Court.

by the Supreme Court. Justices of the peace shall be governed by rules or canons which shall be prescribed by the Supreme Court.

(c) No justice, judge or justice of the peace shall be paid or accept for the performance of any judicial duty or for any service connected with his office, any fee, emolument or perquisite other than the salary and expenses provided by law.

(d) No duties shall be imposed by law upon the Supreme Court or any of the justices thereof or the Superior Court or any of the judges thereof, except such as are judicial, nor shall any of them exercise any power of appointment except as provided in this Constitution.

Section 18. Suspension, Removal, Discipline and Compulsory Retirement.—(a) There shall be a Judicial Inquiry and Review Board having nine members as follows: three judges of the courts of common pleas from different judicial districts and two judges of the Superior Court, all of whom shall be selected by the Supreme Court; and two non-judge members of the bar of the Supreme Court and two non-lawyer electors, all of whom shall be selected by the Governor.

(b) The members shall serve for terms of four years, provided that a member, rather than his successor, shall continue to participate in any hearing in progress at the end of his term. A vacancy on the board shall be filled by the respective appointing authority for the balance of the term. The respective appointing authority may remove a member only for cause. No member shall serve more than four consecutive years; he may be reappointed after a lapse of one year. Annually the members of the board shall elect a chairman. The board shall act only with the concurrence of a majority of its members.

(c) A member shall not hold office in a political party or political organization. Members, other than judges, shall be compensated for their services as the Supreme Court shall prescribe. All members shall be reimbursed for expenses necessarily incurred in the discharge of their official duties.

(d) Under the procedure prescribed herein, any justice or judge may be suspended, removed from office or

There will be a Judicial Inquiry and Review Board composed of three Common Pleas Court judges selected by the Supreme Court, two Superior Court Judges selected by the Supreme Court, and two lawyers and two laymen appointed by the Governor, to investigate misconduct in office, neglect of duty, or other conduct which prejudices the administration of justice. In addition, any justice or judge may be retired for disability that seriously interferes with his duties. The Board may make recommendations to the Supreme Court for final decision on whether suspension, removal, discipline or compulsory retirement is in order.

(Proposal No. 7—Cont.)

otherwise disciplined for violation of section seventeen of this article, misconduct in office, neglect of duty, failure to perform his duties, or conduct which prejudices the proper administration of justice or brings the judicial office into disrepute and may be retired for disability seriously interfering with the performance of his duties.

(e) The board shall keep informed as to matters relating to grounds for suspension, removal, discipline, or compulsory retirement of justices or judges. It shall receive complaints or reports, formal or informal, from any source pertaining to such matters, and shall make such preliminary investigations as it deems necessary.

(f) The board, after such investigation, may order a hearing concerning the suspension, removal, discipline or compulsory retirement of a justice or judge. The board's orders for attendance of or testimony by witnesses or for the production of documents at any hearing or investigation shall be enforceable by contempt proceedings.

(g) If, after hearing, the board finds good cause therefor, it shall recommend to the Supreme Court the suspension, removal, discipline or compulsory retirement of the justice or judge.

(h) The Supreme Court shall review the record of the board's proceedings on the law and facts and may permit the introduction of additional evidence. It shall order suspension, removal, discipline or compulsory retirement, or wholly reject the recommendation, as it finds just and proper. Upon an order for compulsory retirement, the justice or judge shall be retired with the same rights and privileges were he retired under section sixteen of this article. Upon an order for suspension or removal, the justice or judge shall be suspended or removed from office, and his salary shall cease from the date of such order. All papers filed with and proceedings before the board shall be confidential but upon being filed by the board in the Supreme Court, the record shall lose its confidential character. The filing of papers with and the giving of testimony before the board shall be privileged.

(i) No justice or judge shall participate as a member of the board or

(Proposal No. 7—Cont.)

of the Supreme Court in any proceeding involving his suspension, removal, discipline or compulsory retirement.

(j) The Supreme Court shall prescribe rules of procedure under this section.

(k) The Supreme Court shall prescribe rules of procedure for the suspension, removal, discipline and compulsory retirement of justices of the peace.

(l) A justice, judge or justice of the peace convicted of misbehavior in office by a court, disbarred as a member of the bar of the Supreme Court or removed under this section eighteen shall forfeit automatically his judicial office and thereafter be ineligible for judicial office.

(m) A justice or judge who shall file for nomination for or election to any public office other than a judicial office shall forfeit automatically his judicial office.

(n) This section is in addition to and not in substitution for the provisions for impeachment for misbehavior in office contained in article six. No justice, judge or justice of the peace against whom impeachment proceedings are pending in the Senate shall exercise any of the duties of his office until he has been acquitted.

Section 2. Article five of the Constitution of Pennsylvania is repealed in its entirety, and those provisions of Schedules No. 1 and No. 2 are repealed to the extent they are inconsistent with this article and attached schedule.

SCHEDULE TO JUDICIARY ARTICLE

This schedule is a part of this judiciary article, and it is intended that the provisions contained herein shall have the same force and effect as those contained in the numbered sections of the article.

This article and schedule, unless otherwise stated herein, shall become effective on January 1, 1969. In this schedule where the word "now" quoted appears it speaks from the date of adoption of this schedule; where the word "present" appears it speaks from the effective date hereof.

Courts Other Than in the City of Philadelphia and Allegheny County

No justice or judge may become a candidate for any non-judicial public office without forfeiting his judicial office.

Section 1. The Supreme Court.—The Supreme Court shall exercise all the powers and, until otherwise provided by law, jurisdiction now vested in the present Supreme Court and, until otherwise provided by law, the accused in all cases of felonious homicide shall have the right of appeal to the Supreme Court.

Section 2. The Superior Court.—Until otherwise provided by law, the Superior Court shall exercise all the jurisdiction now vested in the present Superior Court. The present terms of all judges of the Superior Court which would otherwise expire on the first Monday of January in an odd-numbered year shall be extended to expire in the even-numbered year next following.

Section 3. Commonwealth Court.—The Commonwealth Court shall come into existence on January 1, 1970. Notwithstanding anything to the contrary in this article, the General Assembly shall stagger the initial terms of judges of the Commonwealth Court.

Section 4. The Courts of Common Pleas.—Until otherwise provided by law, the several courts of common pleas shall exercise the jurisdiction now vested in the present courts of common pleas. The courts of oyer and terminer and general jail delivery, quarter sessions of the peace, and orphans' courts are abolished and the several courts of common pleas shall also exercise the jurisdiction of these courts. Orphans' courts in judicial districts having separate orphans' courts shall become orphans' court divisions of the courts of common pleas and the court of common pleas in those judicial districts shall exercise the jurisdiction presently exercised by the separate orphans' courts through their respective orphans' court division.

Section 5. Orphans' Court Judges.—In those judicial districts having separate orphans' courts, the present judges thereof shall become judges of the orphans' court division of the court of common pleas and the present president judge shall become the president judge of the orphans' court division of the court of common pleas for the remainder of his term without diminution in salary.

Section 6. Courts of Common

(Proposal No. 7—Cont.)

Pleas in Multi-County Judicial Districts.—Courts of common pleas in multi-county judicial districts are abolished as separate courts and are hereby constituted as branches of the single court of common pleas established under this article in each such judicial district.

Section 7. Community Courts.—In a judicial district which establishes a community court, a person serving as a justice of the peace at such time:

(a) May complete his term exercising the jurisdiction provided by law and with the compensation provided by law, and

(b) Upon completion of his term, his office is abolished and no judicial function of the kind heretofore exercised by a justice of the peace shall thereafter be exercised other than by the community court.

Justices, Judges and Justices of the Peace

Section 8. Justices, Judges and Justices of the Peace.—Notwithstanding any provision in the article, a present justice, judge or justice of the peace may complete his term of office.

Section 9. Associate Judges.—The office of associate judge not learned in the law is abolished, but a present associate judge may complete his term.

Section 10. Retention Election of Present Justices and Judges.—A present judge who was originally elected to office and seeks retention in the 1969 municipal election and is otherwise eligible may file his declaration of candidacy by February 1, 1969.

Section 11. Selection of President Judges.—Except in the City of Philadelphia, section ten (d) of the article shall become effective upon the expiration of the term of the present president judge, or upon earlier vacancy.

Magistrates, Aldermen and Justices of the Peace and Magisterial Districts Other Than in the City of Philadelphia

Section 12. Magistrates, Aldermen and Justices of the Peace.—An alderman, justice of the peace or magistrate:

(a) May complete his term, exercising the jurisdiction provided by law

(Proposal No. 7—Cont.)

and with the method of compensation provided by law prior to the adoption of this article;

(b) Shall be deemed to have taken and passed the examination required by this article for justices of the peace if he has completed one full term of office before creation of a magisterial district, and

(c) At the completion of his term, his office is abolished.

(d) Except for officers completing their terms, after the first Monday in January, 1970, no judicial function of the kind heretofore exercised by these officers, by mayors and like officers in municipalities shall be exercised by any officer other than the one justice of the peace elected or appointed to serve in that magisterial district.

Section 13. Magisterial Districts.—So that the provisions of this article regarding the establishment of magisterial districts and the instruction and examination of justices of the peace may be self-executing, until otherwise provided by law in a manner agreeable to this article, the following provisions shall be in force:

(a) The Supreme Court or the courts of common pleas under the direction of the Supreme Court shall fix the number and boundaries of magisterial districts of each class within each judicial district by January 1, 1969, and these magisterial districts, except where a community court has been adopted, shall come into existence on January 1, 1970, the justices of the peace thereof to be elected at the municipal election in 1969. These justices of the peace shall retain no fine, costs or any other sum that shall be delivered into their hands for the performance of any judicial duty or for any service connected with their offices, but shall remit the same to the Commonwealth, county, municipal subdivision, school district or otherwise as may be provided by law.

(b) Classes of magisterial districts.

(i) Magisterial districts of the first class shall have a population density of more than five thousand persons per square mile and a population of not less than sixty-five thousand persons.

(ii) Magisterial districts of the second class shall have a population den-

(Proposal No. 7—Cont.)

sity of between one thousand and five thousand persons per square mile and a population of between twenty thousand persons and sixty-five thousand persons.

(iii) Magisterial districts of the third class shall have a population density of between two hundred and one thousand persons per square mile and a population of between twelve thousand persons and twenty thousand persons.

(iv) Magisterial districts of the fourth class shall have a population density of between seventy and two hundred persons per square mile and a population of between seven thousand five hundred persons and twelve thousand persons.

(v) Magisterial districts of the fifth class shall have a population density of under seventy persons per square mile and a population of between four thousand persons and seven thousand five hundred persons.

(c) Salaries of justices of the peace.

The salaries of the justices of the peace shall be as follows:

(i) In first class magisterial districts, twelve thousand dollars per year,

(ii) In second class magisterial districts, ten thousand dollars per year,

(iii) In third class magisterial districts, eight thousand dollars per year,

(iv) In fourth and fifth class magisterial districts, five thousand dollars per year.

(v) The salaries here fixed shall be paid by the State Treasurer and for such payment this article and schedule shall be sufficient warrant.

(d) Course of training, instruction and examination. The course of training and instruction and examination in civil and criminal law and procedure for a justice of the peace shall be devised by the Department of Public Instruction, and it shall administer this course and examination to insure that justices of the peace are competent to perform their duties.

