

No. 185

AN ACT

SB 512

Relating to the Commonwealth Court, implementing section 4 of Article V of the Constitution of the Commonwealth of Pennsylvania.

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

Section 1. Short Title.—This act shall be known and may be cited as “The Commonwealth Court Act.”

Section 2. Establishment and Composition of Commonwealth Court. Pursuant to section 4 of Article V of the Constitution of the Commonwealth of Pennsylvania and section 3 of the Schedule thereto, a court of record of statewide original and appellate jurisdiction, to be known as the Commonwealth Court, is established to be composed of seven judges who shall be citizens of the Commonwealth and members of the bar of the Supreme Court of the Commonwealth and who shall, for a period of one year preceding their election or appointment and during their continuance in office, reside within the Commonwealth.

Section 3. Appointment and Election of Judges; Terms.—(a) The Governor in the manner hereinafter provided, shall appoint the first judges of the court: Provided, That not more than four of the appointees shall be members of the same political party. Such appointments shall be for the purpose of implementing section 4 of Article V of the Constitution of the Commonwealth of Pennsylvania and section 3 of the Schedule thereto, and shall not be construed to constitute the filling of vacancies in the office of judge, as provided in subsection (b) of section 13 of Article V of said Constitution.

All appointments shall be made with the advice and consent of two-thirds of the members elected to the Senate.

(b) Except as hereinafter provided in subsection (c) for the initial President Judge, in order to determine length of continuous service under the Constitution of Pennsylvania for the purpose of determining the President Judge of the court, judges shall rank in continuous service on the court from the date their original commissions were issued, whether by appointment or election, at the commencement of their period of continuous service. Should any two or more judges of the court be commissioned and assume office at the same time, they shall cast lots forthwith for priority of commission and certify the results to the Governor who shall issue their commissions accordingly.

(c) The Governor shall appoint judges who shall be commissioned and hold offices as follows:

(1) He shall first appoint two judges for terms ending the first Monday of January, 1978. Such appointees shall be of different political parties.

The appointee first named by the Governor when confirmed by the Senate shall receive first priority of commission and shall assume the duties of his office prior to that of any of the other judges authorized by this act. The appointee second named shall in like manner receive second priority of commission and shall assume the duties of his office prior to that of any judge other than the one receiving first priority of commission. The judge receiving the first priority of commission shall be the President Judge.

(2) He shall thereafter appoint two judges for terms ending the first Monday of January, 1976. Such appointees shall be of different political parties. They shall cast lots as prescribed in subsection (b) of this section for priority of commission.

(3) He shall thereafter appoint two judges for terms ending the first Monday of January, 1974. Such appointees shall be of different political parties. They shall cast lots as herein provided for priority of commission.

(4) He shall thereafter appoint one judge for a term ending the first Monday of January, 1972. Such appointee shall be of the same political party as the appointing power.

Each judicial position shall constitute a distinct office for the purposes of nomination and election.

(d) Vacancies caused by the death, retirement, resignation or removal of a judge appointed by the Governor under subsection (a) of this section shall be filled in the manner and for the term prescribed by section 13 of Article V of the Constitution of Pennsylvania.

No judge appointed pursuant to subsection (c) or (d) of this section shall be authorized prior to the expiration of his appointive term to file a declaration of candidacy for retention as provided in section 15 of Article V of the Constitution of Pennsylvania.

(e) Elections for judges of the court shall be held at the times and in the manner prescribed by section 13 of Article V of the Constitution of Pennsylvania and, to the extent not inconsistent therewith, pursuant to the election laws of this Commonwealth applicable to the election of judges of the Superior Court: Provided, That if at any Municipal Election more than one judge is to be elected and the number to be elected is even, then not more than one-half the number to be elected shall be of the same political party; if the number is odd, then not more than one-half plus one shall be of the same political party.

(f) Except as provided herein for the first judges, the terms of office of Commonwealth Court judges shall be ten years and the method of their selection and the filling of vacancies shall be as provided in the Constitution of Pennsylvania. Any judge retained for a second or subsequent term shall continue to hold rank, priority and seniority determined by his continuous length of service as a member of the court.

Section 4. Seat of Court; Sessions; Business.—(a) The regular sessions of the court shall be held at the seat of government of the Commonwealth and as elsewhere herein provided. Each judge shall be authorized to

appoint his own law clerk and such secretarial assistance as is necessary to conduct his judicial duties and shall be provided with suitable chambers, and other facilities at the seat of government, and, except for temporary facilities provided in connection with the holding of a special session of the court, no officer of the Commonwealth or of any political subdivision thereof shall expend any public moneys for the provision of chamber, secretarial or other facilities for judges of the court at any other location within this Commonwealth. The intention of this provision is to render the court and the judges thereof as available; except as provided in subsection (b) of this section, at the seat of government for the conduct of routine and emergency judicial business as would be the case if the jurisdiction of the court were exercised by the *Court of Common Pleas of Dauphin County*.

