

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1021 Session of 2019

INTRODUCED BY ECKER, SCHEMEL, DIAMOND, MURT, ZIMMERMAN, MILLARD, RYAN, B. MILLER, ROTHMAN, GROVE, KAUFFMAN AND STEPHENS, APRIL 2, 2019

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 30, 2019

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in matters affecting
3 government units, providing for special standing in
4 constitutional challenges.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Title 42 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 8503. Special standing in constitutional challenges.

10 (a) Special standing to intervene.--In a judicial proceeding
11 in which all or part of an act of this Commonwealth is alleged
12 to be unconstitutional, either or both chambers of the General
13 Assembly, subject to subsection (b), shall have special standing
14 to intervene as a party in the action and to defend the act.

15 (b) Requirements.--

16 (1) Special standing to intervene as a party under
17 subsection (a) for the Senate shall require an action of the
18 Senate Committee on Management Operations as provided under

1 section 2.1 of the act of January 10, 1968 (1967 P.L.925,
2 No.417), referred to as the Legislative Officers and Employes
3 Law.

4 (2) Special standing to intervene as a party under
5 subsection (a) for the House of Representatives shall require
6 an action of the Bi-partisan Management Committee as provided
7 under section 21.1 of the Legislative Officers and Employes
8 Law.

9 (c) Privilege or immunity.--Intervention by either or both
10 chambers of the General Assembly under this section shall not
11 constitute a waiver of sovereign, legislative or other privilege
12 or immunity.

13 (d) Indispensable party.--This section shall not make either
14 or both chambers of the General Assembly a necessary or
15 indispensable party to an action. A party to an action may not
16 name either or both chambers of the General Assembly as a party
17 or move to join either or both chambers of the General Assembly
18 as a party based on this section.

19 ~~(e) Notice. A party challenging the constitutionality of~~ <--
20 ~~all or part of an act of this Commonwealth must, in a manner~~
21 ~~consistent with the Pennsylvania Rules of Civil Procedure and~~
22 ~~the Pennsylvania Rules of Appellate Procedure, provide notice to~~
23 ~~the Chief Clerk of the Senate and the Chief Clerk of the House~~
24 ~~of Representatives.~~

25 ~~(f)~~ (E) No limitation.--Nothing under this section shall <--
26 limit the standing of either or both chambers or an individual
27 member of the General Assembly in a judicial proceeding in which
28 the subject matter relates to specific powers unique to a
29 legislator's functions under the Constitution of Pennsylvania
30 being diminished or impaired.

1 Section 2. The following shall apply:

2 (1) The addition of 42 Pa.C.S. § 8503 shall apply to an
3 action commenced on and after the effective date of the
4 section.

5 (2) A court may apply the addition of 42 Pa.C.S. § 8503
6 to an action commenced after December 31, 2018, and before
7 the effective date of this section.

8 Section 3. This act shall take effect immediately.