
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2458 Session of
1998

INTRODUCED BY ROBERTS, TIGUE, LYNCH, DALEY AND STEELMAN,
MARCH 24, 1998

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 24, 1998

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth
2 of Pennsylvania, further providing for the legislature.

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

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

7 That Article II be repealed and an article be added to read:

8 ARTICLE II

9 THE LEGISLATURE

10 Sec.

11 1. Legislative power.

12 2. Election of members; vacancies.

13 3. Terms of members.

14 4. Sessions.

15 5. Qualifications of members.

16 6. Disqualification to hold other office.

17 7. Ineligibility by criminal convictions.

1 8. Compensation.
2 9. Election of officers; judge of election and qualifications
3 of members.
4 10. Quorum.
5 11. Powers of General Assembly; expulsion.
6 12. Journals; yeas and nays.
7 13. Open sessions.
8 14. Adjournments.
9 15. Privileges of members.
10 16. Legislative districts.
11 17. Legislative Reapportionment Commission.

12 § 1. Legislative power.

13 The legislative power of this Commonwealth shall be vested in
14 a General Assembly consisting of one chamber.

15 § 2. Election of members; vacancies.

16 Members of the General Assembly shall be chosen at the
17 general election every second year. Their term of service shall
18 begin on the first day of December next after their election.
19 Whenever a vacancy shall occur in the General Assembly, the
20 presiding officer thereof shall issue a writ of election to fill
21 such vacancy for the remainder of the term.

22 § 3. Terms of members.

23 Senators shall be elected for the term of four years.

24 § 4. Sessions.

25 The General Assembly shall be a continuing body during the
26 term for which its Senators are elected. It shall meet at 12
27 o'clock noon on the first Tuesday of January each year. Special
28 sessions shall be called by the Governor whenever in his opinion
29 the public interest requires.

30 § 5. Qualifications of members.

1 Senators shall be at least 25 years of age. They shall have
2 been citizens and inhabitants of the State four years, and
3 inhabitants of their respective districts one year next before
4 their election (unless absent on the public business of the
5 United States or of this State), and shall reside in their
6 respective districts during their terms of service.

7 § 6. Disqualification to hold other office.

8 No Senator shall, during the time for which he was elected,
9 be appointed to any civil office under this Commonwealth to
10 which a salary, fee or perquisite is attached. No member of
11 Congress or other person holding any office (except of attorney-
12 at-law or in the National Guard or in a reserve component of the
13 armed forces of the United States) under the United States or
14 this Commonwealth to which a salary, fee or perquisite is
15 attached shall be a member of the General Assembly during his
16 continuance in office.

17 § 7. Ineligibility by criminal convictions.

18 No person hereafter convicted of embezzlement of public
19 moneys, bribery, perjury or other infamous crime, shall be
20 eligible to the General Assembly, or capable of holding any
21 office of trust or profit in this Commonwealth.

22 § 8. Compensation.

23 The members of the General Assembly shall receive such salary
24 and mileage for regular and special sessions as shall be fixed
25 by law, and no other compensation whatever, whether for service
26 upon committee or otherwise. No member of the General Assembly
27 shall during the term for which he may have been elected,
28 receive any increase of salary, or mileage, under any law passed
29 during such term.

30 § 9. Election of officers; judge of election and qualifications

1 of members.

2 The Senate shall, at the beginning and close of each regular
3 session and at such other times as may be necessary, elect one
4 of its members Speaker of the General Assembly, who shall
5 perform the duties of the Lieutenant Governor, in any case of
6 absence or disability of that officer, and whenever the said
7 office of Lieutenant Governor shall be vacant. The General
8 Assembly shall choose its other officers and shall judge of the
9 election and qualifications of its members.

10 § 10. Quorum.

11 A majority of the General Assembly shall constitute a quorum,
12 but a smaller number may adjourn from day to day and compel the
13 attendance of absent members.

14 § 11. Powers of General Assembly; expulsion.

15 The General Assembly shall have the power to determine the
16 rules of its proceedings and punish its members or other persons
17 for contempt or disorderly behavior in its presence, to enforce
18 obedience to its process, to protect its members against
19 violence or offers of bribes or private solicitation, and, with
20 the concurrence of two-thirds, to expel a member, but not a
21 second time for the same cause, and shall have all other powers
22 necessary for the Legislature of a free State. A member expelled
23 for corruption shall not thereafter be eligible to the General
24 Assembly, and punishment for contempt or disorderly behavior
25 shall not bar an indictment for the same offense.

26 § 12. Journals; yeas and nays.

27 The General Assembly shall keep a journal of its proceedings
28 and from time to time publish the same, except such parts as
29 require secrecy, and the yeas and nays of the members on any
30 question shall, at the desire of any two of them, be entered on

1 the journal.

2 § 13. Open sessions.

3 The sessions of the General Assembly and of committees of the
4 whole shall be open, except when the matter is such that it
5 specifically requires confidentiality of information.