(b) Within the limits of available appropriations, special sessions of the court may be held from time to time for the convenience of parties or witnesses, or both, in the interest of justice, in such judicial districts of this Commonwealth as make available without cost to the Commonwealth suitable courtroom and related physical facilities. The court shall also sit in the cities of Philadelphia and Pittsburgh.

(c) The court shall always be open for the transaction of judicial business. The court or any judge shall have the same power in vacation to issue injunctions, grant stays and enter other orders as they have while the court is in session.

Section 5. Compensation.—The annual salary of the judges of the Commonwealth Court shall be thirty-four thousand five hundred dollars (\$34,500). The President Judge shall receive an additional sum of five hundred dollars (\$500) per year.

Section 6. Panels; Assignments.—(a) The court may sit in panels of not less than three judges; the President Judge shall, in so far as practicable, assign the members of the court to panels in such fashion that each member sits substantially the same number of times with each other member. The President Judge or his designate shall preside over any panel.

(b) In any action or proceeding which requires the taking of testimony, the President Judge may assign a Commonwealth Court judge or request the Supreme Court to assign a judge of a court of common pleas or a former or retired justice or judge to sit and receive the evidence, and perform such other duties as may be prescribed by rule or order of court.

Section 7. Court Personnel.—The court shall appoint a prothonotary, deputy prothonotaries, an official court reporter and such other personnel as may be necessary to exercise its powers and perform its functions and duties, and shall fix their compensation with the approval of the Supreme Court which shall not exceed the amount appropriated annually by the General Assembly. The office of the prothonotary shall be at the seat of government. Deputy prothonotary offices may be maintained in the cities

of Philadelphia and Pittsburgh as prescribed by rule of court approved by the Supreme Court.

Section 8. Jurisdiction; Powers.—(a) The court shall have original jurisdiction of:

(1) All civil actions or proceedings, jurisdiction of which is vested in the court by act of Assembly.

(2) Except as provided in subsection (e) of this section: (i) all civil actions and proceedings by the Commonwealth or any officer thereof, acting in his official capacity; (ii) all civil actions and proceedings against the Commonwealth, but this clause shall not be construed as a waiver by the Commonwealth of immunity to suit; (iii) all civil actions and proceedings against officers of the Commonwealth in their official capacity.

(3) All civil actions or proceedings, jurisdiction of which is transferred to the court by section 14 of this act.

(b) The jurisdiction of the court under subsection (a) of this section shall be exclusive of the courts of common pleas except with respect to actions and proceedings by the Commonwealth or any officer thereof, acting in his official capacity, where the jurisdiction of the court shall be concurrent with the courts of common pleas.

(c) The court shall have appellate jurisdiction of:

(1) All appeals, jurisdiction of which is vested in the court by act of Assembly; and

(2) All appeals, jurisdiction of which is transferred to the court by section 14 of this act.

(d) The jurisdiction of the court under subsection (c) of this section shall be exclusive.

(e) The court shall not have original jurisdiction under clause (2) of subsection (a) of this section or under section 14 of this act of:

(1) Any action or proceeding in the nature of an application for writ of habeas corpus or post conviction relief not ancillary to proceedings within the appellate jurisdiction of the court.

(2) Any action or proceeding under the Eminent Domain Code.

(3) Any action or proceeding involving the interpretation, application, or enforcement of any act of Assembly which expressly vests jurisdiction in the courts of common pleas generally to entertain actions or proceedings relating to the interpretation, application or enforcement of such act.

(f) When a court or administrative agency, in making an interlocutory order in a proceeding in which its final order would be within the jurisdiction of the Commonwealth Court, shall be of the opinion that such order involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the proceeding, it shall so state in such order. The Commonwealth Court may thereupon,

in its discretion, permit an appeal to be taken from such order, if application is made to it within ten days after service of notice of entry of the order. Application for an appeal under this subsection shall not stay proceedings before the lower court or administrative agency unless the lower court or agency or the Commonwealth Court or a judge thereof shall so order.

(g) The court shall have power to issue, under its judicial seal, every lawful writ and process necessary or suitable for the exercise of the jurisdiction given by this act and for the enforcement of any order which it may make, including such writs and process to or to be served or enforced by sheriffs and other officers of courts and political subdivisions as the courts of common pleas are authorized by law or usage to issue, and, except as otherwise provided by general rules, to make such rules and orders of court as the interest of justice or the business of the court may require.

(h) The court shall also have all powers of a court of record possessed by the courts of common pleas and all powers necessary or appropriate in aid of its appellate jurisdiction which are agreeable to the usages and principles of law.

