



# HOUSE COMMITTEE ON APPROPRIATIONS

## FISCAL NOTE

HOUSE BILL NO. 111

PRINTERS NO. 3462

PRIME SPONSOR: Cutler

### COST / (SAVINGS)

FUND	FY 2017/18	FY 2018/19
General Fund	\$0	\$1,000,000-\$1,500,000

### SUMMARY:

House Bill 111, Printer's Number 3462 is a Joint Resolution that amends Article V (The Judiciary) of the Pennsylvania Constitution to further provide for the selection of justices of the Pennsylvania Supreme Court, judges of the Pennsylvania Superior and Commonwealth Courts. In addition, the legislation establishes the Appellate Court Nominating Commission.

### ANALYSIS:

HB 111, PN 3462 amends Article V (The Judiciary) of the Pennsylvania Constitution, Section 2 (Supreme Court) providing that the court will consist of seven justices to be selected as established by law. Section 2 (Superior Court) is further amended to provide that the statewide court will consist of 15 judges to be selected as established by law. Section 4 (Commonwealth Court) is amended to provide that this statewide court will consist of nine judges to be selected as established by law.

Section 11 (Judicial districts; boundaries) is amended to further provide that the number of justices of the Pennsylvania Supreme Court and judges of the Superior and Commonwealth Courts selected from each judicial district will provide every resident of this Commonwealth with approximately equal representation on a court. The General Assembly will establish by law an Eastern, Middle and Western judicial district from which justices and judges are selected.

Section 13 ([Election] Selection of justices, judges and [justices of the peace] magisterial district judges; vacancies) is amended to provide for a merit selection process for Pennsylvania's Appellate Courts judgeships. When a vacancy occurs in the office of a justice of the PA Supreme Court or judge of the PA Superior and Commonwealth Court, the vacancy will be filled by a nomination appointment from the Governor. The Governor will nominate to the Pennsylvania Senate an individual for appointment exclusively from a list provided to the Governor from the Appellate Court Nominating Commission.

Section 14 ([Judicial Qualifications] Appellate Court Nominating Commission) is further amended to provide for an independent board called the Appellate Court Nominating Commission (commission) within the Executive Department, which will be composed of 13 appointed members with staggered terms of four years. Members of the commission will not be

compensated for their services but may be reimbursed for certain expenses related to carrying out their official duties. The commission may appoint staff as it deems necessary and the General Assembly may authorize staff of other Commonwealth agencies to assist the commission in its work.

Whenever a vacancy occurs in the office of justice of the PA Supreme Court or judge of the PA Superior or Commonwealth Courts, the commission will publicly announce the vacancy and solicit applications for qualified individuals who desire to be considered for the vacancy. With the affirmative vote of at least 10 members of the commission, the commission will select five of the most qualified applicants to be placed on a list to be submitted to the Governor for consideration of an appointment to fill an appellate court judgeship vacancy. The Governor will nominate to the Senate one individual from the list to fill the vacancy within 30 days of receiving the list of recommendations from the commission. The Senate will act on the nomination within 25 legislative days and the nomination will require the consent of two-thirds of the members of the elected Pennsylvania Senate.

Upon passage of identical legislation in a subsequent legislative session, this legislation would take effect on the next January 1 following the approval by the electors.

**FISCAL IMPACT:**

The first passage of a proposed constitutional amendment requires that the Secretary of the Commonwealth advertise the amendment in accordance with Article XI (Amendments), Section 1 (Proposal of amendments by the General Assembly and their adoption) of the Pennsylvania Constitution. The constitutional amendment advertising requirements will result in a cost of approximately \$1 million to \$1.5 million.

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**DATE:** May 23, 2018

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*