Section 14. Magisterial Districts.—Effective immediately upon establishment of magisterial districts and until otherwise prescribed the civil and criminal procedural rules relating to venue shall apply to magisterial districts; all proceedings before aldermen, magistrates and justices of the

(Proposal No. 7—Cont.)

peace shall be brought in and only in a magisterial district in which occurs an event which would give rise to venue in a court of record; the court of common pleas upon its own motion or on application at any stage of proceedings shall transfer any proceeding in any magisterial district to the justice of the peace for the magisterial district in which proper venue lies.

**Prothonotaries and Clerks Other Than
in the City of Philadelphia**

Section 15. Prothonotaries, Clerks of Courts, Clerks of Orphans' Courts.—Until otherwise provided by law, the offices of prothonotary and clerk of courts shall become the offices of prothonotary and clerk of courts of the court of common pleas of the judicial district, and in multi-county judicial districts of their county's branch of the court of common pleas, and the clerk of the orphans' court in a judicial district now having a separate orphans' court shall become the clerk of the orphans' court division of the court of common pleas, and these officers shall continue to perform the duties of the office and to maintain and be responsible for the records, books and dockets as heretofore. In judicial districts where the clerk of the orphans' court is not the register of wills, he shall continue to perform the duties of the office and to maintain and be responsible for the records, books and dockets as heretofore until otherwise provided by law.

The City of Philadelphia

Section 16. Courts and Judges.—Until otherwise provided by law: (a) the court of common pleas shall consist of a trial division, orphans' court division and family court division.

(b) The judges of the court of common pleas shall become judges of the trial division of the court of common pleas provided for in this article and their tenure shall not otherwise be affected.

(c) The judges of the county court shall become judges of the family court division of the court of common pleas and their tenure shall not otherwise be affected.

(d) The judges of the orphans' court shall become judges of the

(Proposal No. 7—Cont.)

orphans' court division of the court of common pleas and their tenure shall not otherwise be affected.

(e) As designated by the Governor, twenty-two of the present magistrates shall become judges of the municipal court and six shall become judges of the traffic court, and their tenure shall not otherwise be affected.

(f) One of the judges of the court of common pleas shall be president judge and he shall be selected in the manner provided in section ten (d) of this article. He shall be the administrative head of the court and shall supervise the court's judicial business.

(g) Each division of the court of common pleas shall be presided over by an administrative judge, who shall be one of its judges and shall be elected for a term of five years by a majority vote of the judges of that division. He shall assist the president judge in supervising the judicial business of the court and shall be responsible to him. Subject to the foregoing, the judges of the court of common pleas shall prescribe rules defining the duties of the administrative judges. The president judge shall have the power to assign judges from each division to each other division of the court when required to expedite the business of the court.

(h) Until all members of the municipal court are members of the bar of the Supreme Court, the president judge of the court of common pleas shall appoint one of the judges of the municipal court as president judge for a five-year term or at the pleasure of the president judge of the court of common pleas. The president judge of the municipal court shall be eligible to succeed himself as president judge for any number of terms and shall be the administrative head of that court and shall supervise the judicial business of the court. He shall promulgate all administrative rules and regulations and make all judicial assignments. The president judge of the court of common pleas may assign temporarily judges of the municipal court who are members of the bar of the Supreme Court to the court of common pleas when required to expedite the business of the court.

(i) The Governor shall appoint one

(Proposal No. 7—Cont.)

of the judges of the traffic court as president judge for a term of five years or at the pleasure of the Governor. The president judge of the traffic court shall be eligible to succeed himself as president judge for any number of terms, shall be the executive and administrative head of the traffic court, and shall supervise the judicial business of the court, shall promulgate all administrative rules and regulations, and shall make all judicial assignments.

(j) The exercise of all supervisory and administrative powers detailed in this section sixteen shall be subject to the supervisory and administrative control of the Supreme Court.

(k) The prothonotary shall continue to exercise the duties of that office for the trial division of the court of common pleas and for the municipal court.

(l) The clerk of quarter sessions shall continue to exercise the duties of that office for the trial division of the court of common pleas and for the municipal court.

(m) That officer serving as clerk to the county court shall continue to exercise the duties of that office for the family division of the court of common pleas.

(n) The register of wills shall serve *ex officio* as clerk of the orphans' court division of the court of common pleas.

(o) The court of common pleas shall have unlimited original jurisdiction in all cases except those cases assigned by this schedule to the municipal court and to the traffic court. The court of common pleas shall have all the jurisdiction now vested in the court of common pleas, the court of oyer and terminer and general jail delivery, courts of quarter sessions of the peace, orphans' court, and county court. Jurisdiction in all of the foregoing cases shall be exercised through the trial division of the court of common pleas except in those cases which are assigned by this schedule to the orphans' court and family court divisions of the court of common pleas. The court of common pleas through the trial division shall also hear and determine appeals from the municipal court and traffic court.

(Proposal No. 7—Cont.)

(p) The court of common pleas through the orphans' court division shall exercise the jurisdiction heretofore exercised by the orphans' court.

(q) The court of common pleas through the family court division of the court of common pleas shall exercise jurisdiction in the following matters:

(i) Domestic Relations: desertion or nonsupport of wives, children and indigent parents, including children born out of wedlock; proceedings for custody of children; divorce and annulment and property matters relating thereto.

(ii) Juvenile Matters: dependent, delinquent and neglected children and children under eighteen years of age, suffering from epilepsy, nervous or mental defects, incorrigible, runaway and disorderly minors eighteen to twenty years of age and preliminary hearings in criminal cases where the victim is a juvenile.

(iii) Adoptions and Delayed Birth Certificates.

(r) The municipal court shall have jurisdiction in the following matters:

(i) Committing magistrates' jurisdiction in all criminal matters.

(ii) All summary offenses, except those under the motor vehicle laws.

(iii) All criminal offenses for which no prison term may be imposed or which are punishable by a term of imprisonment of not more than two years, and indictable offenses under the motor vehicle laws for which no prison term may be imposed or punishable by a term of imprisonment of not more than three years. In these cases, the defendant shall have no right of trial by jury in that court, but he shall have the right of appeal for trial de novo including the right to trial by jury to the trial division of the court of common pleas. Until there are a sufficient number of judges who are members of the bar of the Supreme Court serving in the municipal court to handle such matters, the trial division of the court of common pleas shall have concurrent jurisdiction over such matters, the assignment of cases to the respective courts to be determined by rule prescribed by the president judge of the court of common pleas.

(Proposal No. 7—Cont.)

(iv) Matters arising under The Landlord and Tenant Act of 1951.

(v) All civil claims involving less than five hundred dollars. In these cases, the parties shall have no right of trial by jury in that court but shall have the right of appeal for a trial de novo including the right to trial by jury to the trial division of the court of common pleas, it being the purpose of this subsection to establish an expeditious small claims procedure whereby it shall not be necessary for the litigants to obtain counsel. This limited grant of civil jurisdiction shall be co-extensive with the civil jurisdiction of the trial division of the court of common pleas.

(vi) As commissioners to preside at arraignments, fix and accept bail, issue warrants and perform duties of a similar nature.

The grant of jurisdiction under clauses (iii) and (v) of this subsection may be exercised only by those judges who are members of the bar of the Supreme Court.

(s) The traffic court shall have exclusive jurisdiction of all summary offenses under the motor vehicle laws.

(t) The courts of oyer and terminer and general jail delivery, quarter sessions of the peace, the county court, the orphans' court and the ten separate courts of common pleas are abolished and their jurisdiction and powers shall be exercised by the court of common pleas provided for in this article through the divisions established by this schedule.

(u) The office of magistrate, the board of magistrates, and the present traffic court are abolished.

(v) Those judges appointed to the municipal court in accordance with subsection (e) of this section who are not members of the bar of the Supreme Court shall be eligible to complete their present terms and to be elected to and serve for one additional term, but not thereafter.

(w) The causes, proceedings, books, dockets and records of the abolished courts shall become those of the court or division thereof to which, under this schedule, jurisdiction of the proceedings or matters concerned has been transferred, and that court

(Proposal No. 7—Cont.)

or division thereof shall determine and conclude such proceedings as if it had assumed jurisdiction in the first instance.

(x) The present president judges of the abolished courts and chief magistrate shall continue to receive the compensation to which they are now entitled as president judges and chief magistrate until the end of their present terms as president judges and chief magistrate respectively.

(y) The offices of prothonotary and register of wills in the City of Philadelphia shall no longer be considered constitutional offices under this article, but their powers and functions shall continue as at present until these offices are covered in the Home Rule Charter by a referendum in the manner provided by law.

(z) If a community court is established in the City of Philadelphia, a person serving as a judge of the municipal or traffic court at that time:

(i) Notwithstanding the provisions of subsection (v) of this section, may complete his term exercising the jurisdiction provided by law and with the compensation provided by law; and

(ii) At the completion of his term, his office is abolished and no jurisdiction of the kind exercised by those officers immediately after the effective date of this article and schedule shall thereafter be exercised other than by the community court.

Allegheny County

Section 17. Courts.—Until otherwise provided by law:

(a) The court of common pleas shall consist of a trial division, an orphans' court division and a family court division; the courts of oyer and terminer and general jail delivery and quarter sessions of the peace, the county court, the orphans' court, and the juvenile court are abolished and their present jurisdiction shall be exercised by the court of common pleas. Until otherwise provided by rule of the court of common pleas and, except as otherwise provided in this schedule, the court of common pleas shall exercise the jurisdiction of the present court of common pleas and the present

(Proposal No. 7—Cont.)

county court through the trial division. Until otherwise provided by rule of the court of common pleas, the jurisdiction of the present orphans' court, except as otherwise provided in this schedule, shall be exercised by the court of common pleas through the orphans' court division.

(b) Until otherwise provided by rule of the court of common pleas, the court of common pleas shall exercise jurisdiction in the following matters through the family court division:

(i) Domestic Relations: Desertion or nonsupport of wives, children and indigent parents, including children born out of wedlock; proceedings, including habeas corpus, for custody of children; divorce and annulment and property matters relating thereto.

(ii) Juvenile Matters: All matters now within the jurisdiction of the juvenile court.

(iii) Adoptions and Delayed Birth Certificates.

Section 18. Judges.—Until otherwise provided by law, the present judges of the court of common pleas shall continue to act as the judges of that court; the present judges of the county court shall become judges of the court of common pleas; the present judges of the orphans' court shall become judges of the orphans' court division of the court of common pleas; the present judges of the juvenile court shall become judges of the family court division of the court of common pleas.

Section 19. President Judges.—The present president judge of the court of common pleas may complete his term as president judge; the present president judge of the orphans' court shall be the president judge of the orphans' court division of the court of common pleas for the remainder of his term as president judge, and the present president judge of the county court shall be the president judge of the family court division of the court of common pleas for the remainder of his term as president judge, all these without diminution of salary as president judge. The president judge of the trial division shall be selected pursuant to section twenty of this schedule.

Section 20. President Judges; Court Divisions.—Until otherwise provided by law, the trial division, the orphans' court division and the family court division of the court of common pleas shall each be presided over by a president judge, who shall be one of the judges of such division and shall be elected for a term of five years by a majority vote of the judges of that division. He shall assist the president judge of the court of common pleas in supervising the judicial business of the court and shall be responsible to him. Subject to the foregoing, the judges of the court of common pleas shall prescribe rules defining the duties of the president judges. The president judge of the court of common pleas shall have the power to assign judges from one division to another division of the court when required to expedite the business of the court. The exercise of these supervisory and administrative powers, however, shall be subject to the supervisory and administrative powers of the Supreme Court.

