

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 411 Session of
1999

INTRODUCED BY GODSHALL AND PRESTON, FEBRUARY 9, 1999

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 9, 1999

A JOINT RESOLUTION

1 Proposing amendments to the Constitution of the Commonwealth of
2 Pennsylvania, further providing for the selection of the
3 chairman of the Legislative Reapportionment Commission;
4 providing for the effective date of newly reapportioned
5 districts and for the election of Senators in certain
6 circumstances; and further providing for retirement of
7 justices, judges and justices of the peace.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby resolves as follows:

10 Section 1. The following amendments to the Constitution of
11 Pennsylvania are proposed in accordance with Article XI:

12 (1) That section 17(b), (c) and (e) of Article II be amended
13 to read:

14 § 17. Legislative Reapportionment Commission.

15 * * *

16 (b) The commission shall consist of five members: four of
17 whom shall be the majority and minority leaders of both the
18 Senate and the House of Representatives, or deputies appointed
19 by each of them, and a chairman selected as hereinafter

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

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

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

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

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

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

28 Any person aggrieved by the preliminary plan shall have the
29 same 30-day period to file exceptions with the commission in
30 which case the commission shall have 30 days after the date the

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

8 * * *

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

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

18 * * *

19 (f) Any district which does not include the residence from
20 which a member of the Senate was elected whether or not
21 scheduled for election at the next general election shall elect
22 a Senator at such election.

23 [(f)] (g) The General Assembly shall appropriate sufficient
24 funds for the compensation and expenses of members and staff
25 appointed by the commission, and other necessary expenses. The
26 members of the commission shall be entitled to such compensation
27 for their services as the General Assembly from time to time
28 shall determine, but no part thereof shall be paid until a
29 preliminary plan is filed. If a preliminary plan is filed but
30 the commission fails to file a revised or final plan within the

1 time prescribed, the commission members shall forfeit all right
2 to compensation not paid.

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

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

22 (3) That section 16(b) of Article V be amended to read:

23 § 16. Compensation and retirement of justices, judges and
24 justices of the peace.

25 * * *

26 (b) Justices, judges and justices of the peace shall be
27 retired [upon attaining] on the last day of the calendar year in
28 which they attain the age of 70 years. Former and retired
29 justices, judges and justices of the peace shall receive such
30 compensation as shall be provided by law. Except as provided by

1 law, no salary, retirement benefit or other compensation,
2 present or deferred, shall be paid to any justice, judge or
3 justice of the peace who, under section 18 or under Article VI,
4 is suspended, removed or barred from holding judicial office for
5 conviction of a felony or misconduct in office or conduct which
6 prejudices the proper administration of justice or brings the
7 judicial office into disrepute.

8 * * *

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

18 (b) Upon the second passage by the General Assembly of any
19 of these three proposed constitutional amendments, the Secretary
20 of the Commonwealth shall proceed immediately to comply with the
21 advertising requirements of section 1 of Article XI of the
22 Constitution of Pennsylvania and shall transmit the required
23 advertisements to two newspapers in every county in which such
24 newspapers are published in sufficient time after passage of
25 these proposed constitutional amendments. The Secretary of the
26 Commonwealth shall submit any of these three proposed
27 constitutional amendments to the qualified electors of this
28 Commonwealth at the first primary, general or municipal election
29 occurring at least three months after any of these three
30 proposed constitutional amendments are passed by the General

1 Assembly which meets the requirements of and is in conformance
2 with section 1 of Article XI of the Constitution of
3 Pennsylvania.