

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 838** Session of
1995

INTRODUCED BY PICCOLA, CLARK, CALTAGIRONE, PITTS, DeLUCA, NAILOR, CONTI, PERZEL, ROONEY, GEIST, BIRMELIN, FICHTER, KREBS, HERSHEY, RAYMOND, STERN, DRUCE, RYAN, LLOYD, HANNA, KING, LYNCH, HERMAN, FARGO, TIGUE, DALEY, GODSHALL, KUKOVICH, TRELLO, SAYLOR, D. W. SNYDER, TRUE, BATTISTO, SATHER, HESS, PHILLIPS, MICOZZIE, MELIO, GRUPPO, MERRY, BELFANTI, E. Z. TAYLOR, STISH, MARSICO, FLEAGLE, TULLI, BARLEY, DEMPSEY, MASLAND, BUNT, BAKER, BLAUM, MAITLAND, SEMMEL, J. TAYLOR, FLICK, LEH, FARMER, MILLER, CHADWICK, EGOLF, SCHULER, FEESE, L. I. COHEN, RUBLEY, PETTIT, ZIMMERMAN, HARHART, M. N. WRIGHT, CIVERA, ZUG, CORNELL, PLATTS, GLADECK, BROWN AND STRITTMATTER, FEBRUARY 14, 1995

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 23, 1995

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for the
3 Judicial Council of Pennsylvania.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. The definition of "governing authority" in
7 section 102 of Title 42 of the Pennsylvania Consolidated
8 Statutes is amended and the section is amended by adding a
9 definition to read:

10 § 102. Definitions.

11 Subject to additional definitions contained in subsequent
12 provisions of this title which are applicable to specific
13 provisions of this title, the following words and phrases when

1 used in this title shall have, unless the context clearly
2 indicates otherwise, the meanings given to them in this section:

3 * * *

4 ["Governing authority."

5 (1) The Supreme Court; or

6 (2) any agency or unit of the unified judicial system
7 exercising a power or performing a duty pursuant to section
8 1721 (relating to delegation of powers).]

9 "Governing authority." The Judicial Council of Pennsylvania.

10 * * *

11 "Judicial Council." The Judicial Council of Pennsylvania
12 established under Subchapter C of Chapter 3 (relating to
13 Judicial Council of Pennsylvania).

14 * * *

15 Section 2. Sections 103, 301 and 325 of Title 42 are amended
16 to read:

17 § 103. Principles of construction.

18 (a) Necessary powers conferred.--The provisions of this
19 title shall be construed so as to vest in the unified judicial
20 system and in the personnel of the system power to do all things
21 that are reasonably necessary for the proper execution and
22 administration of their functions within the scope of their
23 respective jurisdiction.

24 (b) No inference from express grant of powers.--The
25 inclusion in this title of provisions derived from or based on
26 the text of the Constitution of Pennsylvania and the
27 specification in this title of the powers of the unified
28 judicial system is for the avoidance of potential controversy
29 and the convenient codification of the powers of the system from
30 whatever source derived and shall not be construed as a

1 determination by the General Assembly that any of such powers
2 are or are not inherent in the [Supreme Court] Judicial Council
3 or the other agencies and units of the system under the
4 Constitution of Pennsylvania or otherwise.

5 § 301. Unified judicial system.

6 The judicial power of the Commonwealth shall be vested in a
7 unified judicial system consisting of the:

8 (1) Judicial Council.

9 [(1)] (2) Supreme Court.

10 [(2)] (3) Superior Court.

11 [(3)] (4) Commonwealth Court.

12 [(4)] (5) Courts of common pleas.

13 [(5)] (6) Community courts.

14 [(6)] (7) Philadelphia Municipal Court.

15 [(7)] (8) Pittsburgh Magistrates Court.

16 [(8)] (9) Traffic Court of Philadelphia.

17 [(9)] (10) District justices.

18 All courts and district justices and their jurisdiction shall be
19 in this unified judicial system.

20 § 325. Chief Justice and president judges.