The City of Pittsburgh

Section 21. Inferior Courts.—Upon the establishment of magisterial districts pursuant to this article and schedule, and unless otherwise provided by law, the police magistrates, including those serving in the traffic court, the housing court and the city court shall continue as at present. Such magistrates shall be part of the unified judicial system and shall be subject to the general supervisory and administrative authority of the Supreme Court. Such magistrates shall be subject to the provisions of this article and schedule regarding educational requirements and prohibited activities of justices of the peace.

Causes, Proceedings, Books and Records

Section 22. Causes, Proceedings, Books and Records.—All causes and proceedings pending in any abolished court or office of the justice of the peace shall be determined and concluded by the court to which jurisdiction of the proceedings has been

transferred under this schedule and all books, dockets and records of any abolished court or office of the justice of the peace shall become those of the court to which, under this schedule, jurisdiction of the proceedings concerned has been transferred.

Commission and Board

Section 23. **Judicial Qualifications Commission.**—The selection of the first members of the Judicial Qualifications Commission provided for in section fourteen (a) of this article shall be made as follows: The Governor shall appoint the four non-lawyer members for terms of, respectively, one year, three years, five years and seven years, no more than two of whom shall be members of the same political party. The Supreme Court shall appoint the three non-judge members of the bar of the Supreme Court of Pennsylvania for terms, respectively, of two years, four years and six years, no more than two of whom shall be members of the same political party.

Section 24. **Judicial Inquiry and Review Board.**—The selection of the first members of the Judicial Inquiry and Review Board shall be made as follows: one judge of the Superior Court, one non-judge member of the bar of the Supreme Court, and one non-lawyer member shall be selected for two-year terms; one judge of the Superior Court, one non-judge member of the bar of the Supreme Court, and one non-lawyer member shall be selected for four-year terms; one judge of the court of common pleas shall be selected for a term of two years, one for a term of three years, and one for a term of four years.

General Provisions

Section 25. **Dispensing with Trial by Jury.**—Until otherwise provided by law, the parties, by agreement filed, may in any civil case dispense with trial by jury, and submit the decision of such case to the court having jurisdiction thereof, and such court shall hear and determine the same; and the judgment thereon shall be subject to writ of error as in other cases.

(Proposal No. 7—Cont.)

Section 26. Writs of Certiorari.— Unless and until changed by rule of the Supreme Court, in addition to the right of appeal under section nine of this article, the judges of the courts of common pleas, within their respective judicial districts, shall have power to issue writs of certiorari to the municipal court in the City of Philadelphia, justices of the peace and inferior courts not of record and to cause their proceedings to be brought before them, and right and justice to be done.

Section 27. Judicial Districts.— Until changed in accordance with section eleven of this article, the number and boundaries of judicial districts shall remain as at present.

Section 28. Referendum. — The officer of the Commonwealth who under law shall have supervision over elections shall cause the question provided for in section thirteen (d) of this article to be placed on the ballot in the 1969 primary election throughout the Commonwealth.

Section 29. Persons Specially Admitted by Local Rules.—Any person now specially admitted to practice may continue to practice in the court of common pleas or in that division of the court of common pleas and the municipal court in the City of Philadelphia which substantially includes the practice for which such person was previously specially admitted.

The above Summary and Explanation is offered for the convenience of the people only and is not to be considered an official interpretation of the proposals to which it relates.

**STANDING COMMITTEES
OF THE
PENNSYLVANIA CONSTITUTIONAL CONVENTION**

COMMITTEE ON JUDICIARY

William W. Scranton, Co-Chairman
Gustave G. Amsterdam, Co-Chairman

Sub-Committee on Selection of Judges

Bruce W. Kauffman, Co-Chairman
Isadore A. Shrager, Co-Chairman

Americo V. Cortese	David V. Shapiro
Lewis B. Lee	Richard L. Thornburgh
Gerald E. Ruth	Edwin G. Warman

Sub-Committee on Tenure of Judges

H. Clay Burkholder, Co-Chairman
John B. Hannum, Co-Chairman

David C. Baldus	Henry E. Rea, Jr.
David M. Barron	Hobson R. Reynolds
Martin W. Bashoff	Richard M. Sharp

**Sub-Committee on Incompatible Activities of Judges, their Suspension,
Removal, Discipline and Compulsory Retirement**

Francis A. Barry, Co-Chairman
Robert E. J. Curran, Co-Chairman

Eugene A. Caputo	Julian F. King
Robert M. Fortney	Joseph M. More
John W. Keller	Joseph Solomon

Sub-Committee on Retirement and Post-Retirement Service of Judges

W. Walter Braham, Co-Chairman
Robert B. Filson, Co-Chairman

Robert J. Butera	William D. Shettig
William F. Clinger, Jr.	Leon W. Silverman
John J. Redick	Daniel B. Strickler

Sub-Committee on Judicial Administration and Organization

Barbara S. Sprogell, Co-Chairman
Robert E. Woodside, Co-Chairman

Walter A. Benfield	William J. C. O'Donnell
Robert D. Fleming	Robert M. Sebastian
Theodore R. Laputka	William B. Stout

COMMITTEE ON LOCAL GOVERNMENT

Louis L. Manderino, Co-Chairman

Frank J. Pasquerilla, Co-Chairman

Sub-Committee on Structure and Organization

Gay B. Banes, Co-Chairman

M. Nelson McGearry, Co-Chairman

Alan I. Aberman

Kenneth B. Lee

Holbrook M. Bunting, Jr.

Stanley G. Stroup

Byron K. Horne

Thomas H. Welsh

Sub-Committee on Annexation and Boundary Changes

Fred E. Cunningham, Co-Chairman

Victor J. Westerberg, Co-Chairman

James L. Desmond

William J. Lane

Frank M. Fay

Dante Mattioni

A. Hugh Forster

F. Garrett Richter

Sub-Committee on Local Finance

Douglas M. Moorhead, Co-Chairman

John N. Scales, Co-Chairman

Beulah J. Brown

A. J. Gehrlein

Samuel C. Corey

Julian F. King

Joseph L. Cosetti

J. Edward Waldron

Sub-Committee on Home Rule

James D. Morton, Co-Chairman

Samuel Rappaport, Co-Chairman

Marie C. Aurentz

Ernest P. Kline

Rachel P. Benedict

Lewis B. Lee

Edward M. Dailey, Jr.

Harold A. Thomson

Sub-Committee on County Government

Mercer D. Tate, Co-Chairman

John T. Van Sant, Co-Chairman

John F. Baldwin

Edward H. Meyer, Jr.

John A. Conley

Dorothy Miller

Robert P. Fohl

John N. Roberts

Sub-Committee on Apportionment

James Hook, Co-Chairman

Daniel W. Shoemaker, Co-Chairman

T. Robert Brennan

Leonard H. Hatter

Howard R. Erwin

Charles E. Murray, Jr.

Harold H. Goldman

Richard M. Sharp

COMMITTEE ON TAXATION AND STATE FINANCE

Robert L. Leonard, Co-Chairman

Carleton T. Woodring, Co-Chairman

Sub-Committee on Taxation

Richard Gerber, Co-Chairman

George F. Pott, Co-Chairman

David C. Baldus

Samuel Camardella

Benjamin R. Donolow

Charles P. Henderson

Weldon B. Heyburn

Howard A. Krill

Thomas K. Leinbach

Franklin A. Mangery

Roy W. Miller

Jerry Powell

Sub-Committee on State Debt

Blaine C. Hocker, Co-Chairman

Edward Popil, Co-Chairman

T. Robert Brennan

Ralph A. Clark

Joseph L. Cosetti

Charlotte M. Fawcett

Philip L. Harding

Thelma D. Himes

Charles E. Murray, Jr.

William D. Shettig

George W. Shively

Charles H. Whittum, Jr.

Sub-Committee on Sinking Fund

James W. Percey, Co-Chairman

Thomas E. Wilcox, Co-Chairman

Gilbert J. Allison

Donald W. Bagenstose

Eugene A. Caputo

Richard J. Caron

John A. Conley

Georgette B. Griffith

German Quiles

Edward H. Rovner

Harold A. Thomson

Walter F. Wilmarth

COMMITTEE ON LEGISLATIVE APPORTIONMENT

William J. Devlin, Co-Chairman

Thomas L. Fagan, Co-Chairman

Sub-Committee on Method of Apportionment

Marvin V. Keller, Co-Chairman

Joseph G. Tomascik, Co-Chairman

Robert W. Baldrige

Herbert R. Cain, Jr.

Herbert Fineman

Matthew M. Gouger

H. Richard Hostetler

Harry T. Kelly

Ralph E. Orbin, Sr.

Albert R. Pechan

James F. Prendergast

Edward A. Sahli

John M. Scarlett

Basil C. Scott

Sub-Committee on Composition of Legislature

Justin D. Jirolanio, Co-Chairman

Marian E. Markley, Co-Chairman

Frank D. Croop	Leonard H. Hatter
Lee A. Donaldson, Jr.	K. LeRoy Irvis
Benjamin R. Donolow	Dante Mattioni
Peter D. Dumbauld	Charles A. McGlynn
Philip H. Feather	Floyd W. Musselman
Joseph Goldstein	Henry P. Otto

COMMITTEE ON STYLE AND DRAFTING

Roy H. Johnson, Co-Chairman

Lawrence L. Pelletier, Co-Chairman

Alan I. Aberman	Mildred D. Michael
Martin W. Bashoff	Floyd W. Musselman
Herman M. Buck	William J. C. O'Donnell
Holbrook M. Bunting, Jr.	Gerald E. Ruth
Philip H. Feather	Robert M. Sebastian
H. Richard Hostetler	David V. Shapiro
Richard L. Huggins	Richard L. Thornburgh
Theodore R. Laputka	Dorothy K. Tully

COMMITTEE ON ARRANGEMENT, SUBMISSION AND ADDRESS TO THE PEOPLE

William H. Gray, Jr., Co-Chairman

James W. Nelson, Co-Chairman

Donald W. Bagenstose	Harry T. Kelly
Herman M. Buck	Benjamin J. Levin
Robert J. Butera	Mildred D. Michael
A. Hugh Forster	John N. Roberts
A. J. Gehrlein	Leon W. Silverman
Matthew M. Gouger	Daniel B. Strickler
Charles P. Henderson	Edwin G. Warman
Weldon B. Heyburn	Charles H. Whittum, Jr.

COMMITTEE ON RULES

Max P. Gabreski, Co-Chairman

Charles P. Leach, Sr., Co-Chairman

Gustave G. Amsterdam

Frank J. Pasquerilla

Gay B. Banes

Albert R. Pechan

Robert E. J. Curran

Edward Popil

William J. Devlin

James F. Prendergast

Thomas L. Fagan

Basil C. Scott

William H. Gray, Jr.

William W. Scranton

Richard L. Huggins

Carleton T. Woodring

Louis L. Manderino

Robert E. Woodside

COMMITTEE ON ADMINISTRATION AND FINANCE

Israel C. Bloom, Co-Chairman

Guy J. Swope, Co-Chairman

Herbert R. Cain, Jr.

Ernest P. Kline

Samuel C. Corey

William J. Lane

Lee A. Donaldson, Jr.