Section 9. Transfer of Erroneously Filed Appeals and Cases to Proper Court.—(a) If an appeal or other matter not within the jurisdiction of the Commonwealth Court is taken to or brought in the court, the court shall not quash the appeal or dismiss the matter but shall transfer the record thereof, at the cost of the appellant, petitioner, or plaintiff to the proper court of this Commonwealth, where the appeal or other matter shall be treated as if originally filed in that court on the date filed in the Commonwealth Court.

(b) If an appeal or other matter within the jurisdiction of the Commonwealth Court is erroneously taken to or brought in another court of this Commonwealth, such court shall not quash the appeal or dismiss the matter but shall transfer the record thereof, at the cost of the appellant, petitioner, or plaintiff, to the Commonwealth Court, where the appeal or other matter shall be treated as if originally filed in the Commonwealth Court on the date filed in the other court.

Section 10. Review by Supreme Court.—(a) Any party aggrieved by a final order of the Commonwealth Court entered in any action or proceeding which was originally commenced in said court and which does not constitute an appeal from another court or administrative agency, and any party aggrieved by a final order of the Commonwealth Court entered in any appeal from a decision of the Board of Finance and Revenue, may appeal the order as a matter of right to the Supreme Court within thirty days after the entry of the order.

(b) Any party aggrieved by a final order of the Commonwealth Court who is not entitled to appeal pursuant to subsection (a) of this section, may

petition for allowance of appeal from the order by filing in the Supreme Court, within thirty days after entry of the order.

(c) Notwithstanding any other provision of this act, the Supreme Court may, upon petition of any party in any action, proceeding or appeal pending before the Commonwealth Court involving an issue of immediate public importance, assume plenary jurisdiction of such action, proceeding or appeal at any stage thereof and enter a final order or otherwise cause right and justice to be done.

Section 11. Lien of Judgments.—Any judgment or order of the court for the payment of money shall not be a lien upon real property in any county until it is entered of record in the office of the prothonotary of the county in which the property is located in the same manner as a judgment transferred from the court of common pleas of another county.

Section 12. Organization of Court; Effective Date.—The court shall meet and organize at the seat of government. The court shall procure the necessary supplies, equipment and personnel to commence operation and promulgate the necessary rules of court. When the court is organized and ready for the transaction of business, the Chief Justice of the Supreme Court shall so certify to the Governor, who shall issue a Proclamation stating that the court is organized and ready for the transaction of its judicial functions.

Section 13. Transfer of Pending Actions and Proceedings.—(a) Except as otherwise provided in this section, upon issuance of the Governor's Proclamation as provided in section 12 of this act, the prothonotary of the Court of Common Pleas of Dauphin County and the clerk or the prothonotary of any other court, shall transfer to the custody of the prothonotary of the Commonwealth Court all dockets, records, pleadings and other papers or certified copies thereof relating to any matters the exclusive jurisdiction of which is vested in the Commonwealth Court.

(b) All existing orders, upon such transfer, shall remain in force and effect in accordance with their terms until modified by the Commonwealth Court or by the Supreme Court on appeal. No pending action or proceeding shall abate by reason of such transfer, but shall continue according to law before the Commonwealth Court.

(c) Where on the date of said transfer, any hearing is in progress in any pending action or proceeding, the exclusive jurisdiction of which is vested in the Commonwealth Court, or such pending matter is awaiting decision by, a judge or judges of another court, such judge or judges may complete the hearing or matter, or both, and enter any lawful order or orders, as appropriate. The records, pleadings or other papers relating to such active pending actions or proceedings shall remain with the prothonotary of said other court and jurisdiction of such actions or proceedings shall remain with that court until a final order has been entered therein by it unless otherwise provided by rule or order of the Supreme Court.

Section 14. Repealer.—(a) The jurisdiction of the courts named in the

acts and parts of acts specified hereinafter in this subsection is vested in the Commonwealth Court and such acts and parts of acts are hereby repealed in so far as inconsistent therewith:

(1) Section 12, act of April 16, 1845 (P.L.532), entitled "An act to increase the revenues and diminish the legislative expenses of the commonwealth."

(2) Section 3, act of April 21, 1857 (P.L.266), entitled "An act relating to the Office and Duties of Attorney General."

(3) Section 1, act of April 19, 1858 (P.L.333), entitled "An act relative to Moneys due to the Commonwealth of Pennsylvania."

(4) Section 1, act of April 7, 1862 (P.L.304), entitled "An act for the more efficient collection of Debts due the Commonwealth."

(5) Section 1, act of April 7, 1870 (P.L.57), entitled "An act to enlarge the jurisdiction of the court of common pleas for the county of Dauphin, in cases wherein the Commonwealth may be plaintiff, and to provide for the issuing of writs of foreign attachment in such cases."

(6) Act of May 2, 1889 (P.L.66), entitled "An act defining and regulating escheats in cases where property is without a lawful owner, and providing for more convenient proceedings relative to the same," in so far as such act relates to the Court of Common Pleas of Dauphin County.