21 (a) General rule.--The Chief Justice of Pennsylvania [and
22 the] shall be selected by the Governor from among the sitting

23 ~~justices. The president judges of all courts with seven or less~~ <—

24 JUSTICES. HE SHALL SERVE AS CHIEF JUSTICE OF PENNSYLVANIA FOR SO <—

25 LONG AS HE REMAINS A SITTING JUSTICE AND SHALL CONTINUE TO BE

26 SUBJECT TO THE RETIREMENT PROVISIONS OF ARTICLE V OF THE

27 CONSTITUTION OF PENNSYLVANIA. THE CHIEF JUSTICE OF PENNSYLVANIA

28 MAY RESIGN SUCH POSITION AND REMAIN A MEMBER OF THE COURT. A

29 VACANCY IN THE OFFICE OF CHIEF JUSTICE OF PENNSYLVANIA SHALL BE

30 FILLED BY APPOINTMENT BY THE GOVERNOR.

1 (A.1) THE PRESIDENT JUDGES OF ALL COURTS WITH SEVEN OR LESS
2 judges shall be the judge longest in continuous service on their
3 respective courts. In the event of his resignation from this
4 position the judge next longest in continuous service shall be
5 the [Chief Justice of Pennsylvania or the] president judge.
6 Should any two or more judges of the same court assume office at
7 the same time, they shall cast lots forthwith for priority of
8 commission, and certify the results to the Governor who shall
9 issue their commissions accordingly.

10 (b) Courts of eight or more judges.--The president judges of
11 all courts with eight or more judges shall be selected for five-
12 year terms by the members of their respective courts. In the
13 event of a tie vote for the office of president judge, the
14 **[Supreme Court]** JUDICIAL COUNCIL shall appoint as president <—
15 judge one of the judges receiving the highest number of votes.

16 (c) Traffic Court of Philadelphia.--Notwithstanding any
17 other provision of this section, the President Judge of the
18 Traffic Court of Philadelphia shall be appointed by the Governor
19 for a five-year term or at the pleasure of the Governor.

20 (d) Resignation and temporary inability.--[The Chief Justice
21 of Pennsylvania or a] A president judge may resign such position
22 and remain a member of the court.

23 (e) Powers of president judge.--Except as otherwise provided
24 or prescribed by this title, by general rule or by order of the
25 governing authority, the president judge of a court shall:

26 (1) Be the executive and administrative head of the
27 court, supervise the judicial business of the court,
28 promulgate all administrative rules and regulations, make all
29 judicial assignments, and assign and reassign among the
30 personnel of the court available chambers and other physical

1 facilities.

2 (2) Exercise the powers of the court under section
3 2301(a)(2) (relating to appointment of personnel).

4 Section 3. Chapter 3 of Title 42 is amended by adding a
5 subchapter to read:

6 CHAPTER 3

7 GENERAL STRUCTURE AND POWERS

8 * * *

9 SUBCHAPTER C

10 JUDICIAL COUNCIL OF PENNSYLVANIA

11 Sec.

12 341. Establishment.

13 342. Powers and duties in general.

14 343. Composition.

15 344. Organization and procedure.

16 345. Legislative matters.

17 346. Recommendations to Supreme Court.

18 347. Authority.

19 348. Allocation of administrative powers and duties.

20 349. General administration of unified judicial system.

21 § 341. Establishment.

22 There is hereby established the Judicial Council of
23 Pennsylvania.

24 § 342. Powers and duties in general.

25 The Judicial Council, ~~together with the Chief Justice of the~~ <—
26 ~~Supreme Court,~~ shall exercise general supervisory and
27 administrative authority over all the courts and justices of the
28 peace. ~~, including authority to temporarily assign judges and~~ <—
29 ~~justices of the peace from one court or district to another as~~
30 ~~they deem appropriate, authority to submit budgetary requests to~~

1 ~~the General Assembly on behalf of the unified judicial system~~
2 ~~and authority to recommend to the Supreme Court rules and rule~~
3 ~~changes for the efficient administration of justice.~~

4 § 343. Composition.

5 (a) General rule.--The Judicial Council shall consist of the
6 following members:

7 (1) The Chief Justice of Pennsylvania, WHO SHALL PRESIDE <—
8 AS CHAIRMAN.

9 (2) The Court Administrator of Pennsylvania.

10 (3) A judge of the Superior Court selected by the
11 Superior Court.

12 (4) A judge of the Commonwealth Court selected by the
13 Commonwealth Court.

14 ~~(5) The President Judge of the Court of Common Pleas of <—~~
15 ~~Philadelphia County.~~

16 ~~(6) The President Judge of the Court of Common Pleas of <—~~
17 ~~Allegheny County.~~

18 ~~(7) Three~~ (5) FIVE judges of the courts of common pleas <—
19 appointed by the Chief Justice of the Supreme Court from
20 AMONG THE judicial districts ~~other than the First and Fifth <—~~
21 ~~Judicial Districts~~, one of whom shall be assigned permanently
22 to an orphans court division, and no more than one of whom
23 shall be from the same judicial district.