Kenneth B. Lee

Herbert Fineman

Roy W. Miller

Robert D. Fleming

Ralph E. Orbin, Sr.

Robert P. Fohl

Isadore A. Shrager

Philip L. Harding

Stanley G. Stroup

K. LeRoy Irvis

J. Edward Waldron

EXECUTIVE STAFF

OF THE

PENNSYLVANIA CONSTITUTIONAL CONVENTION

John W. IngramExecutive Director

Ralph D. TiveAssistant Executive Director

Mark Gruell, Jr.Parliamentarian

Thomas R. BalabanSolicitor and Assistant Parliamentarian

Peter M. ColemanInformation Officer

Severino StefanonAdministrative Consultant

Marvin ComiskyGeneral Counsel

Adam T. BowerDirector of Convention Services

Anthony J. PetroskyDirector of Convention Operations

John H. FergusonCo-Director of Research

Harold AlderferCo-Director of Research

George WolfHistorian

James S. BergerDirector Convention Drafting Bureau

ROSTER OF DELEGATES OF THE PENNSYLVANIA CONSTITUTIONAL CONVENTION

Name	Party Affilia- tion	Sena- torial District	Occupation	Residence
Aberman, Alan I.	(D)	(2)	Attorney	Philadelphia
Allison, Gilbert J.	(D)	(29)	Clerk, House of Rep.	Tamaqua
Amsterdam, Gustave G.	(D)	(7)	Corporate Executive	Philadelphia
Aurentz, Marie C.	(D)	(43)	County Vice- Chairman	Pittsburgh
Bagenstose, Donald W.	(D)	(11)	Accountant and Insurance Agent	West Reading
Baldrige, Robert W.	(R)	(41)	Lawyer-Farmer	Clarksburg
Baldus, David C.	(D)	(38)	Attorney	Pittsburgh
Baldwin, John F.	(R)	(12)	V.P. of Dairy Company	Upper Southampton
Banes, Gay B.	(D)	(45)	Lawyer, Real Estate Broker	McKeesport
Barron, David McNitt	(R)	(33)	Lawyer	Lewistown
Barry, Francis A.	(D)	(45)	Attorney	Pittsburgh
Bashoff, Martin W.	(D)	(6)	Lawyer	Philadelphia
Benedict, Rachel P.	(R)	(36)	Housewife	Philadelphia
Benfield, Walter A.	(D)	(11)	Tax Collector, Insurance, Real Estate, J. P.	Alburtis
Bloom, I. C.	(R)	(46)	Attorney	Washington
Braham, W. Walter	(R)	(21)	Lawyer	New Castle
Brennan, T. Robert	(D)	(44)	Attorney	Pittsburgh
Broderick, Raymond J.*	(R)	ex officio	Attorney	Philadelphia
Brown, Beulah J.	(R)	(21)	Housewife	Butler
Buck, Herman M.	(R)	(32)	Attorney	Uniontown
Bunting, Holbrook M.	(D)	(26)	Attorney	Swarthmore
Burkholder, H. Clay	(D)	(13)	Lawyer	Lancaster
Butera, Robert J.*	(R)	ex officio	Attorney	Norristown
Cain, Herbert R., Jr.	(R)	(7)	Lawyer	Philadelphia
Camardella, Samuel	(D)	(5)	Union Rep.	Philadelphia
Caputo, Eugene A.	(D)	(47)	Attorney	Ambridge
Caron, Richard J.	(R)	(48)	Textile Executive	Reading
Casey, Robert P.	(D)	(22)	Attorney	Scranton
Clark, Ralph A.	(R)	(18)	Retired Chemical Co. Executive	Easton
Clinger, William F., Jr.	(R)	(25)	Attorney	Warren
Conley, John A.	(D)	(38)	Attorney, Social Worker	Pittsburgh
Corey, Samuel C.	(R)	(24)	Insurance Executive	Fort Washington
Cortese, Americo V.	(R)	(1)	Attorney	Philadelphia
Cosetti, Joseph L.	(D)	(42)	Economist- Businessman	Pittsburgh
Croop, Frank D.	(R)	(27)	Ins. Agent & Broker & Bank President	Berwick
Cunningham, Fred E.	(D)	(35)	Div. Mgr., Gen. Telephone Co.	Johnstown
Curran, Robert E. J.	(R)	(26)	Attorney	Media
Dailey, Edward M., Jr.	(D)	(23)	General Ins. Agent	Dushore
Desmond, James L.	(R)	(9)	Police Lt., Reading Company	Eddystone
Devlin, William J.	(R)	(6)	Chm., Rep. City Com.	Philadelphia

*Member of the Constitutional Convention Preparatory Committee.

Name	Party Affilia- tion	Sen- atorial District	Occupation	Residence
Donaldson, Lee A., Jr.*	(R)	ex officio	Attorney	Allison Park
Donolow, Benjamin R.*	(D)	ex officio	Attorney	Philadelphia
Dumbauld, Peter T.	(D)	(30)	Merchant	Somerset
Erwin, Howard R.	(R)	(6)	Automobile Dealer	Philadelphia
Fagan, Thomas L.	(D)	(42)	Pres. Teamsters Union—Local 249	Pittsburgh
Fawcett, Charlotte M.	(R)	(12)	Homemaker	Huntingdon Valley
Fay, Frank M.	(D)	(14)	Ins. Broker & Tax Consultant	Hazleton
Feather, Philip H.	(D)	(48)	Attorney	Annaville
Filson, Robert B.	(D)	(41)	Attorney	Mayport
Fineman, Herbert*	(D)	ex officio	Attorney	Philadelphia
Fleming, Robert D.*	(R)	ex officio	Real Estate & Insurance Broker	Pittsburgh
Fohl, Robert P.	(R)	(40)	Commercial Re- search Analyst	Pittsburgh
Forster, A. Hugh	(R)	(13)	Dir., Public Re- lations & Affairs	Lancaster
Fortney, Robert M.	(R)	(27)	Attorney	Shamokin
Gabreski, Max P.	(D)	(25)	Lawyer	Oil City
Gehrlein, A. J.	(D)	(49)	Treas. of Erie County	Erie
Gerber, Richard	(D)	(17)	Lawyer	Plymouth Meeting
Goldman, Harold H.	(R)	(37)	Attorney	Pittsburgh
Goldstein, Joseph	(R)	(5)	Funeral Director	Philadelphia
Gouger, Matthew M.	(D)	(33)	Business Execu- tive & Farmer	Waynesboro
Gray, William H., Jr.	(D)	(3)	Minister, Civil Service Comm.	Philadelphia
Griffith, Georgette B.	(R)	(24)	Housewife	Oaks
Hannum, John B.	(R)	(19)	Judge	Unionville
Harding, Philip L.	(D)	(9)	Technician, Sunolin Chem. Co.	Chester
Hatter, Leonard H.	(R)	(29)	Stenographic Reporter	Hegins
Henderson, Charles P.	(D)	(47)	Supt., Midland Public Schools	Industry
Heyburn, Weldon B.	(R)	(9)	Chm., Executive Com.	Concordville
Himes, Thelma D.	(R)	(23)	Housewife	Williamsport
Hocker, Blaine C.	(R)	(15)	Retired	Harrisburg
Hook, James	(D)	(46)	Attorney	Waynesburg
Horne, Byron K.	(R)	(48)	Headmaster	Lititz
Hostetler, H. Richard	(D)	(31)	Farmer-Salesman	Mifflintown
Huggins, Richard L.	(R)	(45)	Pastor	McKeesport
Irvis, K. LeRoy*	(D)	ex officio	Attorney	Pittsburgh
Jirolanio, Justin D.	(D)	(18)	Attorney	Bethlehem
Johnson, Roy H.	(D)	(50)	College Professor	Greenville
Kauffman, Bruce W.	(R)	(17)	Attorney	Merion
Keller, John W.	(R)	(33)	Attorney	Waynesboro
Keller, Marvin V.	(R)	(10)	Contractor	Doylestown
Kelly, Harry T.	(D)	(8)	Sales Rep- resentative	Philadelphia

*Member of the Constitutional Convention Preparatory Committee.

Name	Party Affilia- tion	Sena- torial District	Occupation	Residence
King, Julian F.	(D)	(2)	Attorney	Philadelphia
Kline, Ernest P.*	(D)	ex officio	Radio Newsman	Beaver Falls
Krill, Howard A.	(R)	(29)	Asst. to Dist. Manager, P.P.&L.	Palmerton
Lane, William J.*	(D)	ex officio	Real Estate & Insurance	Brownsville
Laputka, Theodore R.	(R)	(14)	Attorney	Hazleton
Leach, Charles P., Sr.	(R)	(41)	Ins. Broker	New Bethlehem
Lee, Kenneth B.*	(R)	ex officio	Attorney	Eagles Mere
Lee, Lewis B.	(R)	(20)	Staff Asst.- Field Rep.	Uniondale
Leinbach, Thomas K.	(R)	(11)	Retired Hosp. Adm.	Shillington
Leonard, Robert L.	(R)	(36)	C.P.A.	Philadelphia
Levin, Benjamin J.	(R)	(26)	Real Estate Broker, Appraiser, Consultant	Media
Manderino, Louis L.	(D)	(32)	Dean, Duquesne Law School	Monessen
Mangery, Franklin A.	(R)	(39)	Electrician	Delmont
Markley, Marian E.	(R)	(16)	Homemaker	Macungie
Mattioni, Dante	(D)	(8)	Attorney	Philadelphia
McGeary, M. Nelson	(R)	(34)	Dean, Grad. Sch., Penn State U.	State College
McGlynn, Charles A.	(D)	(4)	Revenue In- vestigator	Philadelphia
Meyer, Edward H.	(R)	(4)	Realtor	Philadelphia
Michael, Mildred D.	(R)	(28)	Housewife-Teacher	Hanover
Michener, James A.	(D)	(10)	Writer	Pipersville
Miller, Dorothy	(D)	(43)	Clerk	Pittsburgh
Miller, Roy W.	(D)	(16)	C.P.A.	Allentown
Moorhead, Douglas M.	(R)	(49)	Retired Executive	North East
More, Joseph M.	(R)	(8)	Attorney	Philadelphia
Morton, James D.	(R)	(44)	Attorney	Pittsburgh
Murray, Charles E., Jr.	(D)	(5)	Realtor	Philadelphia
Musselman, Floyd W.	(R)	(31)	Leg. Repre- sentative	Camp Hill
Nelson, James W.	(R)	(30)	Lawyer	Altoona
O'Donnell, William J. C.	(D)	(19)	Attorney	Phoenixville
Orban, Frank A., Jr.	(R)	(30)	Attorney	Somerset
Orbin, Ralph E., Sr.	(D)	(39)	Rep., United Steelworkers of America, AFL-CIO	Youngwood
Otto, Henry P.	(R)	(44)	Advertising	Pittsburgh
Pasquerilla, Frank J.	(R)	(35)	Pres., Crown Construction Co.	Johnstown
Pechan, Albert R.*	(R)	ex officio	Dentist	Ford City
Pelletier, Lawrence L.	(R)	(50)	Educator	Meadville
Percey, James W.	(D)	(27)	Associate Pro- fessor of Pol. Science	Orangeville
Popil, Edward	(D)	(22)	Fin. Sec.-Treas., Ukrainian Work- ingman's Assoc.	Scranton
Pott, George F.	(R)	(40)	V.P., International Water Corp.	Pittsburgh
Powell, Jerry	(R)	(10)	Director, Electronic Data Processing	Levittown

*Member of the Constitutional Convention Preparatory Committee.

