

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 320 Session of  
2015INTRODUCED BY CALTAGIRONE, THOMAS, COHEN, KOTIK, HARKINS, MURT  
AND GINGRICH, FEBRUARY 4, 2015

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 4, 2015

## A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth  
2 of Pennsylvania, in Judiciary, providing for financial  
3 affairs and budgets.

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 Pennsylvania is proposed in accordance with Article XI:

8 That Article V be amended by adding a section to read:

9 § 19. Financial affairs and budgets.

10 (a) All fees, charges and other moneys received by all  
11 courts in this Commonwealth, with the exception of payments  
12 mandated to a party by court order or for a client security fund  
13 shall be directly deposited in a separate fund within the State  
14 Treasury to be known as the Judiciary Operations Fund.

15 (b) The Judiciary Operations Fund shall be administered by  
16 the Supreme Court for the operation of the Judicial Branch and  
17 the moneys of the fund are appropriated to the Supreme Court.

18 (c) The Supreme Court shall appoint staff and prepare and

1 administer the budget of the Judicial Branch and undertake  
2 actions needed to ensure its efficient operation. All budget  
3 actions of the Supreme Court shall require approval by a  
4 majority vote of the members of the Supreme Court. If the  
5 Supreme Court is unable to achieve a majority vote for the  
6 Judiciary Budget in a fiscal year, the previous fiscal year's  
7 budget minus 3% shall be implemented until a new budget is  
8 achieved by a majority vote of the members of the Supreme Court.

9 (d) The Judiciary Operations Fund shall be subject to audits  
10 made in accordance with generally accepted auditing standards  
11 and shall be performed by the Auditor General and an annual  
12 report shall be delivered to the Governor and the General  
13 Assembly.

14 (e) If the total fees, charges and other moneys received by  
15 the courts and deposited into the Judiciary Operations Fund are  
16 not adequate to meet the operating expenses of the Judicial  
17 Branch, the Supreme Court shall submit a budget request to the  
18 Governor and the General Assembly by April 1 and the Governor  
19 and General Assembly shall consider the request in the normal  
20 budget process. The Supreme Court may submit a budget request to  
21 the Governor and General Assembly if the Judiciary Branch faces  
22 an unforeseen substantial expenditure. The fund may carry a  
23 surplus of no more than 3% of the total judiciary operating  
24 budget from the previous year and any amounts more than 3% shall  
25 be transferred into the General Fund.

26 Section 2. (a) Upon the first passage by the General  
27 Assembly of this proposed constitutional amendment, the  
28 Secretary of the Commonwealth shall proceed immediately to  
29 comply with the advertising requirements of section 1 of Article  
30 XI of the Constitution of Pennsylvania and shall transmit the

1 required advertisements to two newspapers in every county in  
2 which such newspapers are published in sufficient time after  
3 passage of this proposed constitutional amendment.

4 (b) Upon the second passage by the General Assembly of this  
5 proposed constitutional amendment, the Secretary of the  
6 Commonwealth shall proceed immediately to comply with the  
7 advertising requirements of section 1 of Article XI of the  
8 Constitution of Pennsylvania and shall transmit the required  
9 advertisements to two newspapers in every county in which such  
10 newspapers are published in sufficient time after passage of  
11 this proposed constitutional amendment. The Secretary of the  
12 Commonwealth shall submit this proposed constitutional amendment  
13 to the qualified electors of this Commonwealth at the first  
14 primary, general or municipal election which meets the  
15 requirements of and is in conformance with section 1 of Article  
16 XI of the Constitution of Pennsylvania and which occurs at least  
17 three months after the proposed constitutional amendment is  
18 passed by the General Assembly.