

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2215 Session of
1982

INTRODUCED BY CALTAGIRONE, FEBRUARY 2, 1982

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 2, 1982

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth
2 of Pennsylvania, providing for a Board of Arbitration having
3 certain powers over the judiciary.

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 the Commonwealth of Pennsylvania is proposed in accordance with
8 the provisions of Article XI thereof:

9 That the Constitution be amended by adding an article to
10 read:

11 ARTICLE V-A

12 BOARD OF ARBITRATION

13 § 1. Creation of board.

14 A Board of Arbitration shall be created which shall have the
15 duty to review the decision of the Supreme Court or any inferior
16 court in a case where one party charges violation of the
17 Constitution by the other party, and of the court sustaining
18 such violation.

1 If the board finds the charges well grounded, it shall have
2 the authority to reverse the court's decision; the findings of
3 the board in this case will be final. The board will reach its
4 decision by a majority vote among its members.

5 § 2. Censured.

6 In the event the board reverses the decision of a court, the
7 judges involved in either the violation or sustaining the
8 violation of the Constitution will be censured by the board.

9 Any member of the judiciary having been twice so censured by
10 Boards of Arbitration during his or her tenure shall be removed
11 from office without any benefits whatsoever, under the good
12 behavior clause of Article VI, Section 7 of the Constitution.

13 § 3. Guidelines.

14 In their review of the case before them and in making their
15 subsequent decision of the constitutional status of the case,
16 the members of the board shall be guided by the text of the
17 Constitution and its amendments, earlier judgments by courts or
18 decisions by former Boards of Arbitration to the contrary
19 notwithstanding.

20 § 4. Powers and duties.

21 A Board of Arbitration shall have the authority to subpoena
22 such records or documents, and to summon such witnesses to
23 appear before them as the chairman of the board deems necessary
24 for the proper execution of the board's duties. The executive of
25 the State will, at the request of the chairman of the board,
26 enforce such subpoenas and/or summons, and he shall have the
27 authority to do so.

28 A Board of Arbitration shall have no powers whatsoever beyond
29 those described heretofore. When the members of a Board of
30 Arbitration are selected they can only review one case. The

board shall be dissolved after this case has been decided upon.
The members of this dissolved board shall not be allowed to
serve on subsequent Boards of Arbitration. More than one Board
of Arbitration may be seated at any given time, each one on an
individual case.

§ 5. Selection of members.

The members of a Board of Arbitration shall be selected by a
majority vote of the Senate.

A Board of Arbitration shall consist of five members; two of
these members may be professionally engaged in studies or
occupations related to law; three members shall be chosen from
various trades or professions, and not be engaged in any way
with matters of law, nor have been students of any law school.
The members shall elect a chairman and a vice-chairman from
among the latter three members by majority vote. The board shall
convene in a location in the State, designated by the chairman,
and fulfill its duties as quickly as reasonably possible.

Members to a Board of Arbitration shall be citizens of the
United States, and shall be and have been residents of
Pennsylvania for not less than seven years; they shall be
twenty-five years or over, and shall display, at the discretion
of the Senate of the State or a Senate committee charged with
this duty, a working knowledge of the text of the Constitution
of Pennsylvania.

Members shall not be elected or appointed officials in the
Government of the United States, nor of any state. They shall be
required to confirm by oath or affirmation to support and defend
the Constitution of the United States.

§ 6. Request for arbitration.

The party asking for arbitration shall turn to a State

1 Senator and shall show good cause for such a request, and if the
2 case could have been appealed to a higher court, but has not
3 been so appealed, show good reason why this has not been done.

4 The case brought to the Senator shall be one in which a court
5 has found against the resident and where this resident has
6 reason to believe that this decision was made in violation of
7 the Constitution of Pennsylvania. The senator shall bring the
8 case, without undue delay, to the attention of the Senate. The
9 Senate shall start selecting members of a Board of Arbitration.

10 § 7. Compensation of members.

11 Serving on a Board of Arbitration shall be the duty of any
12 able-bodied citizen answering the requirements of members.
13 Members shall be compensated for the time spent in fulfilling
14 their duties as well as for any reasonable expenses incurred
15 during that time and resulting from the discharge of these
16 duties, out of the Treasury of the State.