Name	Party Affilia- tion	Sena- torial District	Occupation	Residence
Prendergast, James F.*	(D)	ex officio	Attorney	Easton
Quiles, German	(D)	(3)	Credit Manager	Philadelphia
Rappaport, Samuel	(D)	(1)	Lawyer	Philadelphia
Rea, Henry E., Jr.	(R)	(37)	Attorney	Pittsburgh
Redick, John J.	(D)	(37)	Construction Supervisor	Pittsburgh
Reynolds, Hobson R.	(R)	(3)	Inspector Funeral Director	Philadelphia
Richter, F. Garrett	(R)	(38)	Richter Busi- ness Forms Co.	Pittsburgh
Roberts, John Nelson	(D)	(20)	Clergyman	Mountain- home
Rovner, Edward H.	(R)	(4)	Union Official	Philadelphia
Ruth, Gerald E.	(D)	(28)	Attorney	York
Sahli, Edward A.	(R)	(47)	Automobile Dealer	Beaver Falls
Scales, John N.	(D)	(39)	Attorney	Greensburg
Scarlett, John M.	(R)	(49)	Retired	Erie
Scott, Basil C.	(R)	(50)	Mayor	Sharon
Scranton, William W.	(R)	(22)	Businessman	Dalton
Sebastian, Robert M.	(R)	(2)	Lawyer	Philadelphia
Shapiro, David V.	(D)	(12)	Lawyer	Elkins Park
Sharp, Richard M.	(D)	(34)	Attorney	Philipsburg
Shettig, William D.	(D)	(35)	Attorney	Ebensburg
Shively, George W.	(R)	(34)	Principal	Clearfield
Shoemaker, Daniel W.	(R)	(28)	Attorney	York
Shrager, Isadore A.	(D)	(7)	Lawyer	Philadelphia
Silverman, Leon W.	(D)	(1)	Lawyer	Philadelphia
Solomon, Joseph	(D)	(21)	Lawyer	New Castle
Sprogell, Barbara S.	(D)	(24)	Housewife	North Wales
Stout, William B.	(D)	(46)	Contractor- Construction	Bentleyville
Strickler, Daniel B.	(R)	(13)	Lawyer	Lancaster
Stroup, Stanley G.*	(R)	ex officio	Attorney	Bedford
Swope, Guy J.	(D)	(15)	C.P.A.	Harrisburg
Tate, Mercer D.	(D)	(36)	Attorney	Philadelphia
Thomson, Harold A.	(R)	(19)	Insurance & Reg. Prof. Eng.	Malvern
Thornburgh, Richard L.	(R)	(43)	Attorney	Pittsburgh
Tomascik, Joseph G.	(D)	(14)	Attorney	Wilkes-Barre
Tully, Dorothy K.	(R)	(31)	Housewife	Camp Hill
Van Sant, John T.	(R)	(16)	Public Relations & Insurance	Allentown
Waldron, J. Edward	(R)	(42)	Reg. Dir. Adv. Bd. Problem of Older Worker-Pub. Relations	Pittsburgh
Warman, Edwin G.	(D)	(32)	Author & Publisher	Uniontown
Welsh, Thomas H.	(D)	(40)	Lawyer	Pittsburgh
Westerberg, Victor J.	(R)	(25)	Merchant	Kane
Whittum, Charles H.	(R)	(17)	V.P., The First Pa. Nat'l Banking & Trust Co.	Wayne
Wilcox, Thomas E.	(R)	(23)	Attorney	Wellsboro
Wilmarth, Walter F.	(R)	(20)	Farmer	Kingsley
Woodring, Carleton T.	(D)	(18)	Judge	Easton
Woodside, Robert E.	(R)	(15)	Attorney	Millersburg

*Member of the Constitutional Convention Preparatory Committee.

APPENDIX

ARTICLES AND SECTIONS

OF THE

CONSTITUTION OF 1874

THAT WILL BE REPEALED, REPLACED OR

MODIFIED BY THE PROPOSALS OF THE

CONSTITUTIONAL CONVENTION

ARTICLE II

THE LEGISLATURE

Senatorial District Apportionment

Section 16. The State shall be divided into fifty senatorial districts of compact and contiguous territory as nearly equal in population as may be, and each district shall be entitled to elect one Senator. Each county containing one or more ratios of population shall be entitled to one Senator for each ratio, and to an additional Senator for a surplus of population exceeding three-fifths of a ratio, but no county shall form a separate district unless it shall contain four-fifths of a ratio, except where the adjoining counties are each entitled to one or more Senators, when such county may be assigned a Senator on less than four-fifths and exceeding one-half of a ratio; and no county shall be divided unless entitled to two or more Senators. No city or county shall be entitled to separate representation exceeding one-sixth of the whole number of Senators. No ward, borough or township shall be divided in the formation of a district. The senatorial ratio shall be ascertained by dividing the whole population of the State by the number fifty.

Representative District Apportionment

Section 17. The members of the House of Representatives shall be apportioned among the several counties, on a ratio obtained by dividing the population of the State as ascertained by the most recent United States census by two hundred. Every county containing less than five ratios shall have one representative for every full ratio, and an additional representative when the surplus exceeds half a ratio; but each county shall have at least one representative. Every county containing five ratios or more shall have one representative for every full ratio. Every city containing a population equal to a ratio shall elect separately its proportion of the representatives allotted to the county in which it is located. Every city entitled to more than four representatives, and every county having over one hundred thousand inhabitants shall be divided into districts of compact and contiguous territory, each district to elect its proportion of representatives according to its population, but no district shall elect more than four representatives.

Time of Apportionment

Section 18. The General Assembly at its first session after the adoption of this Constitution, and immediately after each United States decennial census, shall apportion the State into senatorial and representative districts agreeably to the provisions of the two next preceding sections.

ARTICLE VIII

TAXATION AND FINANCE

Uniformity of Taxation; Exemptions

Section 1. All taxes shall be uniform, upon the same class of subjects, within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws; but the General Assembly may, by general laws, exempt from taxation public property used for public purposes, actual places of religious worship, places of burial not used or held for private or corporate profit, institutions of purely public charity and real and personal property owned, occupied, and used by any branch, post, or camp of honorably discharged soldiers, sailors, and marines; and the General Assembly may, by general laws, set up standards and qualifications for private forest reserves, and make special provision for the taxation thereof. Citizens and residents of this Commonwealth, who served in any war or armed conflict in which the United States was engaged and were honorably discharged or released under honorable circumstances from active service, shall be exempt from the payment of all real property taxes upon the residence occupied by the said citizens and residents of this Commonwealth imposed by the Commonwealth of Pennsylvania or any of its political subdivisions if, as a result of military service, they are blind, paraplegic or double quadruple amputees, and if the State Veterans' Commission determines that such persons are in need of the tax exemptions granted herein. Any taxing authority may exempt from occupational privilege taxes, persons deriving less than one thousand dollars per year from such occupation.

Reciprocal Exemptions

Section 1B. Taxation laws may grant exemptions or rebates to residents, or estates of residents, of other States which grant similar exemptions or rebates to residents, or estates of residents, of Pennsylvania.

Exemption from Taxation Restricted

Section 2. All laws exempting property from taxation, other than the property above enumerated shall be void.

Taxation of Corporations

Section 3. The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the State shall be a party.

Limitation of State Debt

Section 4. No debt shall be created by or on behalf of the State, except to supply casual deficiencies of revenue, repel invasions, suppress insurrection, defend the State in war, or to pay existing debt; and the debt created to supply deficiencies in revenues shall never exceed, in the aggregate at any one time, on one million dollars: Pro-

vided, however, That the General Assembly, irrespective of any debt, may authorize the State to issue bonds, to the amount of one hundred millions of dollars, for the purpose of improving and rebuilding the highways of the Commonwealth.

State Loans Restricted to Purpose

Section 5. All laws, authorizing the borrowing of money by and on behalf of the State, shall specify the purpose for which the money is to be used, and the money so borrowed shall be used for the purpose specified and no other.

State Credit Not to Be Pledged

Section 6. The credit of the Commonwealth shall not be pledged or loaned to any individual, company, corporation or association, nor shall the Commonwealth become a joint owner or stockholder in any company, association or corporation.

Municipalities Not to Become Stockholders

Section 7. The General Assembly shall not authorize any county, city, borough, township or incorporated district to become a stockholder in any company, association or corporation, or to obtain or appropriate money for, or to loan its credit to, any corporation, association, institution or individual.

Section 8. The debt of any county, city, borough, township, school district, or other municipality or incorporated district, except as provided herein, and in section fifteen of this article, shall never exceed fifteen (15) per centum upon the assessed value of the taxable property therein nor shall any such county, municipality or district incur any debt, or increase its indebtedness to an amount exceeding five (5) per centum upon such assessed valuation of property, without the consent of the electors thereof at a public election in such manner as shall be provided by law. The debt of the city of Philadelphia may be increased in such amount that the total debt of said city shall not exceed thirteen and one-half (13½) per centum of the average of the annual assessed valuations of the taxable realty therein, during the ten years immediately preceding the year in which such increase is made, but said city shall not increase its indebtedness to an amount exceeding three (3) per centum upon such average assessed valuation of realty, without the consent of the electors thereof at a public election held in such manner as shall be provided by law. No debt shall be incurred by, or on behalf of, the county of Philadelphia.

In ascertaining the debt-incurring capacity of the city of Philadelphia at any time, there shall be deducted from the debt of said city so much of such debt as shall have been incurred, or is about to be incurred, and the proceeds thereof expended, or about to be expended, upon any public improvement, or in construction, purchase, or condemnation of any public utility, or part thereof, or facility therefor, if such public improvement or public utility, or part thereof, or facility therefor, whether separately, or in connection with any other public

improvement or public utility, or part thereof, or facility therefor, may reasonably be expected to yield revenue in excess of operating expenses sufficient to pay the interest and sinking fund charges thereon. The method of determining such amount, so to be deducted, shall be as now prescribed, or which may hereafter be prescribed by the General Assembly.

In incurring indebtedness for any purpose the city of Philadelphia may issue its obligations maturing not later than fifty (50) years from the date thereof, with provision for a sinking fund to be in equal or graded annual or other periodical installments. Where any indebtedness shall be or shall have been incurred by said city of Philadelphia for the purpose of the construction or improvement of public works or utilities of any character, from which income or revenue is to be derived by said city, or for the reclamation of land to be used in the construction of wharves or docks owned or to be owned by said city, such obligations may be in an amount sufficient to provide for, and may include the amount of, the interest and sinking fund charges accruing and which may accrue thereon throughout the period of construction, and until the expiration of one year after the completion of the work for which said indebtedness shall have been incurred; and said city shall not be required to levy a tax to pay said interest and sinking fund charges as required by section ten of this article until the expiration of said period of one year after the completion of said work.

State Not to Assume Municipal Debts; Exceptions

Section 9. The Commonwealth shall not assume the debt, or any part thereof, of any city, county, borough or township, unless such debt shall have been contracted to enable the State to repel invasion, suppress domestic insurrection, defend itself in time of war, or to assist the State in the discharge of any portion of its present indebtedness.