(7) Section 3, act of May 24, 1893 (P.L.125), entitled "An act providing for monthly returns and payments by county and city officers and prothonotaries of the Supreme Court of moneys received by them for the use of the Commonwealth."

(8) Section 1, act of June 8, 1893 (P.L.345), entitled "An act relating to Mandamus," in so far as such provision relates to the courts of common pleas of the county in which the seat of government is or may be located.

(9) Section 2, act of April 17, 1905 (P.L.192), entitled "An act authorizing the Commonwealth of Pennsylvania to rebuild uncompleted county bridges over any river not less than one thousand feet in width, whenever the portions of said bridges already erected have been destroyed by floods before the final completion thereof, and where it appears that over fifty per centum of the contract price had already been expended before such destruction."

(10) Section 7A, act of May 13, 1909 (P.L.520), entitled "An act relating to food: defining food; providing for the protection of the public health, and the prevention of fraud and deception, by prohibiting the manufacture or sale, the offering for sale or exposing for sale, or the having in possession with intent to sell, of adulterated, misbranded, or deleterious foods; prescribing certain duties of the Dairy and Food Commissioner in reference thereto; and providing penalties for the violation thereof."

(11) Subsection (b) of section 4, act of April 6, 1911 (P.L.51), entitled "An act providing for the protection of the public health and the prevention of fraud and deception, by prohibiting the sale, the offering for sale, or exposing for sale, or the having in possession with intent to sell,

of adulterated or deleterious sausage; defining sausage; and prescribing the penalty for the violation thereof.”

(12) Section 1, act of May 5, 1911 (P.L.177), entitled “An act authorizing the Commonwealth of Pennsylvania to build bridges over any river, not more than one thousand feet and not less than five hundred feet in width, at localities not less than ten miles distant from the nearest public bridge over the same river, in counties whose indebtedness, increased by the cost of such proposed bridge, would exceed the constitutional limitation of two per centum of their assessed valuation.”

(13) Section 2, act of July 25, 1913 (P.L.1043), entitled “An act to provide for the registration and enrollment of the voters of the State according to their respective party preferences; fixing the compensation of assessors and registry assessors for making said registration and enrollment; and prescribing penalties for false registration or enrollment, and for voters voting or attempting to vote, and for election officers wilfully permitting or conspiring to permit them to vote, at a primary, by or on any other than their own party ticket.”

(14) Section 7.1, act of May 13, 1915 (P.L.286), known as the “Child Labor Law.”

(15) Section 305, act of June 2, 1915 (P.L.736), known as “The Pennsylvania Workmen’s Compensation Act.”

(16) Section 21, act of June 2, 1915 (P.L.762), entitled “An act providing for the creation and administration of a State Fund for the insurance of compensation for injuries to employes of subscribers thereto; declaring false oaths by the subscribers to be misdemeanors; and providing penalties for the violation thereof,” in so far as such provision relates to the Court of Common Pleas of Dauphin County.

(17) Section 1006, act of June 3, 1915 (P.L.797), entitled “An act to establish a Bureau of Forest Protection within the Department of Forestry; designating the officers who shall constitute the Bureau, their duties and salaries; prescribing penalties for the violation thereof; and repealing all laws, general, special, or local, or any parts thereof, that may be inconsistent with or supplied by this act.”

(18) Section 8, act of June 7, 1915 (P.L.878), entitled, as amended, “An act providing for the escheat of certain property received for storage or safe-keeping or otherwise and of certain deposits of money; also for the escheat of certain dividends, profits, debts, and interest on debts of corporations, companies, banks, national banks, trust companies, insurance companies, limited partnerships, and partnership associations, doing business in this Commonwealth, except building and loan associations; also for the escheat of certain moneys, property, and estates held by persons, partnerships, associations, or corporations in any fiduciary capacity whatsoever; and the profits, accretions, and interest on such moneys, property, and estates, as well as the interest thereon accrued between the date of the decree of any court ordering the distribution of

such moneys, property, and estates, and the actual distribution thereof; also for the escheat of certain moneys paid into or deposited in any court of this Commonwealth, or in any Federal court in and for any district within the Commonwealth, or in the custody of any officer of such court; and for the escheat of certain other moneys, property, and estates held in any manner by any person, association, or body corporate for the benefit of another.”

(19) Clauses (a) and (f) of section 1, act of June 17, 1915 (P.L.1012), entitled, as amended, “An act regulating the business of loaning money in sums of six hundred (\$600) dollars or less, either with or without security, to individuals pressed by lack of funds to meet immediate necessities; fixing the rates of interest and charges therefor; requiring the licensing of lenders; and prescribing penalties for the violation of this act,” in so far as such provisions relate to the Court of Common Pleas of Dauphin County.