24 ~~(8)~~ (6) One member appointed by the chief Justice of the <—
25 Supreme Court from among judges of the ~~community courts, the <—~~
26 Philadelphia Municipal Court and the ~~Philadelphia Traffic <—~~
27 Court or from among the justices of the peace and Pittsburgh
28 ~~police magistrates.~~ MINOR JUDICIARY. <—

29 ~~(9)~~ (7) Three nonjudge members of the bar of the Supreme <—
30 Court appointed by the Chief Justice of the Supreme Court.

1 (b) Terms and vacancies.--Each member of the Judicial
2 Council who does not hold office ex officio shall hold office
3 for a term of three years and until his successor has been
4 selected or appointed or until his earlier death, resignation,
5 disqualification or removal. The terms of members shall commence
6 on March 1. A vacancy on the Judicial Council shall be filled by
7 the respective selecting or appointing authority for the balance
8 of the term. A member may be selected or reappointed any number
9 of times. A member shall be removed automatically if he shall
10 for any reason become disqualified for original selection or
11 appointment.

12 (c) Compensation.--Members, other than judges and ex officio
13 members, shall be compensated for their services as the Chief <—
14 ~~Justice of the Supreme Court~~ JUDICIAL COUNCIL shall prescribe. <—
15 All members shall be reimbursed for expenses necessarily
16 incurred in the discharge of their official duties.

17 (d) Staff.--The Judicial Council shall appoint the Court
18 Administrator of Pennsylvania and may appoint such other
19 officers and employees as may be necessary and proper for the
20 prompt and proper disposition of the business of all courts and
21 justices of the peace.

22 § 344. Organization and procedure.

23 (a) Officers.--The Chief Justice shall be chairman and the
24 Court Administrator of Pennsylvania shall be secretary of the
25 Judicial Council of Pennsylvania. Annually, the Judicial Council
26 shall elect such other officers of the Judicial Council as it
27 deems necessary, who shall hold office at the pleasure of the
28 Judicial Council. The Court Administrator of Pennsylvania shall
29 be the chief administrative officer of the Judicial Council and
30 shall provide staff assistance for the Judicial Council.

1 (b) Meetings.--~~Except as otherwise provided by the Judicial~~ <—
2 ~~Council,~~ the THE regular meetings of the Judicial Council shall <—
3 be held at such time ~~within the second and third weeks preceding~~ <—
4 ~~each regular session of the Supreme Court~~ as may be specified by
5 the Chief Justice or on the third Monday preceding each ~~such~~ <—
6 ~~session~~ REGULAR SESSION OF THE SUPREME COURT if no other date is <—
7 specified by the Chief Justice. Special meetings of the Judicial
8 Council may be called by the Chief Justice or the Court
9 Administrator of Pennsylvania and in such manner as may be
10 provided by the Judicial Council.

11 (c) Quorum.--A majority of the members of the Judicial
12 Council in office shall be a quorum.

13 (d) Proceedings.--Except as otherwise provided by law, the
14 proceedings of the Judicial Council shall be governed by general
15 rule adopted by the Judicial Council.

16 § 345. Legislative matters.

17 (a) General rule.--Either house of the General Assembly may,
18 by resolution, enter any question or matter which could be
19 regulated by statute or which relates to judicial practice or
20 procedure upon the agenda of the Judicial Council, with like
21 effect as if submitted by a member of the Judicial Council.
22 Whenever a question or matter is pending before the Judicial
23 Council under this subsection, the President pro tempore of the
24 Senate may appoint one member of the Senate and the Speaker of
25 the House of Representatives may appoint one member of the House
26 of Representatives who shall receive notice of all the meetings
27 of the Judicial Council at which the question or matter is
28 pending and who shall have the right to attend such meetings and
29 to be heard and to vote upon such question or matter.

30 (b) Status of legislative members.--Members appointed to the

1 Judicial Council under subsection (a) shall not be counted for
2 quorum purposes under section 344(c) (relating to quorum).

3 § 346. Recommendations to Supreme Court.