Municipalities Taxing Powers

Section 10. Any county, township, school district or other municipality incurring any indebtedness shall, at or before the time of so doing, provide for the collection of an annual tax sufficient to pay the interest and also the principal thereof within thirty years.

State Sinking Fund

Section 11. To provide for the payment of the present State debt, and any additional debt contracted as aforesaid, the General Assembly shall continue and maintain the sinking fund, sufficient to pay the accruing interest on such debt, and annually to reduce the principal thereof by a sum not less than two hundred and fifty thousand dollars; the said sinking fund shall consist of the proceeds of the sales of the public works or any part thereof, and of the income or proceeds of the sale of any stocks owned by the Commonwealth, together with other funds and resources that may be designated by law, and shall

be increased from time to time by assigning to it any part of the taxes or other revenues of the State not required for the ordinary and current expenses of government; and unless in case of war, invasion or insurrection, no part of the said sinking fund shall be used or applied otherwise than in the extinguishment of the public debt.

Surplus Funds; Sinking Fund Investments

Section 12. The moneys of the State, over and above the necessary reserve, shall be used in the payment of the debt of the State, either directly or through the sinking fund, and the moneys of the sinking fund shall never be invested in or loaned upon the security of anything, except the bonds of the United States or of this State.

Reserve Funds; Monthly Statements

Section 13. The moneys held as necessary reserve shall be limited by law to the amount required for current expenses, and shall be secured and kept as may be provided by law. Monthly statements shall be published showing the amount of such moneys, where the same are deposited, and how secured.

Penalty for Misuse of Public Moneys

Section 14. The making of profit out of the public moneys or using the same for any purpose not authorized by law by any officer of the State, or member or officer of the General Assembly, shall be a misdemeanor and shall be punished as may be provided by law, but part of such punishment shall be disqualification to hold office for a period of not less than five years.

Exceptions to Municipal Indebtedness; Liquidation

Section 15. No obligations which have been heretofore issued, or which may hereafter be issued, by any county or municipality, other than Philadelphia, to provide for the construction or acquisition of waterworks, subways, underground railways or street railways, or the appurtenances thereof, shall be considered as a debt of a municipality, within the meaning of section eight of article nine of the Constitution of Pennsylvania or of this amendment, if the net revenue derived from said property for a period of five years, either before or after the acquisition thereof, or, where the same is constructed by the county or municipality, after the completion thereof, shall have been sufficient to pay interest and sinking-fund charges during said period upon said obligations, or if the said obligations shall be secured by liens upon the respective properties, and shall impose no municipal liability. Where municipalities or counties shall issue obligations to provide for the construction of property, as herein provided, said municipalities or counties may also issue obligations to provide for the interest and sinking-fund charges accruing thereon until said properties shall have been completed and in operation for a period of one year; and said municipalities and counties shall not be required to levy a tax to pay said interest and sinking-fund charges, as required by section ten of

article nine of the Constitution of Pennsylvania, until after said properties shall have been operated by said counties or municipalities during said period of one year. Any of the said municipalities or counties may incur indebtedness in excess of seven per centum, and not exceeding ten per centum, of the assessed valuation of the taxable property therein, if said increase of indebtedness shall have been assented to by three-fifths of the electors voting at a public election, in such manner as shall be provided by law.

Soldiers' Bonus*

Section 16. In addition to the purposes stated in article nine, section four of this Constitution, the State may be authorized by law to create debt and to issue bonds, to the amount of fifty millions of dollars, for the payment of compensation to certain persons from this State who served in the Army, Navy, or Marine Corps of the United States during the war between the United States and Spain, between the twenty-first day of April, one thousand eight hundred and ninety-eight, and the thirteenth day of August, one thousand eight hundred and ninety-eight, or who served in the China Relief Expedition in the Philippines or Guam, between the twenty-first day of April, one thousand eight hundred and ninety-eight, and the fourth day of July, one thousand nine hundred and two, or who served in the Army, Navy, or Marine Corps of the United States during the World War, between the sixth day of April, one thousand nine hundred and seventeen, and the eleventh day of November, one thousand nine hundred and eighteen.

Toll Bridges*

Section 16. In addition to the purposes stated in article nine, section four, of this Constitution, the General Assembly may provide, by law, for the issue of bonds, to the amount of ten millions of dollars, for the purpose of acquiring toll bridges, and may, by law, provide that, upon the acquisition of any such bridge, tolls may be charged for the use thereof, sufficient to pay the interest and sinking fund charges on such bonds and the cost of the maintenance of such bridges, until the bonds issued have been retired and such bridges are freed of tolls.

Authorization of State to Borrow Money

Section 17. The Governor, the Auditor General, and the State Treasurer, immediately upon the adoption of this amendment by the electors, may borrow an amount not exceeding twenty-five million dollars to defray the expenses of the State government for the biennium beginning June first, one thousand nine hundred thirty-three; provided the General Assembly, at its regular session of one thousand nine hundred and thirty-three, has authorized the borrowing of money for this purpose.

Gasoline Taxes and Motor License Fees Restricted.

Section 18. All proceeds from gasoline and other motor fuel excise taxes, motor vehicle registration fees and license taxes, operators'

*Two Section sixteens in original copy

license fees and other excise taxes imposed on products used in motor transportation after providing therefrom for (a) cost of administration and collection, (b) payment of obligations incurred in the construction and reconstruction of public highways and bridges shall be appropriated by the General Assembly to agencies of the State or political subdivisions thereof; and used solely for construction, reconstruction, maintenance and repair of and safety on public highways and bridges and air navigation facilities and costs and expenses incident thereto, and for the payment of obligations incurred for such purposes, and shall not be diverted by transfer or otherwise to any other purpose, except that loans may be made by the State from the proceeds of such taxes and fees for a single period not exceeding eight months, but no such loan shall be made within the period of one year from any preceding loan, and every loan made in any fiscal year shall be repayable within one month after the beginning of the next fiscal year.

Special Assessment for Transit Facilities in Philadelphia

Section 19. The city of Philadelphia, in constructing, for the benefit of the inhabitants thereof, transit subways, rapid transit railways, or other local transit facilities for the transportation of persons or property, shall have the power, in order the more justly to distribute the benefits and costs of such transit facilities, to levy special assessments against such properties, whether abutting or not abutting upon said transit facilities, as are or will be specially and particularly benefited by the construction or operation of such transit facilities; such power to be exercised in accordance with existing or with future laws or pursuant to statutes enacted prior to the adoption of this amendment but made effective by it. Such special assessments, when so levied, may be made payable presently when levied or in installments over a period of years, with or without interest, and shall immediately, when so levied, be deducted from any indebtedness incurred for such purposes in calculating the debt of such city. Such city may acquire by eminent domain either the fee or less estate or easements in land necessary for the construction or operation of such transit facilities or for the disposal of earth or material excavated in the construction thereof or for other incidental purposes; but this provision shall not create any additional powers for the condemnation of any railroad or street railway in operation.

(PLEASE NOTE—Section 20 omitted in original)

Bonds Authorized for Special Purposes

Section 21. In addition to the purposes stated in article nine, section four of this Constitution, the Commonwealth may be authorized by law to create debt and to issue bonds to the amount of fifty million dollars (\$50,000,000) for the construction of public buildings, highways, drainage and sanitary systems, antistream pollution and flood control projects for purposes of reforestation, and for the rehabilitation and hospitalization of war veterans.

Soldier's Bonus (World War II)

Section 22. In addition to the purposes stated in article nine, section four of this Constitution, the Commonwealth may be authorized by law to create debt and to issue bonds to the amount of \$500,000,000 for the payment of compensation to certain persons from this Commonwealth who shall have served in the armed forces of the United States or of any of her allies during World War II, between the seventh day of December, one thousand nine hundred forty-one and the second day of September, one thousand nine hundred forty-five, for the service of such persons to their country, whether or not they be living when distribution shall be made, and if such persons shall be deceased when distribution shall be made, such deceased person's compensation shall be paid to his spouse, child, children or parents.

Korean Veterans' Bonus

Section 23. In addition to the purposes stated in article nine, section four of this Constitution, the Commonwealth may be authorized, by law, to create debt and to issue bonds to the amount of one hundred fifty million dollars (\$150,000,000) for the payment of compensation to certain persons from this Commonwealth, who served in the armed forces of the United States or any of her allies during the Korean Conflict, between June twenty-fifth, one thousand nine hundred fifty, and July twenty-seventh, one thousand nine hundred fifty-three, for the service of such persons to their country, whether or not they are living when distribution is made, and if the person is deceased when distribution is made, the deceased person's compensation shall be paid to his spouse, child, children or parents.

The law authorizing the creation of the debt and the issuance of the bonds shall not take effect until revenue-raising measures are enacted, which the Senate and House of Representatives, by concurrent resolution, declare and deem sufficient to amortize the amount to be borrowed and paid. The revenue derived from such revenue-raising measures shall be used only for the payment of the debt created, as herein provided, and the measures shall provide for their termination when sufficient funds are accumulated to pay the debt.

Project "70"

Section 24. In addition to the purposes stated in article nine, section four of this Constitution, the Commonwealth may be authorized by law to create debt and to issue bonds to the amount of seventy million dollars (\$70,000,000) for the acquisition of land for State parks, reservoirs and other conservation and recreation and historical preservation purposes, and for participation by the Commonwealth with political subdivisions in the acquisition of land for parks, reservoirs and other conservation and recreation and historical preservation purposes, subject to such conditions and limitations as the General Assembly may prescribe.

Section 25. In addition to the purposes stated in article nine, sec-

tion four of this Constitution, the Commonwealth may be authorized by law to create a debt and issue bonds in the amount of five hundred million dollars (\$500,000,000) for a Land and Water Conservation and Reclamation Fund to be used for the conservation and reclamation of land and water resources of the Commonwealth, including the elimination of acid mine drainage, sewage, and other pollution from the streams of the Commonwealth, the provision of State financial assistance to political subdivisions and municipal authorities of the Commonwealth of Pennsylvania for the construction of sewage treatment plants, the restoration of abandoned strip-mined areas, the control and extinguishment of surface and underground mine fires, the alleviation and prevention of subsidence resulting from mining operations, and the acquisition of additional lands and the reclamation and development of park and recreational lands acquired pursuant to the authority of article nine, section twenty-four of this Constitution, subject to such conditions and liabilities as the General Assembly may prescribe.

ARTICLE XIII — — NEW COUNTIES

Section 1. No new county shall be established which shall reduce any county to less than four hundred square miles, or to less than twenty thousand inhabitants; nor shall any county be formed of less area, or containing a less population; nor shall any line thereof pass within ten miles of the county seat of any county proposed to be divided.

ARTICLE XIV — — COUNTY OFFICERS

Enumerated; Treasurers Ineligible to Succeed Themselves

Section 1. County officers shall consist of sheriffs, coroners, prothonotaries, register of wills, recorder of deeds, commissioners, treasurers, surveyors, auditors or controllers, clerks of the courts, district attorneys and such others as may from time to time be established by law; and no treasurer shall be eligible for the term next succeeding the one for which he may be elected.

Elections; Terms; Vacancies

Section 2. County officers shall be elected at the municipal elections and shall hold their offices for the term of four years, beginning on the first Monday of January next after their election, and until their successors shall be duly qualified; all vacancies not otherwise provided for, shall be filled in such manner as may be provided by law.

Residence Requirements

Section 3. No person shall be appointed to any office within any county who shall not have been a citizen and an inhabitant therein one year next before his appointment, if the county shall have been so long erected, but if it shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken.

