

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2182

Session of
1998

INTRODUCED BY SCHRODER, ARMSTRONG, FARGO, E. Z. TAYLOR,
CHADWICK, BROWN, HERMAN, HENNESSEY, HALUSKA AND LYNCH,
FEBRUARY 3, 1998

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 3, 1998

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth
2 of Pennsylvania, providing for the selection of the Chief
3 Justice by the Governor.

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

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

8 That section 10(d) and (e) of Article V be amended and that
9 the section be amended by adding a subsection to read:

10 § 10. Judicial administration.

11 * * *

12 (d) The Chief Justice [and] shall be chosen by the Governor
13 from among the sitting justices. He shall serve as Chief Justice
14 for so long as he remains a sitting justice and shall continue
15 to be subject to the retirement provisions of this article. The
16 Chief Justice may resign such position and remain a member of
17 the court. A vacancy in the office of Chief Justice shall be

1 filled by appointment by the Governor.

2 (d.1) The president judges of all courts with seven or less
3 judges shall be the [justice or] judge longest in continuous
4 service on their respective courts; and in the event of his
5 resignation from this position the [justice or] judge next
6 longest in continuous service shall be the [Chief Justice or]
7 president judge. The president judges of all other courts shall
8 be selected for five-year terms by the members of their
9 respective courts, except that the president judge of the
10 traffic court in the City of Philadelphia shall be appointed by
11 the Governor. A [Chief Justice or] president judge may resign
12 such position and remain a member of the court. In the event of
13 a tie vote for office of president judge in a court which elects
14 its president judge, the Supreme Court shall appoint as
15 president judge one of the judges receiving the highest number
16 of votes.

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

21 Section 2. (a) Upon the first passage by the General
22 Assembly of this proposed constitutional amendment, the
23 Secretary of the Commonwealth shall proceed immediately to
24 comply with the advertising requirements of section 1 of Article
25 XI of the Constitution of Pennsylvania and shall transmit the
26 required advertisements to two newspapers in every county in
27 which such newspapers are published in sufficient time after
28 passage of this proposed constitutional amendment.

29 (b) Upon the second passage by the General Assembly of this
30 proposed constitutional amendment, the Secretary of the

1 Commonwealth shall proceed immediately to comply with the
2 advertising requirements of section 1 of Article XI of the
3 Constitution of Pennsylvania and shall transmit the required
4 advertisements to two newspapers in every county in which such
5 newspapers are published in sufficient time after passage of
6 this proposed constitutional amendment. The Secretary of the
7 Commonwealth shall submit this proposed constitutional amendment
8 to the qualified electors of this Commonwealth at the first
9 primary, general or municipal election occurring at least three
10 months after the proposed constitutional amendment is passed by
11 the General Assembly which meets the requirements of and is in
12 conformance with section 1 of Article XI of the Constitution of
13 Pennsylvania.