

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1196 Session of 2021

INTRODUCED BY ECKER, WARNER, STAMBAUGH, HERSHEY, KAUFFMAN, ROWE, RYAN, GROVE, KEEFER, SAYLOR, MOUL AND OBERLANDER, APRIL 16, 2021

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 28, 2021

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in matters affecting
3 government units, providing for special standing in
4 constitutional challenges.

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

7 Section 1. Title 42 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 8503. Special standing in constitutional challenges.

10 (a) General rule.--In a judicial proceeding in which all or
11 part of an act of this Commonwealth is alleged to be
12 unconstitutional, either or both chambers of the General
13 Assembly, subject to subsection (b), shall have special standing
14 to intervene as a party in the action and to defend the act.

15 (b) Requirements.--

16 (1) Special standing to intervene as a party under
17 subsection (a) for the Senate shall require an action of the
18 Senate Committee on Management Operations as provided under

1 section 2.1 of the act of January 10, 1968 (1967 P.L.925,
2 No.417), referred to as the Legislative Officers and Employes
3 Law.

4 (2) Special standing to intervene as a party under
5 subsection (a) for the House of Representatives shall require
6 an action of the Bi-partisan Management Committee as provided
7 under section 21.1 of the Legislative Officers and Employes
8 Law.

9 (c) Privilege or immunity.--Intervention by either or both
10 chambers of the General Assembly under this section shall not
11 constitute a waiver of sovereign immunity, legislative privilege
12 or other privilege or immunity.

13 (d) Indispensable party.--This section shall not make either
14 or both chambers of the General Assembly a necessary or
15 indispensable party to an action. A party to an action may not
16 name either or both chambers of the General Assembly as a party
17 or move to join either or both chambers of the General Assembly
18 as a party based on this section.

19 (e) Construction.--Nothing in this section shall be
20 construed to limit the standing of either or both chambers or an
21 individual member of the General Assembly in a judicial
22 proceeding in which the subject matter relates to specific
23 powers unique to a legislator's functions under the Constitution
24 of Pennsylvania being diminished or impaired.

25 Section 2. ~~The following shall apply:~~ <--

26 ~~(1) The addition of 42 Pa.C.S. § 8503 shall apply to an~~
27 ~~action commenced on and after the effective date of the THIS <--~~
28 ~~section.~~

29 ~~(2) A court may apply the addition of 42 Pa.C.S. § 8503 <--~~
30 ~~to an action commenced after December 31, 2018, and before~~

1 ~~the effective date of this section.~~

2 Section 3. This act shall take effect immediately.