(20) Sections 4 and 5, act of May 8, 1919 (P.L.148), entitled “An act providing for the joint acquisition and maintenance by the Commonwealth of Pennsylvania and the State of New Jersey of certain toll-bridges over the Delaware River.”

(21) Section 4, act of May 16, 1919 (P.L.169), entitled “An act providing for the payment into the State Treasury of unclaimed funds in the hands of fiduciaries; defining the term fiduciary; providing for the refunding of such funds from the State Treasury with interest to persons entitled thereto, and making an appropriation therefor; prohibiting the discharge of such fiduciaries, the release of their sureties, or the final distribution of funds in their possession, until after compliance with the provisions of this act; and imposing penalties.”

(22) Act of May 16, 1919 (P.L.196), entitled “An act authorizing the Commonwealth to rebuild county bridges, over eight hundred feet in length, located on State highways, where such bridges have been heretofore destroyed by fire; providing for the appointment of viewers and inspectors, and for the payment of the costs of rebuilding such bridges; and imposing certain charges upon counties,” in so far as such act relates to the Court of Common Pleas of Dauphin County.

(23) Section 1, act of July 18; 1919 (P.L.1056a), entitled “An act providing for the refunding of moneys paid into the State Treasury through mistake or error, or to which moneys, after such payment thereof, it sufficiently appears that the Commonwealth has no lawful claim; and making an appropriation for such refunds.”

(24) Sections 6 and 7, act of April 25, 1921 (P.L.276), entitled, as amended, “An act requiring persons, partnerships, associations, or corporations advertising for or soliciting business as adjusters of claims within this Commonwealth for loss or damage arising out of policies of insurance, surety, or indemnity on property, persons, or insurable business interests within this Commonwealth, to be licensed by the Insurance

Commissioner; requiring persons, partnerships, associations, or corporations acting as solicitors for said adjusters to be licensed by the Insurance Commissioner; regulating the issuance and revocation of such licenses; prescribing certain conditions for the transaction of such business; providing for the filing of bonds by public adjusters and public adjuster solicitors, and for recovery thereon by parties in interest; and providing penalties."

(25) Section 9, act of May 5, 1921 (P.L.374), entitled "An act providing for the licensing and regulation of corporations, copartnerships, associations, and individuals, engaged in the business of receiving payments or contributions to be held or used in any plan of accumulation or investment, or of issuing, negotiating, offering for sale, or selling any certificates, securities, contracts, or other choses in actions evidenced by writing on the partial payment or instalment plan, or of assuming fixed obligations, or issuing, in connection therewith, a contract based upon payments being made upon instalments or single payments, under which all or part of the total amount received is to be repaid at some future time, with or without profit; and imposing penalties."

(26) Sections 337.3, 337.6, 350, 353, 354, 414, 504, 507, 616, 628, 654, 661 and 749, act of May 17, 1921 (P.L.682), known as "The Insurance Company Law of 1921," in so far as such provisions relate to the Court of Common Pleas of Dauphin County.

(27) Sections 502, 503, 510, 603, 622, 639 and 653, act of May 17, 1921 (P.L.789), known as "The Insurance Department Act of one thousand nine hundred and twenty-one," in so far as such provisions relate to the Court of Common Pleas of Dauphin County.

(28) Sections 1207 and 1810, act of April 9, 1929 (P.L.177), known as "The Administrative Code of 1929."

(29) Sections 504, 1004, 1104, 1302, 1711 and 1712, act of April 9, 1929 (P.L.343), known as "The Fiscal Code," in so far as such provisions relate to the Court of Common Pleas of Dauphin County.

(30) Section 2, act of April 30, 1929 (P.L.897), entitled "An act regulating the manufacturing, bottling, and selling of certain waters, and requiring permits therefor; prescribing the authority of the Department of Health and of local boards of health and health officers with respect thereto; and providing penalties."

(31) Section 10, act of May 1, 1929 (P.L.1216), known as the "Real Estate Brokers License Act of one thousand nine hundred and twenty-nine," in so far as such provision relates to the Court of Common Pleas of Dauphin County.

(32) Section 6, act of May 8, 1929 (P.L.1664), entitled "An act providing for the propounding and prosecution of a claim, by and in the name of the State of Pennsylvania, against the government of the United States of America, for the recovery, under the present laws of the United States, or such as may be hereafter enacted, from said government of all

moneys heretofore paid illegally into the Federal treasury as a direct tax upon property situated in the State of Pennsylvania; providing for the recovery of the same; authorizing the Governor of the State to employ counsel, and enter into the necessary contracts and agreements for the carrying out of the object of this act; providing for notice to and procedure by claimants of such moneys, and fixing a prescription period after which such moneys shall escheat to and become the absolute property of the State of Pennsylvania."

(33) Sections 7 and 12, act of May 21, 1931 (P.L.149), known as "The Liquid Fuels Tax Act."