4 The Judicial Council shall recommend to the Supreme Court
5 such orders and general rules and changes therein within the
6 Judicial Council's Constitutional or statutory authority which
7 the Judicial Council finds necessary or desirable for the
8 prompt, fair and efficient administration of justice. ~~The~~ ←
9 ~~Supreme Court shall adopt the orders and general rules and~~
10 ~~changes recommended by the Judicial Council.~~ THE SUPREME COURT ←
11 SHALL ADOPT OR REJECT, BUT MAY NOT MODIFY, RECOMMENDED RULES OR
12 RULE CHANGES WITHIN 90 DAYS OF THEIR SUBMISSION BY THE JUDICIAL
13 COUNCIL. IF REJECTED, THE SUPREME COURT SHALL RETURN THE
14 RECOMMENDED RULES OR RULE CHANGES TO THE COUNCIL WITH THE
15 COURT'S OBJECTIONS. IF THE SUPREME COURT DOES NOT ADOPT OR
16 REJECT RECOMMENDED RULES OR RULE CHANGES WITHIN 90 DAYS OF THEIR
17 SUBMISSION, THEN THE RECOMMENDED RULES OR RULE CHANGES SHALL
18 TAKE EFFECT AS IF ADOPTED BY THE SUPREME COURT. The Judicial
19 Council shall make recommendations to the Supreme Court on any
20 matter referred to it by the court.

21 § 347. Authority.

22 The Judicial Council shall have the following powers and
23 duties:

24 (1) To recommend to the General Assembly changes in the
25 number and boundaries of judicial districts.

26 (2) To recommend to the General Assembly an increase or
27 reduction in the Constitutional or statutory complement of
28 judges of any court.

29 (3) To recommend to the General Assembly changes in the
30 classification of magisterial districts.

1 (4) To recommend to the General Assembly the
2 establishment of salaries, emoluments, retirement benefits,
3 mileage, per diem, travel and other expense allowance within
4 their jurisdiction.

5 (5) To recommend to the General Assembly such other
6 structural changes in the unified judicial system and in
7 offices related to and serving the unified judicial system as
8 it shall find to be necessary or desirable for the prompt,
9 fair and efficient administration of justice.

10 § 348. Allocation of administrative powers and duties.

11 The Judicial Council shall have the power by order in
12 specific cases to define the relative administrative powers,
13 duties and responsibilities of the Court Administrator of
14 Pennsylvania, district court administrators, president judges,
15 administrative judges of divisions and other system and related
16 personnel. The Judicial Council under this section may specify
17 who shall exercise the power of appointment and removal of the
18 several classes of personnel of the system.

19 § 349. General administration of unified judicial system.

20 The Judicial Council shall have the power:

21 (1) TO TEMPORARILY ASSIGN JUDGES AND JUSTICES OF THE <—
22 PEACE FROM ONE COURT OR DISTRICT TO ANOTHER AS IT DEEMS
23 APPROPRIATE. THE JUDICIAL COUNCIL SHALL HAVE NO AUTHORITY TO
24 ASSIGN JUDGES TO THE SUPREME COURT, THE SUPERIOR COURT OR THE
25 COMMONWEALTH COURT.

26 ~~(1)~~ (2) To review the tentative budget requests of the <—
27 unified judicial system prepared by the Court Administrator
28 of Pennsylvania, to make such modifications therein as in its
29 judgment are necessary or desirable and to approve a final
30 budget request for the unified judicial system which shall

1 then be forwarded to the Secretary of the Budget and the
2 General Assembly. The Judicial Council shall prepare such
3 budgetary requests in accordance with Constitutional
4 provisions and statutes.

5 ~~(2)~~ (3) To fix the extent of the authority of the Court ~~—~~
6 Administrator of Pennsylvania to purchase goods or services
7 for the unified judicial system from funds appropriated to
8 the unified judicial system, including the rental of space
9 and requests for the construction or modification of
10 Commonwealth facilities to be utilized by the unified
11 judicial system.

12 ~~(3)~~ (4) To fix the extent of the authority of the Court ~~—~~
13 Administrator of Pennsylvania to approve or disapprove
14 requests for the purchase of goods or services by other
15 personnel of the system from funds appropriated to the
16 unified judicial system, including the rental of space and
17 requests for the construction or modification of Commonwealth
18 facilities to be utilized by the unified judicial system.

19 ~~(4)~~ (5) To approve or disapprove requests of the type ~~—~~
20 specified in paragraphs ~~(2) and (3)~~ (3) AND (4) which exceed ~~—~~
21 the authority delegated to the Court Administrator of
22 Pennsylvania.

23 ~~(5)~~ (6) To approve or disapprove transfers of unexpended ~~—~~
24 funds from the purpose for which they were originally
25 budgeted to any other lawful purpose of the unified judicial
26 system.

27 ~~(6)~~ (7) To exercise on behalf of the unified judicial ~~—~~
28 system such powers which may by law or Constitution be vested
29 in the Judicial Council or other entities of the unified
30 judicial system to fix filing fees for the commencement of

1 any matter before any court or justice of the peace, fees
2 which unified judicial system and related personnel shall be
3 entitled to collect for services performed, fees and expenses
4 to be received by jurors and witnesses and standards
5 governing the imposition and taxation of costs, including the
6 specification of the items which shall constitute taxable
7 costs and the disbursement of costs.