Location of County Offices

Section 4. Prothonotaries, clerks of the courts, recorders of deeds, registers of wills, county surveyors and sheriffs, shall keep their offices in the county town of the county in which they respectively shall be officers.

Compensation of County Officers; Fees

Section 5. The compensation of county officers shall be regulated by law, and all county officers who are or may be salaried shall pay all fees which they may be authorized to receive, into the treasury of the county or State, as may be directed by law. In counties containing over one hundred and fifty thousand inhabitants all county officers shall be paid by salary, and the salary of any such officer and his clerks, heretofore paid by fees, shall not exceed the aggregate amount of fees earned during his term and collected by or for him.

Accountability of Municipal Officers

Section 6. The General Assembly shall provide by law for the strict accountability of all county, township and borough officers, as well as for the fees which may be collected by them, as for all public or municipal moneys which may be paid to them.

County Commissioners and Auditors; Filling Vacancies

Section 7. Three county commissioners and three county auditors shall be elected in each county where such officers are chosen, in the year one thousand nine hundred and eleven and every fourth year thereafter; and in the election of said officers each qualified elector shall vote for no more than two persons, and the three persons having the highest number of votes shall be elected; any casual vacancy in the office of county commissioners or county auditor shall be filled, by the court of common pleas of the county in which such vacancy shall occur, by the appointment of and elector of the proper county who shall have voted for the commissioner or auditor whose place is to be filled.

Abolition of County Offices in Philadelphia

Section 8. (1) In Philadelphia all county offices are hereby abolished, and the city shall henceforth perform all functions of county government within its area through officers selected in such manner as may be provided by law.

(2) Local and special laws, regulating the affairs of the city of Philadelphia and creating offices or prescribing the powers and duties of officers of the city of Philadelphia, shall be valid notwithstanding the provisions of section seven of article three of this Constitution.

(3) All laws applicable to the county of Philadelphia shall apply to the city of Philadelphia.

(4) The city of Philadelphia shall have, assume and take over all powers, property, obligations and indebtedness of the county of Philadelphia.

(5) The provisions of article fifteen, section one of the Constitution shall apply with full force and effect to the functions of the county government hereafter to be performed by the city government.

(6) This amendment shall become effective immediately upon its adoption.

(7) Upon adoption of this amendment all county officers shall become officers of the city of Philadelphia, and until the General Assembly shall otherwise provide, shall continue to perform their duties and be elected, appointed, compensated and organized in such manner as may be provided by the provisions of this Constitution and the laws of the Commonwealth in effect at the time this amendment becomes effective, but such officers serving when this amendment becomes effective shall be permitted to complete their terms.

ARTICLE XV — — CITIES AND CITY CHARTERS

Home Rule

Section 1. Cities may be chartered whenever a majority of electors of any town or borough having a population of at least ten thousand shall vote at any general or municipal election in favor of the same. Cities, or cities of any particular class, may be given the right and power to frame and adopt their own charters and to exercise the powers and authority of local self-government, subject, however, to such restrictions, limitations, and regulations, as may be imposed by the Legislature. Laws also may be enacted affecting the organization and government of cities and boroughs, which shall become effective in any city or borough only when submitted to the electors thereof, and approved by a majority of those voting thereon.

Appropriations Must Precede Indebtedness

Section 2. No debt shall be contracted or liability incurred by any municipal commission, except in pursuance of an appropriation previously made therefor by the municipal government.

City Sinking Fund

Section 3. Every city shall create a sinking fund, which shall be inviolably pledged for the payment of its funded debt.

Consolidation in Allegheny County

Section 4. The General Assembly is hereby authorized to provide for the consolidation of the county, poor districts, cities, boroughs and townships of the county of Allegheny, and the offices thereof, into a consolidated city and county, with the constitutional and legal capacity of a municipal corporation, to be known either as "Greater Pittsburgh" or "Metropolitan Pittsburgh" or "City of Pittsburgh (Metropolitan)," and to provide for a charter for its government, and to fix the name thereof in the charter. The said charter shall be submitted to the electors of said county at a special or general election to be provided for therein. If the majority of the electors voting thereon in the county as a whole, and at least a majority of the electors voting thereon in each of

a majority of the cities, boroughs and townships thereof, vote in the affirmative, the act shall take effect for the whole county.

If rejected, the said charter may be resubmitted by the county commissioners to the electors from time to time, but not oftener than once in two years, until adopted. Until a charter shall have been adopted as aforesaid, the General Assembly shall have the power to amend or modify the said charter, in which event the charter as amended or modified shall be submitted and resubmitted as aforesaid.

It shall be competent, subject to the police power of the State, for the Legislature to provide in said charter:

I. For the exercise by the consolidated city of all the powers and duties vested in the county of Allegheny, and the poor districts thereof, and such other powers appropriate to a municipality as may be specified therein, except such powers as are specifically reserved by this section to the municipal divisions herein provided for.

II. For the election of a board of commissioners, by districts and/or at large, by the electors of the consolidated city, the number to be fixed by the charter, in lieu of present county commissioners, in which board shall be vested all the powers of the consolidated city, except as otherwise provided in the charter.

III. For the organization of a government for the consolidated city, and for the appointment and/or election of any officers thereof, created by the Constitution, or otherwise, and to provide for their powers and duties.

IV. For the organization and reorganization of all courts, other than those of record, in the consolidated city, and for the appointment and/or election of the judges and officers thereof, and for the procedure thereof, including the right to provide that said court or courts be courts of record, which courts may exercise the jurisdiction, powers and rights of the magistrates, aldermen and justices of the peace, and such other jurisdiction and powers as may be conferred by law.

V. For the transfer to, and the assumption by, the consolidated city of the property and indebtedness of the county of Allegheny, and the poor districts thereof, and of such property and indebtedness of the cities, boroughs and townships thereof as relate to the powers and duties of said consolidated city, and to provide for an equitable adjustment and arrangement with respect thereto and for the payment of such indebtedness, and, for this purpose, any taxation therein, arising thereby, shall be uniform taxation within the meaning and intent of other provisions of the Constitution.

VI. For the assessment of property for taxation, the levying and collecting of taxes, and the payment of the cost of any public or municipal improvement, in whole or in part, by special assessment upon abutting and non-abutting property specially benefited thereby.

VII. For the creation, by the board of commissioners, of districts for the purpose of regulating the location, height, area, bulk and use of building and premises.

VIII. For the creation of indebtedness by the consolidated city within

the limits now or hereafter imposed upon cities by other provisions of the Constitution. Such power to create indebtedness shall not impair the power of the municipal divisions, within the consolidated city, to create indebtedness within the limits now or hereafter imposed upon such municipalities by other provisions of the Constitution.

IX. For the creation, by the board of commissioners, of special districts for the purpose of carrying on or carrying out any public or municipal improvement, not for the exclusive benefit of any one municipal division; and for the payment of the cost and maintenance of such property or improvement, or any part thereof, special taxes may be levied throughout such special districts, respectively, separate and apart from the general consolidated city tax.

X. For the exercise of such powers by the consolidated city as may be necessary to enable it to carry on and carry out such municipal and metropolitan powers and functions as the General Assembly may deem advisable and expedient and for the general welfare of the said city and its inhabitants:

Provided, however, That it is the intent of this section that substantial powers be reserved to the cities, boroughs and townships situated in Allegheny County. To this end the charter shall provide for the continued existence of the said cities, boroughs and townships, as municipal divisions of the consolidated city, under their present names and forms of government, subject to the laws now or hereafter provided for government of municipalities of their respective forms and classes and to the powers conferred upon the consolidated city by the charter, and with their present boundaries. Any two or more of said municipal divisions, or portions thereof, may, with the consent of a majority of the electors voting thereon in each of such divisions at any special or general election, be united to form a single municipal division. Whenever a portion of a municipal division is involved, the election shall be held in the entire municipal division of which the said portion is a part.

The said municipal divisions shall have and continue to have the following powers:

I. The constitutional and legal capacity of municipal corporations.

II. The power to levy and collect taxes and to incur indebtedness, subject to the limitations which are or may be imposed by law upon cities, boroughs or townships of corresponding classification, for the purpose of carrying out any lawful power of said divisions.

III. The power to acquire, own, construct, maintain, operate or contract for all kinds of public property, works, improvements, utilities or services, which shall be within the municipal division and, where authorized by law, without the limits of the municipal division. Subject, however, to the right and power of the consolidated city to construct, acquire, maintain and/or operate public works, improvements, utilities and services of all kinds, including through streets, highways and/or bridges, for the use and benefit of the consolidated city and its inhabitants.

IV. The power to maintain a local police force and local fire department, either paid or volunteer, with the necessary buildings, appurtenances and equipment therefor, which may be independent of or supplemental to the police force and fire department of the consolidated city.

V. All other powers not specifically granted by the charter to the consolidated city: Provided, however, That a municipal division may surrender, by a majority vote of the electors voting thereon at any general or special election, any of its powers to the consolidated city, subject to the acceptance thereof by the board of commissioners.

After a charter has been adopted as aforesaid, it may be amended as follows:

I. In matters which relate only to the powers of the consolidated city and which do not reduce the powers of any one or more of the municipal divisions thereof by the General Assembly: Provided, however, That any amendment which changes or modifies the form of government of the consolidated city, or the number of or manner of election of the commissioners thereof, shall not be effective until such amendment shall have been ratified by a majority of the electors of the consolidated city voting thereon at a general or special election, to be provided for in said amendment.

II. In matters which reduce the powers of any one or more of the municipal divisions of the consolidated city, such amendment, enacted by the General Assembly, shall not be effective until it shall have been ratified at a general or special election, to be provided for in said amendment, by a majority of the electors voting thereon in all of the municipal divisions affected thereby, and by a majority of the electors voting thereon in each of a majority of said municipal divisions so affected.

Acquisition of Land for Highway Construction

Section 5. The General Assembly may authorize cities to take more land and property than is needed for actual construction in the laying out, widening, extending or relocating highways or streets connecting with bridges crossing streams or tunnels under streams which form boundaries between this and any other state, but the additional land and property, so authorized to be taken, shall not be more than sufficient to form suitable building sites on such highways or streets. Nor shall the authority hereby conferred be exercised in connection with the laying out, widening, extending or relocating of any highway or street at a point more than three miles distant from the approach to any such bridge or tunnel. After so much of the land and property has been appropriated for such highways or streets as is needed therefor, the remainder may be sold or leased and any restrictions imposed thereupon which will preserve or enhance the benefit to the public of the property actually needed for the aforesaid public use.

ARTICLE V

THE JUDICIARY

Section 1. The judicial power of this Commonwealth shall be vested in a Supreme Court, in courts of common pleas, courts of oyer and terminer and general jail delivery, courts of quarter sessions of the peace, orphans' courts, magistrates' courts, and in such other courts as the General Assembly may from time to time establish.

Supreme Court; Term of Judges; Chief Justice

Section 2. The Supreme Court shall consist of seven judges, who shall be elected by the qualified electors of the State at large. They shall hold their offices for the term of twenty-one years, if they so long behave themselves well, but shall not be again eligible. The judge whose commission shall first expire shall be chief justice, and thereafter each judge whose commission shall first expire shall in turn be chief justice.