(34) Section 2, act of May 26, 1931 (P.L.191), entitled "An act requiring certain legal proceedings against State officers to be instituted in the court of common pleas of Dauphin County."

(35) Section 4, act of May 29, 1931 (P.L.210), entitled, as amended, "An act to regulate the certification and the registration of persons qualified to teach in accredited elementary and secondary schools in this State; imposing certain duties upon the Department of Public Instruction and the State Board of Education; defining violations; providing penalties, and for appeal to the court of common pleas of Dauphin County."

(36) Act of June 22, 1931 (P.L.622), entitled "An act to prevent fraudulent procedure in obtaining licenses or certificates from the Insurance Department, or altering licenses or certificates issued by the Insurance Department; and providing penalties."

(37) Section 5, act of June 23, 1931 (P.L.899), known as the "Public Bathing Law."

(38) Section 5, act of May 1, 1933 (P.L.216), known as "The Dental Law," in so far as such provision relates to the Court of Common Pleas of Dauphin County.

(39) Section 15, act of May 3, 1933 (P.L.242), entitled, as amended, "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture; defining beauty culture, and regulating beauty culture shops, schools, students, apprentices, teachers, managers and operators; conferring powers and duties upon the Commissioner of Professional and Occupational Affairs in the Department of State; providing for appeals to certain courts by applicants and licensees; and providing penalties," in so far as such provision relates to the Court of Common Pleas of Dauphin County.

(40) Clause (g) of section 4, act of May 5, 1933 (P.L.284), known as the "Malt Beverage Tax Law," reenacted and amended July 9, 1935 (P.L.628).

(41) Section 202, act of May 5, 1933 (P.L.289), known as the "Nonprofit Corporation Law," in so far as such provision relates to the Court of Common Pleas of Dauphin County.

(42) Section 202, act of May 5, 1933 (P.L.364), known as the "Business

Corporation Law," in so far as such provision relates to the Court of Common Pleas of Dauphin County.

(43) Sections 4 and 7, act of May 22, 1933 (P.L.912), entitled "An act to protect the public health; defining and providing for the licensing of bakeries, and regulating the inspection, maintenance, and operation of bakeries and premises, stores and shops connected therewith; defining and regulating the manufacture, sale, and offering for sale of bakery products; conferring powers on the Department of Agriculture; and providing penalties."

(44) Clause (d) of section 5, act of December 5, 1933 (Special Session) (P.L.38), known as the "Spirituous and Vinous Liquor Tax Law."

(45) Sections 3 and 22, act of July 2, 1935 (P.L.589), entitled, as amended, "An act to safeguard human health and life by providing for the issuance of permits to, and regulation of persons and entities selling milk and milk products; conferring powers, and imposing duties on the Secretary of Agriculture; and otherwise providing for the administration of the act; and imposing penalties."

(46) Section 10, act of July 17, 1935 (P.L.1092), entitled "An act defining fraternal benefit societies and their status; authorizing such societies to create subordinate lodges and to pay benefits to members and their beneficiaries from funds collected, and regulating such benefits and collections; providing for the organization and incorporation of such societies and for their supervision, regulation, and examination by the Insurance Commissioner, and for the admission of foreign societies; designating tables of mortality as a basis for rates of contribution; requiring all societies to make annual and other reports; and appointing the Insurance Commissioner as attorney for service of process; providing penalties for any violations of the act; exempting such societies from taxation and certain other societies from its provisions; and requiring beneficial associations, other than fraternal benefit societies, to report to and be supervised by the Insurance Commissioner; and repealing existing laws."

(47) Section 27, act of July 17, 1935 (P.L.1092), entitled "An act defining fraternal benefit societies and their status; authorizing such societies to create subordinate lodges and to pay benefits to members and their beneficiaries from funds collected, and regulating such benefits and collections; providing for the organization and incorporation of such societies and for their supervision, regulation, and examination by the Insurance Commissioner, and for the admission of foreign societies; designating tables of mortality as a basis for rates of contribution; requiring all societies to make annual and other reports; and appointing the Insurance Commissioner as attorney for service of process; providing penalties for any violations of the act; exempting such societies from taxation and certain other societies from its provisions; and requiring beneficial associations, other than fraternal benefit societies, to report to and be supervised by the Insurance Commissioner; and repealing existing

laws," in so far as such provision relates to the Court of Common Pleas of Dauphin County.

(48) Clause (f) of section 301 and sections 304 and 309, act of December 5, 1936 (1937 P.L.2897), known as the "Unemployment Compensation Law," in so far as such provisions relate to the Court of Common Pleas of Dauphin County.

(49) Section 12, act of April 8, 1937 (P.L.262), known as the "Consumer Discount Company Act," in so far as such provision relates to the Court of Common Pleas of Dauphin County.

(50) Sections 901, 902 and 1004, act of April 28, 1937 (P.L.417), known as the "Milk Marketing Law," in so far as such provisions relate to the Court of Common Pleas of Dauphin County.