8 Section 4. Sections 501 and 502 of Title 42 are amended to
9 read:

10 § 501. Supreme Court.

11 (a) General rule.--The Supreme Court of Pennsylvania shall
12 consist of the Chief Justice of Pennsylvania and six associate
13 justices. The court shall be the highest court of this
14 Commonwealth [and in it shall be reposed the supreme judicial
15 power of the Commonwealth].

16 (b) Certain powers rescinded.--~~The~~ EXCEPT AS PROVIDED BY ←
17 STATUTE, THE Supreme Court shall not have King's Bench power.

18 § 502. General powers of Supreme Court.

19 The Supreme Court shall have and exercise the powers vested
20 in it by the Constitution of Pennsylvania[, including the power
21 generally to minister justice to all persons and to exercise the
22 powers of the court, as fully and amply, to all intents and
23 purposes, as the justices of the Court of King's Bench, Common
24 Pleas and Exchequer, at Westminster, or any of them, could or
25 might do on May 22, 1722. The Supreme Court shall also have and
26 exercise the following powers:

27 (1) All powers necessary or appropriate in aid of its
28 original and appellate jurisdiction which are agreeable to
29 the usages and principles of law.

30 (2) The] and powers vested in it by statute, including

1 the provisions of this title.

2 ~~Section 5. Section 503 of Title 42 is repealed.~~ <—

3 ~~Section 6. Sections 504, 543 and 563 of Title 42 are amended~~
4 ~~to read:~~

5 SECTION 5. SECTIONS 503(A), 504, 543 AND 563 OF TITLE 42 ARE <—
6 AMENDED TO READ:

7 § 503. REASSIGNMENT OF MATTERS.

8 (A) GENERAL RULE.--THE [SUPREME COURT] JUDICIAL COUNCIL MAY
9 BY GENERAL RULE PROVIDE FOR THE ASSIGNMENT AND REASSIGNMENT OF
10 CLASSES OF MATTERS AMONG THE SEVERAL COURTS OF THIS COMMONWEALTH
11 AND THE DISTRICT JUSTICES AS THE NEEDS OF JUSTICE SHALL REQUIRE.
12 [AND ALL LAWS SHALL BE SUSPENDED TO THE EXTENT THAT THEY ARE
13 INCONSISTENT WITH SUCH GENERAL RULES.]

14 * * *

15 § 504. Seat of court.

16 The regular sessions of the Supreme Court shall be held in
17 the facility specified in section 3701 (relating to Pennsylvania
18 Judicial Center) [and elsewhere as prescribed by general rule].
19 Each justice shall be provided with suitable chambers and other
20 facilities at the seat of government ONLY. NO JUSTICE SHALL HAVE <—
21 CHAMBERS OR FACILITIES OTHER THAN THOSE PROVIDED AT THE
22 PENNSYLVANIA JUDICIAL CENTER. The intention of this provision is
23 to render the court and the justices thereof available at the
24 seat of government for the conduct of routine and emergency
25 judicial business.

26 § 543. Seat of court.

27 [The regular sessions of the Superior Court shall be held ~~at~~ <—
28 the cities of Harrisburg, Philadelphia and Pittsburgh and
29 elsewhere as prescribed by general rule or rule of court.] in <—
30 the facility specified in section 3701 (relating to Pennsylvania

1 ~~Judicial Center). Each judge shall be provided with suitable~~
2 ~~chambers and other facilities at the seat of government. The~~
3 ~~intention of this provision is to render the court and the~~
4 ~~judges thereof available at the seat of government for the~~
5 ~~conduct of routine and emergency judicial business.~~

6 (A) REGULAR SESSIONS.--THE REGULAR SESSIONS OF THE SUPERIOR <—
7 COURT SHALL BE HELD IN THE FACILITY SPECIFIED IN SECTION 3701
8 (RELATING TO PENNSYLVANIA JUDICIAL CENTER) AND ELSEWHERE AS
9 PROVIDED IN SUBSECTION (B). EACH JUDGE SHALL BE PROVIDED WITH
10 SUITABLE CHAMBERS AND OTHER FACILITIES AT THE SEAT OF GOVERNMENT
11 ONLY. NO JUDGE SHALL HAVE CHAMBERS OR FACILITIES OTHER THAN
12 THOSE PROVIDED AT THE PENNSYLVANIA JUDICIAL CENTER. THE
13 INTENTION OF THIS PROVISION IS TO RENDER THE COURT AND THE
14 JUDGES THEREOF AVAILABLE, EXCEPT AS PROVIDED IN SUBSECTION (B),
15 AT THE SEAT OF GOVERNMENT FOR THE CONDUCT OF ROUTINE AND
16 EMERGENCY JUDICIAL BUSINESS.