6 § 14. Adjournments.

7 The General Assembly shall not, without the consent of the
8 majority of its members, adjourn for more than three days, nor
9 to any other place than that in which the General Assembly shall
10 be sitting.

11 § 15. Privileges of members.

12 The members of the General Assembly shall in all cases,
13 except treason, felony, violation of their oath of office, and
14 breach of surety of the peace, be privileged from arrest during
15 their attendance at the sessions of the General Assembly and in
16 going to and returning from the same; and for any speech or
17 debate in the General Assembly they shall not be questioned in
18 any other place.

19 § 16. Legislative districts.

20 The Commonwealth shall be divided into 150 districts, which
21 shall be composed of compact and contiguous territory as nearly
22 equal in population as practicable. Each district shall elect
23 one Senator. Unless absolutely necessary, no county, city,
24 incorporated town, borough, township or ward shall be divided in
25 forming a district.

26 § 17. Legislative Reapportionment Commission.

27 (a) In each year following the year of the Federal decennial
28 census, a Legislative Reapportionment Commission shall be
29 constituted for the purpose of reapportioning the Commonwealth.
30 The commission shall act by a majority of its entire membership.

1 (b) The commission shall consist of five members: four of
2 whom shall consist of the majority and minority leaders of the
3 General Assembly, or deputies appointed by each of them, and a
4 chairman selected as hereinafter provided. No later than 60 days
5 following the official reporting of the Federal decennial census
6 as required by Federal law, the four members shall be certified
7 by the Speaker of the General Assembly to the elections officer
8 of the Commonwealth who under law shall have supervision over
9 elections.

10 (c) The four members within 45 days after their
11 certification shall elect the fifth member, who shall serve as
12 chairman of the commission, and shall immediately certify his
13 name to such elections officer. The chairman shall be a citizen
14 of the Commonwealth other than a local, State or Federal
15 official holding an office to which compensation is attached.

16 (d) If the four members fail to select the fifth member
17 within the time prescribed, a majority of the entire membership
18 of the Supreme Court within 30 days thereafter shall appoint the
19 chairman as aforesaid and certify his appointment to such
20 elections officer.

21 (e) Any vacancy in the commission shall be filled within 15
22 days in the same manner in which such position was originally
23 filled.

24 (f) In the first reapportionment, and each succeeding
25 reapportionment, after the General Assembly consists of one
26 chamber, the Legislative Reapportionment Commission shall
27 consist of five members; four of whom shall be the leader and
28 assistant leader of majority and minority caucuses of the
29 chamber, or deputies appointed by each of them. A chairman shall
30 be selected as provided above.

1 (g) No later than 90 days after either the commission has
2 been duly certified or the population data for the Commonwealth
3 as determined by the Federal decennial census are available,
4 whichever is later in time, the commission shall file a
5 preliminary reapportionment plan with such elections officer.

6 (h) The commission shall have 30 days after filing the
7 preliminary plan to make corrections in the plan.

8 (i) Any person aggrieved by the preliminary plan shall have
9 the same 30-day period to file exceptions with the commission in
10 which case the commission shall have 30 days after the date the
11 exceptions were filed to prepare and file with such elections
12 officer a revised reapportionment plan. If no exceptions are
13 filed within 30 days, or if filed and acted upon, the
14 commission's plan shall be final and have the force of law.

15 (j) Any aggrieved person may file an appeal from the final
16 plan directly to the Supreme Court within 30 days after the
17 filing thereof. If the appellant establishes that the final plan
18 is contrary to law, the Supreme Court shall issue an order
19 remanding the plan to the commission and directing the
20 commission to reapportion the Commonwealth in a manner not
21 inconsistent with such order.

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

28 (l) The General Assembly shall appropriate sufficient funds
29 for the compensation and expenses of members and staff appointed
30 by the commission, and other necessary expenses. The members of

1 the commission shall be entitled to such compensation for their
2 services as the General Assembly from time to time shall
3 determine, but no part thereof shall be paid until a preliminary
4 plan is filed. If a preliminary plan is filed but the commission
5 fails to file a revised or final plan within the time
6 prescribed, the commission members shall forfeit all right to
7 compensation not paid.

8 (m) If a preliminary, revised or final reapportionment plan
9 is not filed by the commission within the time prescribed by
10 this section, unless the time be extended by the Supreme Court
11 for cause shown, the Supreme Court shall immediately proceed on
12 its own motion to reapportion the Commonwealth.

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

25 Section 2. (a) Upon the first passage by the General
26 Assembly of this proposed constitutional amendment, the
27 Secretary of the Commonwealth shall proceed immediately to
28 comply with the advertising requirements of section 1 of Article
29 XI of the Constitution of Pennsylvania and shall transmit the
30 required advertisements to two newspapers in every county in

1 which such newspapers are published in sufficient time after
2 passage of this proposed constitutional amendment.

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