(51) Sections 7 and 8, act of May 20, 1937 (P.L.728), entitled "An act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth; providing for and regulating the procedure in prosecuting claims before such board; defining the powers of the board; and fixing the compensation of members and employes thereof; providing that the awards of such board shall be final; providing for the payment of awards; and authorizing an appropriation."

(52) Section 9, act of May 21, 1937 (P.L.788), entitled "An act for the protection of the public health, and the prevention of fraud and deception, requiring clean, sanitary establishments for the manufacture, preparation or bottling of nonalcoholic drinks and liquid foods, including clean, sanitary ingredients and containers; regulating the maintenance and operation of such establishments, and the use of containers; prescribing penalties; and providing for injunctions in certain cases."

(53) Section 11, act of May 27, 1937 (P.L.901), entitled "An act for the protection of producers of farm produce; providing for the licensing, the bonding or holding collateral of and the regulation of certain dealers in farm produce, as herein defined, within this Commonwealth; conferring powers, and imposing duties on the Department of Agriculture; providing for appeals and injunctions; and prescribing penalties," in so far as such provision relates to the Court of Common Pleas of Dauphin County.

(54) Section 12, act of May 27, 1937 (P.L.917), entitled "An act for the protection of the health and welfare of women and minors by regulating under the police power the minimum fair wages which shall be paid by employers; providing for wage boards, and defining the powers and duties of such boards, and of the Department of Labor and Industry; imposing duties on employers; providing for directory and mandatory orders on employers, and the publication of the names of employers who do not comply with such orders; exempting certain persons from the provisions of this act; and providing penalties."

(55) Sections 903, 1111 and 1301, act of May 28, 1937 (P.L.1053), known as the "Public Utility Law," in so far as such provisions relate to the Court of Common Pleas of Dauphin County.

(56) Section 315, act of June 3, 1937 (P.L.1225), known as "The Game Law," in so far as such provision relates to the Court of Common Pleas of Dauphin County.

(57) Act of June 3, 1937 (P.L.1333), known as the "Pennsylvania Election Code," in so far as such act relates to (i) the Court of Common Pleas of Dauphin County, or (ii) the court of common pleas of the proper county in connection with matters relating to the powers or duties of the Secretary of the Commonwealth, or (iii) the special court of common pleas established by section 1731 of such act.

(58) Section 12, act of June 4, 1937 (P.L.1643), entitled "An act relating to certain existing beneficial societies; conferring certain rights, powers and duties upon them, their officers and members; authorizing the payment of benefits by them in the event of sickness, accident, disability or death; regulating such societies and corporations; and limiting the amount for which they may issue membership certificates or policies; providing for reserves; imposing penalties; and repealing certain existing laws and parts of law."

(59) Section 4, act of June 21, 1937 (P.L.1948), known as the "Nonprofit Hospital Plan Act."

(60) Sections 601 and 605, act of June 22, 1937 (P.L.1987), known as "The Clean Streams Law."

(61) Section 10, act of June 25, 1937 (P.L.2063), entitled "An act providing for the payment into the State Treasury, without escheat, of certain moneys and property subject to escheat under existing law, namely unclaimed dividends and profits, certain debts, and interest on certain debts, proceeds of policies of insurance, stock and customers deposits held by certain limited partnerships and unincorporated associations, joint-stock associations, companies and corporations doing business under the laws of this Commonwealth; declaring the legislative intent with respect to such payments; requiring reports of such money and property by, and imposing other duties upon, such partnerships, associations, and corporations; conferring powers and imposing duties on certain State officers, boards, and departments; providing for jurisdiction of courts, and for proceedings for the recovery of such moneys and property by the Attorney General at the suggestion of the Department of Revenue; providing for refunds of such moneys and property; and prescribing penalties."

(62) Section 305, act of June 21, 1939 (P.L.566), known as "The Pennsylvania Occupational Disease Act."

(63) Sections 5 and 18, act of June 24, 1939 (P.L.748), known as "The Pennsylvania Securities Act," in so far as such provisions relate to the Court of Common Pleas of Dauphin County.

(64) Section 10, act of June 24, 1939 (P.L.842), entitled "An act relating to the acquisition of rights to divert water from rivers, streams, natural lakes, and ponds, or other surface waters within the

Commonwealth or partly within and partly without the Commonwealth; defining various words and phrases; vesting in the Water and Power Resources Board certain powers and authorities for the conservation, control and equitable use of the waters within the Commonwealth in the interests of the people of the Commonwealth; making available for public water supply purposes, water rights heretofore or hereafter acquired but not used; providing for hearings by the Water and Power Resources Board and for appeals from its decisions; fixing fees; granting to all public water supply agencies heretofore or hereafter created the right of eminent domain as to waters and the land covered by said waters; repealing all acts or parts of acts inconsistent herewith, including Act No. 109, Pamphlet Laws 152, approved April 13, 1905, Act No. 307, Pamphlet Laws 455, approved June 7, 1907, Act No. 64, Pamphlet Laws 258, approved April 8, 1937."