17 (B) OTHER SESSIONS.--WITHIN THE LIMITS OF AVAILABLE
18 APPROPRIATIONS, SESSIONS OF THE COURT MAY BE HELD FROM TIME TO
19 TIME FOR THE CONVENIENCE OF PARTIES OR WITNESSES, OR BOTH, IN
20 THE INTEREST OF JUSTICE, IN SUCH JUDICIAL DISTRICTS OF THIS
21 COMMONWEALTH AS MAKE AVAILABLE WITHOUT COST TO THE COMMONWEALTH
22 SUITABLE COURTROOM AND RELATED PHYSICAL FACILITIES, INCLUDING,
23 BUT NOT LIMITED TO, PHILADELPHIA AND PITTSBURGH.

24 § 563. Seat of court.

25 †(a) Regular sessions.--†The regular sessions of the <—
26 Commonwealth Court shall be held [at the seat of government and
27 elsewhere as provided in subsection (b).] in the facility
28 specified in section 3701 (relating to Pennsylvania Judicial
29 Center) AND AS PROVIDED IN SUBSECTION (B). Each judge shall be <—
30 provided with suitable chambers and other facilities at the seat

1 of government[.] ONLY. NO JUDGE SHALL HAVE CHAMBERS OR <—
2 FACILITIES OTHER THAN THOSE PROVIDED AT THE PENNSYLVANIA
3 JUDICIAL CENTER. The intention of this provision is to render
4 the court and the judges thereof as available~~+~~, except as <—
5 provided in subsection (b) [or as otherwise provided in this <—
6 title,] at the seat of government for the conduct of routine and
7 emergency judicial business~~+~~ as would be the case if the <—
8 jurisdiction of the court were exercised by the Court of Common
9 Pleas of Dauphin County.

10 (b) Other sessions.--Within the limits of available
11 appropriations, [special] sessions of the court may be held from <—
12 time to time for the convenience of parties or witnesses, or
13 both, in the interest of justice, in such judicial districts of
14 this Commonwealth as make available without cost to the
15 Commonwealth suitable courtroom and related physical
16 facilities[. The court shall also sit in the cities of]_ <—
17 INCLUDING, BUT NOT LIMITED TO, Philadelphia and Pittsburgh.† <—

18 Section 7 6. Sections 701(b) and 726 of Title 42 are <—
19 repealed.

20 Section 8 7. Sections 1701, 1702, 1703, 1721, 1722, 1901, <—
21 1903 and 3701 of Title 42 are amended to read:

22 § 1701. General supervisory and administrative authority of
23 [the Supreme Court] Judicial Council.

24 The [Supreme Court] Judicial Council shall exercise general
25 supervisory and administrative authority over the unified
26 judicial system and in aid thereof shall have the powers
27 specified in Subchapter B (relating to specific powers of the
28 governing authority of the system).

29 § 1702. Rule making procedures.

30 (a) General rule.--Subject to the provisions of subsection

1 (b), the [Supreme Court] Judicial Council and all agencies or
2 units of the unified judicial system when exercising the power
3 to adopt general rules or other orders in the nature of
4 regulations [pursuant to the authority of the Supreme Court
5 under section 1721 (relating to delegation of powers)] shall be
6 an agency within the meaning of the act of July 31, 1968
7 (P.L.769, No.240), known as the ["Commonwealth Documents
8 Law,"] and shall be subject to all of the provisions of such
9 act except section 205 (relating to approval as to legality).
10 All such general rules and orders shall be published pursuant to
11 Part II of Title 45 (relating to publication and effectiveness
12 of Commonwealth Documents).

13 (b) Scope.--The provisions of subsection (a) shall apply
14 only to a rule or order adopted pursuant to the following
15 provisions of this title or which is otherwise based in whole or
16 in part upon authority conferred by any provision of this title
17 or by other statutory authority:

18 †Section 503 (relating to reassignment of matters).‡ ←

19 Section 1722(b) (relating to enforcement and effect of
20 orders and process).

21 Section 1722(c) (relating to time limitations).

22 Section 1725 (relating to establishment of fees and
23 charges).

24 Section 1726 (relating to establishment of taxable
25 costs).

26 Section 1728 (relating to recognition of related
27 organizations).

28 The provisions of subsection (a) shall also apply to other rules
29 and orders to the extent prescribed by general rule.