Jurisdiction and Powers of Supreme Court

Section 3. The jurisdiction of the Supreme Court shall extend over the State, and the judges thereof shall, by virtue of their offices, be justices of oyer and terminer and general jail delivery in the several counties; they shall have original jurisdiction in cases of injunction where a corporation is a party defendant, of habeas corpus, of mandamus to courts of inferior jurisdiction, and of quo warranto as to all officers of the Commonwealth whose jurisdiction extends over the State, but shall not exercise any other original jurisdiction; they shall have appellate jurisdiction by appeal, certiorari or writ of error in all cases, as is now or may hereafter be provided by law.

Common Pleas Courts

Section 4. Until otherwise directed by law, the courts of common pleas shall continue as at present established, except as herein changed; not more than four counties shall, at any time, be included in one judicial district organized for said courts.

Judicial Districts; Associate Judges

Section 5. Whenever a county shall contain forty thousand inhabitants it shall constitute a separate judicial district, and shall elect one judge learned in the law; and the General Assembly shall provide for additional judges, as the business of the said districts may require. Counties containing a population less than is sufficient to constitute separate districts shall be formed into convenient single districts, or, if necessary, may be attached to contiguous districts as the General Assembly may provide. The office of associate judge, not learned in the law, is abolished in counties forming separate districts; but the several associate judges in office when this Constitution shall be adopted shall serve for their unexpired terms.

Common Pleas Courts of Philadelphia and Allegheny Counties; Increasing the Number of Judges

Section 6. In the county of Philadelphia all the jurisdiction and powers now vested in the district courts and courts of common pleas, subject to such changes as may be made by this Constitution or by law, shall be in Philadelphia vested in five distinct and separate courts of equal and coordinate jurisdiction, composed of three judges each. The said courts in Philadelphia shall be designated respectively as the court of common pleas number one, number two, number three, number four, and number five, but the number of said courts may be by law increased, from time to time, and shall be in like manner designated by successive numbers. The number of judges in any of said courts, or in any county where the establishment of an additional court may be authorized by law, may be increased, from time to time, and whenever such increase shall amount in the whole to three, such three judges shall compose a distinct and separate court as aforesaid, which shall be numbered as aforesaid. In Philadelphia all suits shall be instituted in the said courts of common pleas without designating the number of the said court, and the several courts shall distribute and apportion the business among them in such manner as shall be provided by rules of court, and each court, to which any suit shall be thus assigned, shall have exclusive jurisdiction thereof, subject to change of venue, as shall be provided by law.

In the county of Allegheny all the jurisdiction and powers now vested in the several numbered courts of common pleas shall be vested in one court of common pleas, composed of all the judges in commission in said courts. Such jurisdiction and powers shall extend to all proceedings at law and in equity which shall have been instituted in the several numbered courts, and shall be subject to such changes as may be made by law, and subject to change of venue as provided by law.

The president judge of said court shall be selected as provided by law. The number of judges in said court may be by law increased from time to time. This amendment shall take effect on the first day of January succeeding its adoption.

Prothonotary of Philadelphia

Section 7. For Philadelphia there shall be one prothonotary's office, and one prothonotary for all said courts to be appointed by the judges of said courts, and to hold office for three years, subject to removal by a majority of the said judges; the said prothonotary shall appoint such assistants as may be necessary and authorized by said courts; and he and his assistants shall receive fixed salaries, to be determined by law and paid by said county; all fees collected in said office, except such as may be by law due to the Commonwealth, shall be paid by the prothonotary into the county treasury. Each court shall have its separate dockets, except the judgment docket which shall contain the

judgments and liens of all the said courts, as is or may be directed by law.

Criminal Courts in Philadelphia and Allegheny Counties

Section 8. The said courts in the counties of Philadelphia and Allegheny, respectively, shall, from time to time, in turn detail one or more of their judges to hold the courts of Oyer and Terminer and the courts of Quarter Sessions of the Peace of said counties, in such manner as may be directed by law.

Duties of Common Pleas Judges

Section 9. Judges of the courts of common pleas learned in the law shall be judges of the courts of oyer and terminer, quarter sessions of the peace and general jail delivery, and of the orphans' court, and within their respective districts shall be justices of the peace as to criminal matters.

Certiorari to Courts Not of Record

Section 10. The judges of the courts of common pleas, within their respective counties, shall have power to issue writs of certiorari to justices of the peace and other inferior courts not of record, and to cause their proceedings to be brought before them, and right and justice to be done.

Justices of the Peace and Aldermen

Section 11. Except as otherwise provided in this Constitution, justices of the peace or aldermen shall be elected in the several wards, districts, boroughs or townships, by the qualified electors thereof, at the municipal election, in such manner as shall be directed by law, and shall be commissioned by the Governor for a term of six years. No township, ward, district or borough shall elect more than two justices of the peace or aldermen without the consent of a majority of the qualified electors within such township, ward or borough; no person shall be elected to such office unless he shall have resided within the township, borough, ward or district for one year next preceding his election. In cities containing over fifty thousand inhabitants, not more than one alderman shall be elected in each ward or district.

Magistrates' Courts in Philadelphia

Section 12. In Philadelphia there shall be established, for each thirty thousand inhabitants, one court, not of record, of police and civil causes, with jurisdiction not exceeding one hundred dollars; such courts shall be held by magistrates whose term of office shall be six years, and they shall be elected on general ticket at the municipal election by the qualified voters at large; and in the election of the said magistrates no voter shall vote for more than two-thirds of the number of persons to be elected when more than one are to be chosen; they shall be compensated only by fixed salaries, to be paid by said county;

and shall exercise such jurisdiction, civil and criminal, except as herein provided, as is now exercised by aldermen, subject to such changes, not involving an increase of civil jurisdiction or conferring political duties, as may be made by law. In Philadelphia the office of alderman is abolished.

Disposition of Fees

Section 13. All fees, fines and penalties in said courts shall be paid into the county treasury.

Appeal from Decisions of Courts Not of Record

Section 14. In all cases of summary conviction in this Commonwealth, or of judgment in suit for a penalty before a magistrate, or court not of record, either party may appeal to such court of record as may be prescribed by law, upon allowance of the appellate court or judge thereof upon cause shown.

Election of Judges; Term; Removal

Section 15. All judges required to be learned in the law, except the judges of the Supreme Court, shall be elected by the qualified electors of the respective districts over which they are to preside, and shall hold their offices for the period of ten years, if they shall so long behave themselves well; but for any reasonable cause, which shall not be sufficient ground for impeachment, the Governor may remove any of them on the address of two-thirds of each House of the General Assembly.

The Chief Justice of the Supreme Court may designate and assign former judges, learned in the law, who are willing so to do, who have served at least one term and who have not been defeated for reelection, to the office of judge of any court of record, to temporarily sit in the courts of any judicial district for the disposal of business under such circumstances and subject to such qualifications and conditions as the General Assembly may prescribe.

Election of Supreme Court Judges

Section 16. Whenever two judges of the Supreme Court are to be chosen for the same term of service each voter shall vote for one only, and when three are to be chosen he shall vote for no more than two; candidates highest in vote shall be declared elected.

Priority of Judges' Commissions

Section 17. Should any two or more judges of the Supreme Court, or any two or more judges of the court of common pleas for the same district, be elected at the same time, they shall, as soon after the election as convenient, cast lots for priority of commission, and certify the result to the Governor, who shall issue their commissions in accordance therewith.

Compensation of Judges

Section 18. The judges of the Supreme Court and the judges of the several courts of common pleas, and all other judges required to be learned in the law, shall at stated times receive for their services an adequate compensation, which shall be fixed by law, and paid by the State. They shall receive no other compensation, fees or perquisites of office for their services from any source, nor hold any other office of profit under the United States, this State or any other State.

Residences of Judges

Section 19. The judges of the Supreme Court, during their continuance in office, shall reside within this Commonwealth; and the other judges, during their continuance in office, shall reside within the districts for which they shall be respectively elected.

Chancery Powers of Common Pleas Courts

Section 20. The several courts of common pleas, besides the powers herein conferred, shall have and exercise within their respective districts, subject to such changes as may be made by law, such chancery powers as are now vested by law in the several courts of common pleas of this Commonwealth, or as may hereafter be conferred upon them by law.

Limitations Upon Supreme Court

Section 21. No duties shall be imposed by law upon the Supreme Court or any of the judges thereof, except such as are judicial, nor shall any of the judges thereof exercise any power of appointment except as herein provided. The court of nisi prius is hereby abolished, and no court of original jurisdiction to be presided over by any one or more of the judges of the Supreme Court shall be established.

Orphans' Courts; Auditing of Accounts; Registers' Courts Abolished

Section 22. In every county wherein the population shall exceed one hundred and fifty thousand, the General Assembly shall, and in any other county may, establish a separate orphans' court, to consist of one or more judges who shall be learned in the law, which court shall exercise all of the jurisdictions and powers now vested in or which may hereafter be conferred upon the orphans' courts, and thereupon the jurisdiction of the judges of the court of common pleas within such county, in orphans' court proceedings, shall cease and determine. In any county in which a separate orphans' court shall be established, the register of wills shall be clerk of such court and subject to its directions, in all matters pertaining to his office; he may appoint assistant clerks, but only with the consent and approval of said court. All accounts filed with him as register or as clerk of the said separate orphans' court shall be audited by the court without expense to parties, except where all parties in interest in a pending proceeding shall nominate an auditor whom the court may, in its discretion, appoint. In every county orphans' courts shall possess all

the powers and jurisdiction of a registers' court, and separate registers' courts are hereby abolished.

Style of Criminal Process; Prosecutions

Section 23. The style of all process shall be "The Commonwealth of Pennsylvania." All prosecutions shall be carried on in the name and by the authority of the Commonwealth of Pennsylvania, and conclude "against the peace and dignity of the same."

Right of Appeal in Criminal Cases

Section 24. In all cases of felonious homicide, and in such other criminal cases as may be provided for by law, the accused after conviction and sentence, may remove the indictment, record and all proceedings to the Supreme Court for review.

Filling Vacancies in Courts of Record

Section 25. Any vacancy happening by death, resignation or otherwise, in any court of record, shall be filled by appointment by the Governor, to continue till the first Monday of January next succeeding the first general election, which shall occur three or more months after the happening of such vacancy.

Uniform Laws for Courts; Certain Courts Prohibited

Section 26. All laws relating to courts shall be general and of uniform operation, and the organization, jurisdiction and powers of all courts of the same class or grade, so far as regulated by law, and the force and effect of the process and judgments of such courts, shall be uniform; and the General Assembly is hereby prohibited from creating other courts to exercise the powers vested by this Constitution in the judges of the courts of common pleas and orphans' courts.

Dispensing with Jury Trials in Civil Cases

Section 27. The parties, by agreement filed, may in any civil case dispense with trial by jury, and submit the decision of such case to the court having jurisdiction thereof, and such court shall hear and determine the same; and the judgment thereon shall be subject to writ of error as in other cases.

Section 28. The General Assembly may, by general law, provide that a course of training and education be completed by justices of the peace and aldermen hereafter selected who have not been admitted to practice law in this Commonwealth. The required course of training and education shall not exceed three months' duration, one month of which shall be taken after their election and prior to their assuming office. The remaining two months of training and education shall be taken immediately after assuming office. Their jurisdiction shall extend to summary offenses only prior to completion of the required course. Persons who have served as justices of the peace or aldermen prior to the adoption of this amendment shall not be required to take this course. The required course shall be at the cost of the Commonwealth.