

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

## No. 2257

Session of  
1976

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

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF  
REPRESENTATIVES, AS AMENDED, MAY 25, 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, ~~and for their initial term of office.~~ <—  
4 CHANGING CERTAIN PROVISIONS RELATING TO CONFIRMATION AND <—  
5 INITIAL TERMS, AND FURTHER PROVIDING FOR THE PRESIDENT JUDGE  
6 OF THE SUPERIOR 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 ~~the eleventh article~~ ARTICLE XI thereof. <—

12 That ~~section three, article five~~ SECTION 3 AND SUBSECTION (B) <—  
13 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 ~~Section 3. Superior Court. The Superior Court shall be a~~ <—  
17 ~~Statewide court and, except as may otherwise be provided by law,~~  
18 ~~shall consist of seven judges, one of whom shall be the~~  
19 ~~president judge, and its jurisdiction shall be as provided by~~

1 ~~law. The president judge shall be the judge longest in~~  
2 ~~continuous service on such court. Upon the adoption of this~~  
3 ~~amendment by the electorate, such Statewide court shall consist~~  
4 ~~of such number of judges as the General Assembly may by law~~  
5 ~~provide, except that such court shall always consist of not less~~  
6 ~~than seven judges.~~

7 ~~SCHEDULE TO SECTION 3 OF ARTICLE V~~

8 ~~This schedule is part of section 3 of Article V, and it is~~  
9 ~~intended that the provisions contained herein shall have the~~  
10 ~~force and effect as those contained in section 3 of this~~  
11 ~~article.~~

12 ~~This amendment and schedule shall take effect when approved~~  
13 ~~by the electorate, but such court shall continue to consist of~~  
14 ~~seven judges until additional judges are otherwise provided by~~  
15 ~~law.~~

16 ~~(1) Notwithstanding any thing to the contrary in Article V,~~  
17 ~~where the General Assembly authorizes additional judges for such~~  
18 ~~court, it shall in such law stagger and fix the length of the~~  
19 ~~initial terms of such additional judges, but the initial term of~~  
20 ~~any such judge shall not extend beyond the first Monday of~~  
21 ~~January, 1984. Such additional judges shall be initially~~  
22 ~~appointed by the Governor with the advice and consent of the~~  
23 ~~majority of the members elected to the Senate. Any subsequent~~  
24 ~~appointment by the Governor to such court shall be in the manner~~  
25 ~~and for such term as is prescribed by Article V.~~

26 ~~(2) Notwithstanding any thing in this amendment to the~~  
27 ~~contrary, the present judges of such court may complete their~~  
28 ~~terms of office and may be elected or retained for additional~~  
29 ~~terms in the manner provided in Article V.~~

30 ~~ARTICLE V~~

<—

THE JUDICIARY

SECTION 3. SUPERIOR COURT.--THE SUPERIOR COURT SHALL BE A STATEWIDE COURT, AND SHALL CONSIST OF THE NUMBER OF JUDGES, WHICH SHALL BE NOT LESS THAN SEVEN JUDGES, [ONE OF WHOM SHALL BE THE PRESIDENT JUDGE,] AND [ITS] HAVE SUCH JURISDICTION AS SHALL BE [AS] PROVIDED BY LAW. ONE OF ITS JUDGES SHALL BE THE PRESIDENT JUDGE.

SECTION 13. ELECTION OF JUSTICES, JUDGES AND JUSTICES OF THE PEACE; VACANCIES.--\* \* \*

(B) A VACANCY IN THE OFFICE OF JUSTICE, JUDGE OR JUSTICE OF THE PEACE SHALL BE FILLED BY APPOINTMENT BY THE GOVERNOR. THE APPOINTMENT SHALL BE WITH THE ADVICE AND CONSENT OF TWO-THIRDS OF THE MEMBERS ELECTED TO THE SENATE, EXCEPT IN THE CASE OF JUDGES OF THE SUPERIOR COURT AND JUSTICES OF THE PEACE WHICH SHALL BE BY A MAJORITY. THE PERSON SO APPOINTED SHALL SERVE FOR AN INITIAL TERM ENDING ON THE FIRST MONDAY OF JANUARY FOLLOWING THE NEXT MUNICIPAL ELECTION MORE THAN TEN MONTHS AFTER THE VACANCY OCCURS, EXCEPT IN THE CASE OF PERSONS SELECTED AS ADDITIONAL JUDGES TO THE SUPERIOR COURT, WHERE THE GENERAL ASSEMBLY MAY STAGGER AND FIX THE LENGTH OF THE INITIAL TERMS OF SUCH ADDITIONAL JUDGES BY REFERENCE TO ANY OF THE FIRST, SECOND AND THIRD MUNICIPAL ELECTIONS MORE THAN TEN MONTHS AFTER THE ADDITIONAL JUDGES ARE SELECTED. THE MANNER BY WHICH ANY ADDITIONAL JUDGES ARE SELECTED SHALL BE AS PROVIDED BY ACT OF THE GENERAL ASSEMBLY.

\* \* \*

SCHEDULE TO JUDICIARY ARTICLE

SECTION 11. SELECTION OF PRESIDENT JUDGES.--(A) EXCEPT IN THE CITY OF PHILADELPHIA, SECTION TEN (D) OF THE ARTICLE SHALL BECOME EFFECTIVE UPON THE EXPIRATION OF THE TERM OF THE PRESENT

1 PRESIDENT JUDGE, OR UPON EARLIER VACANCY.

2 (B) NOTWITHSTANDING SECTION 10 (D) OF THIS ARTICLE THE  
3 PRESIDENT JUDGE OF THE SUPERIOR COURT SHALL BE THE JUDGE LONGEST  
4 IN CONTINUOUS SERVICE ON SUCH COURT IF SUCH JUDGE WAS A MEMBER  
5 OF SUCH COURT ON THE FIRST MONDAY OF JANUARY, 1976. IF NO SUCH  
6 JUDGE EXISTS OR IS WILLING TO SERVE AS PRESIDENT JUDGE THE  
7 PRESIDENT JUDGE SHALL BE SELECTED AS PROVIDED BY THIS ARTICLE.

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