
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

SENATOR HILL, JUDICIARY, IN SENATE, AS AMENDED, JUNE 22, 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:

16 ARTICLE V

17 THE JUDICIARY

18 Section 3. Superior Court.--The Superior Court shall be a

1 Statewide court, and shall consist of the number of judges,
2 which shall be not less than seven judges, [one of whom shall be
3 the president judge,] and [its] have such jurisdiction as shall
4 be [as] provided by [law] CONSTITUTION OR STATUTE. One of its <—
5 judges shall be the president judge.

6 Section 10. Judicial Administration.--* * *

7 (c) The Supreme Court shall have the power to prescribe
8 general rules governing practice, procedure and the conduct of
9 all courts, justices of the peace and all officers serving
10 process or enforcing orders, judgments or decrees of any court
11 or justice of the peace, including the power to provide for
12 assignment and reassignment of classes of actions or classes of
13 appeals among the several courts as the needs of justice shall
14 require, and for admission to the bar and to practice law, and
15 the administration of all courts and supervision of all officers
16 of the judicial branch, if such rules are consistent with this
17 Constitution and neither abridge, enlarge nor modify the
18 substantive rights of any litigant, nor affect the right of the
19 General Assembly to determine the jurisdiction of any court or
20 justice of the peace, nor suspend nor alter any statute of
21 limitation or repose. All laws shall be suspended to the extent
22 that they are inconsistent with rules prescribed under these
23 provisions. ~~Any rules promulgated by the Supreme Court pursuant~~ <—
24 ~~to this section shall become effective 180 days after adoption~~
25 ~~by the court unless the General Assembly shall disapprove such~~
26 ~~rule within the 180 day period pursuant to procedures~~
27 ~~established by the General Assembly by statute. NO GENERAL RULE~~ <—
28 ~~OR RULE OF COURT SHALL BE PRESCRIBED UNLESS NOTICE OF INTENTION~~
29 ~~TO PRESCRIBE SUCH A RULE SHALL HAVE BEEN PUBLISHED IN THE MANNER~~
30 ~~PROVIDED BY THE GENERAL ASSEMBLY FOR RULES AND REGULATIONS~~

1 GENERALLY AND NO GENERAL RULE OR RULE OF COURT SHALL TAKE EFFECT
2 UNTIL IT SHALL HAVE BEEN PUBLISHED IN AN OFFICIAL GAZETTE
3 ESTABLISHED OR DESIGNATED BY THE GENERAL ASSEMBLY.

4 * * *

5 Section 13. Election of Justices, Judges and Justices of the
6 Peace; Vacancies.--* * *

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

22 * * *

23 SCHEDULE TO JUDICIARY ARTICLE

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

28 (b) Notwithstanding section 10 (d) of this article the
29 president judge of the Superior Court shall be the judge longest
30 in continuous service on such court if such judge was a member

1 of such court on the first Monday of January, 1976. If no such
2 judge exists or is willing to serve as president judge the
3 president judge shall be selected as provided by this article.

4 Section 2. This proposed amendment and schedule thereto
5 shall be submitted by the Secretary of the Commonwealth to the
6 qualified electors of the State, at the primary election or
7 election next held after the advertising requirements of article
8 eleven, section one of the Constitution of the Commonwealth of
9 Pennsylvania have been satisfied.