30 § 1703. Meeting procedures.

1 The [Supreme Court] Judicial Council and all other agencies
2 and units of the unified judicial system when exercising the
3 powers to recommend or adopt general rules or other orders in
4 the nature of regulations shall be an agency within the meaning
5 of the act of July 19, 1974 (P.L.486, No.175), referred to as
6 the Public Agency Open Meeting Law.

7 § 1721. Delegation of powers.

8 (a) General rule.--The [Supreme Court] Judicial Council may
9 from time to time delegate to any agency or unit of the unified
10 judicial system such of the supervisory and administrative
11 powers of the [court] Judicial Council, including the powers
12 specified in this subchapter, as may be specified by general
13 rule.

14 (b) Exception.--Any power based in whole or in part upon
15 authority conferred by any provision of this title or other
16 statutory authority shall not be delegated by the [Supreme
17 Court] Judicial Council to any agency or unit other than:

18 (1) A Statewide council which meets the requirements of
19 section 3529(d) (relating to definition).

20 (2) The Court Administrator of Pennsylvania.

21 (3) Any other government unit within the system created
22 by the Constitution of Pennsylvania or by statute. A body
23 created pursuant to section 1730 (relating to boards,
24 councils, commissions and committees), other than the council
25 specified by paragraph (1), shall not be deemed to be created
26 by statute for the purposes of this paragraph.

27 (4) The Judicial Council shall not delegate any of its
28 authority to the Supreme Court.

29 § 1722. Adoption of administrative and procedural rules.

30 (a) General rule.--The governing authority shall have the

1 power to prescribe and modify general rules governing:

2 (1) Practice, procedure and the conduct of all courts,
3 district justices and all officers serving process or
4 enforcing orders of any court or district justice and for
5 admission to the bar and to practice law, and the
6 administration of all courts and the supervision of all
7 officers of the judicial branch, if such rules are consistent
8 with the Constitution of Pennsylvania and neither abridge,
9 enlarge nor modify the substantive rights of any litigant,
10 nor affect the right of the General Assembly to determine the
11 jurisdiction of any court or district justice, nor suspend
12 nor alter any statute of limitation or repose. [All statutes
13 shall be suspended to the extent that they are inconsistent
14 with rules prescribed under this paragraph.]

15 (2) The prescription of canons of ethics applicable to
16 judges and district justices and the prescription of rules or
17 canons applicable to the activities of all other personnel of
18 the system.

19 (3) Procedure under section 18 of Article V of the
20 Constitution of Pennsylvania.

21 (4) Procedure under section 18 of Article V of the
22 Constitution of Pennsylvania for the suspension, removal,
23 discipline and compulsory retirement of district justices.

24 (5) Any matter which is specifically authorized by
25 statute to be governed by general rules.

26 [A governing authority other than the Supreme Court shall not
27 have power to prescribe general rules for assignment or
28 reassignment of classes of matters among the several courts and
29 district justices under section 503 (relating to reassignment of
30 matters) or otherwise.]

1 (b) Enforcement and effect of orders and process.--To the
2 extent, if any, that such powers shall not be conferred by the
3 provisions of subsection (a)(1) and (5), the governing authority
4 shall have power to prescribe and modify general rules,
5 consistent with this title and any other applicable unrepealed
6 statute, governing:

7 (1) The effect of judgments and other orders of, and the
8 right to and effect of attachments and other process issuing
9 out of, a tribunal, and the manner of the enforcement of any
10 thereof, including the time during which and the property
11 with respect to which they shall be a lien, the relative
12 priority of liens and other claims, stays of execution which
13 may or shall be granted, satisfaction of judgments and
14 dissolution of attachments, and all other matters relating to
15 judgments and other orders and attachments and other process
16 which have been regulated heretofore by statute.

17 (2) The powers and duties of system and related
18 personnel serving process or enforcing orders, insofar as
19 such powers and duties relate to the custody of and the
20 judicial sale or other disposition of property of judgment
21 debtors and other property within the jurisdiction of a
22 tribunal. Any such system or related personnel who shall
23 comply with the provisions of such rules shall be free from
24 all liability to any person with respect to action in
25 pursuance of such rules.

26 A statute shall be repealed for the purposes of this subsection
27 only if it has been expressly repealed absolutely or insofar as
28 inconsistent with general rules prescribed pursuant to this
29 subsection.

30 (c) Time limitations.--The governing authority shall have

1 power to prescribe and modify general rules:

2 (1) On any subject covered by Subchapter D of Chapter 55
3 (relating to appeals).

