

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2257 Session of 1976

INTRODUCED BY MESSRS. FINEMAN, MANDERINO, ENGLEHART, IRVIS, BERSON, RAPPAPORT, SPENCER, SCIRICA AND W. D. HUTCHINSON, MARCH 24, 1976

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 8, 1976

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth  
2 of Pennsylvania by providing for additional judges for the  
3 Superior Court, changing certain provisions relating to  
4 confirmation and initial terms, and further providing for the  
5 president judge of the Superior Court and for the rule making  
6 powers of the Supreme Court.

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

9 Section 1. The following amendment to the Constitution of  
10 the Commonwealth of Pennsylvania is proposed in accordance with  
11 the provisions of Article XI thereof.

12 That section 3, subsection (c) of section 10 and subsection  
13 (b) of section 13 of Article V and section 11 of the Schedule to  
14 Article V of the Constitution of the Commonwealth of  
15 Pennsylvania be amended to read:

ARTICLE V

THE JUDICIARY

16  
17  
18 Section 3. Superior Court.--The Superior Court shall be a  
19 Statewide court, and shall consist of the number of judges,

1 which shall be not less than seven judges, [one of whom shall be  
2 the president judge,] and [its] have such jurisdiction as shall  
3 be [as] provided by law. One of its judges shall be the  
4 president judge.

5 Section 10. Judicial Administration.--\* \* \*

6 (c) The Supreme Court shall have the power to prescribe  
7 general rules governing practice, procedure and the conduct of  
8 all courts, justices of the peace and all officers serving  
9 process or enforcing orders, judgments or decrees of any court  
10 or justice of the peace, including the power to provide for  
11 assignment and reassignment of classes of actions or classes of  
12 appeals among the several courts as the needs of justice shall  
13 require, and for admission to the bar and to practice law, and  
14 the administration of all courts and supervision of all officers  
15 of the judicial branch, if such rules are consistent with this  
16 Constitution and neither abridge, enlarge nor modify the  
17 substantive rights of any litigant, nor affect the right of the  
18 General Assembly to determine the jurisdiction of any court or  
19 justice of the peace, nor suspend nor alter any statute of  
20 limitation or repose. All laws shall be suspended to the extent  
21 that they are inconsistent with rules prescribed under these  
22 provisions. Any rules promulgated by the Supreme Court pursuant  
23 to this section shall become effective 180 days after adoption  
24 by the court unless the General Assembly shall disapprove such  
25 rule within the 180-day period pursuant to procedures  
26 established by the General Assembly by statute.

27 \* \* \*

28 Section 13. Election of Justices, Judges and Justices of the  
29 Peace; Vacancies.--\* \* \*

30 (b) A vacancy in the office of justice, judge or justice of

1 the peace shall be filled by appointment by the Governor. The  
2 appointment shall be with the advice and consent of two-thirds  
3 of the members elected to the Senate, except in the case of  
4 ~~judges of the Superior Court and~~ justices of the peace which ←  
5 shall be by a majority. The person so appointed shall serve for  
6 an initial term ending on the first Monday of January following  
7 the next municipal election more than ten months after the  
8 vacancy occurs, except in the case of persons selected as  
9 additional judges to the Superior Court, where the General  
10 Assembly may stagger and fix the length of the initial terms of  
11 such additional judges by reference to any of the first, second  
12 and third municipal elections more than ten months after the  
13 additional judges are selected. The manner by which any  
14 additional judges are selected shall be as provided by act of  
15 the General Assembly.

16 \* \* \*

17 SCHEDULE TO JUDICIARY ARTICLE

18 Section 11. Selection of President Judges.--(a) Except in  
19 the City of Philadelphia, section ten (d) of the article shall  
20 become effective upon the expiration of the term of the present  
21 president judge, or upon earlier vacancy.

22 (b) Notwithstanding section 10 (d) of this article the  
23 president judge of the Superior Court shall be the judge longest  
24 in continuous service on such court if such judge was a member  
25 of such court on the first Monday of January, 1976. If no such  
26 judge exists or is willing to serve as president judge the  
27 president judge shall be selected as provided by this article.

28 Section 2. This proposed amendment and schedule thereto  
29 shall be submitted by the Secretary of the Commonwealth to the  
30 qualified electors of the State, at the primary election or

1 election next held after the advertising requirements of article  
2 eleven, section one of the Constitution of the Commonwealth of  
3 Pennsylvania have been satisfied.