4 (2) Specifying the time within which a matter must be
5 commenced under section 708 (relating to improvident
6 administrative appeals and other matters) or otherwise
7 objecting to a determination of a government unit.

8 The provisions of Chapter 55 (relating to limitation of time)
9 and all other statutes shall be suspended to the extent that
10 they are inconsistent with rules prescribed under this
11 subsection. The intention of this subsection is to authorize the
12 governing authority to develop and maintain uniformity in time
13 periods within the scope of this subsection by eliminating
14 statutory time limitations which are inconsistent with the
15 general pattern of similar time limitations then in effect.

16 § 1901. Court Administrator of Pennsylvania.

17 The [Supreme Court] Judicial Council shall appoint and may
18 remove a Court Administrator of Pennsylvania.

19 § 1903. Staff.

20 The [Supreme Court] Judicial Council may appoint such
21 subordinate administrators and staff as may be necessary and
22 proper for the prompt and proper disposition of the business of
23 all courts and district justices.

24 § 3701. Pennsylvania Judicial Center [(Reserved)].

25 (a) General rule.--There shall be maintained by the
26 administrative officer acting through the Department of General
27 Services at the seat of government a facility known as the
28 Pennsylvania Judicial Center, which shall be part of the
29 facilities of the Commonwealth government. The facility shall
30 provide accommodations and supporting facilities and services

1 for the following functions, agencies and units of or related to
2 the unified judicial system:

3 (1) The Judicial Council.

4 (2) One or more courtrooms for the holding of sessions
5 of the appellate courts, including related conference and
6 other facilities.

7 (3) Chamber facilities for justices and judges of the
8 appellate courts and their personal staff.

9 (4) The administrative staff of the appellate courts.

10 (5) The Court Administrator of Pennsylvania and staff.

11 (6) ~~The State Law Library.~~ A LAW LIBRARY.

<—

12 (7) The offices of those agencies vested with the
13 authority to investigate and discipline judges, justices and
14 district justices.

15 (8) The Office of the Minor Judiciary Education Board.

16 (9) The Pennsylvania Commission on Sentencing.

17 (10) The office of the agency vested with the power to
18 admit or recommend the admission of persons to the bar and
19 the practice of law.

20 (11) The office of the agency vested with the power of
21 discipline or the power to recommend the discipline of
22 attorneys at law.

23 (12) The offices of related organizations (except the
24 recognized conference or association of members of the bar of
25 this Commonwealth) recognized under section 1728 (relating to
26 recognition of related organizations).

27 (13) The Office of the Pennsylvania Client Security Fund
28 Board.

29 (14) Such other functions, agencies and units of or
30 related to the unified judicial system as may be designated

1 by the governing authority and be approved by the General
2 Assembly by law.

3 (b) Location.--The facilities of the Pennsylvania Judicial
4 Center shall be located at a common site at the seat of
5 government in Harrisburg.

6 Section ~~9~~ 8. Sections 3703 and 3704 of Title 42 are <—
7 repealed.

8 Section ~~10~~ 9. The Department of General Services shall <—
9 submit plans to implement those provisions of this act relating
10 to the Pennsylvania Judicial Center to the General Assembly
11 within one year of the effective date of this act. The plans
12 shall include, but not be limited to:

13 (1) The possibility and the extent of renovations
14 necessary for the Pennsylvania Judicial Center in existing
15 Commonwealth government facilities.

16 (2) The necessity for construction of new facilities.

17 (3) Information as to probable costs and methods of
18 financing.

19 (4) Any other information necessary to effect the prompt
20 and efficient establishment of the Pennsylvania Judicial
21 Center at the seat of government.

22 Section ~~11~~ 10. The implementation of the amendment of 42 <—
23 Pa.C.S. §§ 504, 543, 563 and 3701 shall be dependent upon one of
24 the following:

25 (1) A general fund appropriation.

26 (2) An authorization in a current revenue expenditure
27 act for capital projects.

28 (3) A specific appropriation by the General Assembly.

29 Section ~~12~~ 11. This act shall take effect upon the date of <—
30 publication in the Pennsylvania Bulletin of certification by the

1 Secretary of the Commonwealth that a constitutional amendment
2 has been FINALLY adopted relating to the following: ←

3 (1) The Judicial Council.

4 (2) Rescinding the power of the Supreme Court to suspend
5 statutes.

6 (3) The financial affairs of the unified judicial
7 system.

8 (4) The selection of the Chief Justice by the Governor.

9 (5) Abolishing the King's Bench power of the Supreme
10 Court.