(65) Sections 205 and 306, act of June 25, 1941 (P.L.159), known as the "Municipal Borrowing Law," in so far as such provisions relate to the Court of Common Pleas of Dauphin County.

(66) Section 7, act of April 27, 1945 (P.L.321), known as "The Veterinary Law," in so far as such provision relates to the Court of Common Pleas of Dauphin County.

(67) Section 8, act of May 23, 1945 (P.L.913), known as the "Professional Engineers Registration Law," in so far as such provision relates to the Court of Common Pleas of Dauphin County.

(68) Section 12, act of May 23, 1945 (P.L.926), entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth; requiring their licensing; imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities; and providing penalties," in so far as such provision relates to the Court of Common Pleas of Dauphin County.

(69) Section 18.2, act of May 31, 1945 (P.L.1198), known as the "Bituminous Coal Open Pit Mining Conservation Act," in so far as such provision relates to the Court of Common Pleas of Dauphin County.

(70) Sections 774 and 780, act of June 1, 1945 (P.L.1242), known as the "State Highway Law."

(71) Sections 41 and 47, act of June 4, 1945 (P.L.1388), known as the "Administrative Agency Law."

(72) Section 9, act of May 31, 1947 (P.L.368), known as the "Anthracite Standards Law."

(73) Section 8, act of June 5, 1947 (P.L.445), known as "The Insurance Unfair Practices Act."

(74) Section 17, act of June 11, 1947 (P.L.538), known as "The Casualty and Surety Rate Regulatory Act."

(75) Section 13.1 and 16, act of June 11, 1947 (P.L.551), known as "The Fire Marine and Inland Marine Rate Regulatory Act."

(76) Section 13, act of June 27, 1947 (P.L.1046), entitled "An act providing for equalization of assessed valuations of real property throughout the Commonwealth for use in determining the amount and allocation of Commonwealth subsidies to school districts; creating a State Tax Equalization Board; and prescribing its powers and duties; imposing duties on certain local officers, agents, boards, commissions and departments; and making an appropriation."

(77) Section 11, act of June 28, 1947 (P.L.1110), known as the "Motor Vehicle Sales Finance Act," in so far as such provision relates to the Court of Common Pleas of Dauphin County.

(78) Section 1, act of June 30, 1947 (P.L.1183), entitled "An act relating to strikes by public employes; prohibiting such strikes; providing that such employes by striking terminate their employment; providing for reinstatement under certain conditions; providing for a grievance procedure; and providing for hearings before civil service and tenure authorities, and in certain cases before the Pennsylvania Labor Relations Board," in so far as such provision relates to the Court of Common Pleas of Dauphin County.

(79) Section 3, act of March 31, 1949 (P.L.388), entitled "An act authorizing and empowering the Delaware River Joint Toll Bridge Commission, for the effectuation of its authorized purposes, to enter upon, use, overpass, occupy, enlarge, construct, improve, or close any easement, street, road or highway, located within the limits of any municipality in Pennsylvania, or to use, occupy or take property, now or hereafter vested in or held by any municipality in Pennsylvania, without requiring the consent of the municipality or the governing body thereof; prescribing conditions for the exercise of such powers by the Commission; and conferring jurisdiction on certain courts of common pleas," in so far as such provision relates to the Court of Common Pleas of Dauphin County.

(80) Section 4, act of May 9, 1949 (P.L.1025), entitled "An act requiring companies and organizations subject to the provisions of the act of June 11, 1947 (Pamphlet Laws 538), or the act of June 11, 1947 (Pamphlet Laws 551), or section 654 of the act of May 17, 1921 (Pamphlet Laws 682), to maintain uniform classifications of accounts and records; make uniform reports; providing for appeals to the Court of Common Pleas of Dauphin County; and prescribing penalties."

(81) Section 8, act of May 11, 1949 (P.L.1140), known as the "Unclaimed Funds Act for Life Insurance Companies."

(82) Sections 710, 711, 712 and 726, act of April 12, 1951 (P.L.90), known as the "Liquor Code."

(83) Section 12, act of September 26, 1951 (P.L.1539), known as "The Analytical-Biochemical-Biological Laboratory Act."

(84) Section 10.1, act of December 27, 1951 (P.L.1742), known as "The Realty Transfer Tax Act."

(85) Section 12, act of January 14, 1952 (P.L.1898), known as the

“Funeral Director Law,” in so far as such provision relates to the Court of Common Pleas of Dauphin County.

(86) Sections 7, 8 and 12, act of January 14, 1952 (P.L.1965), known as the “Fuel Use Tax Act.”

(87) Sections 7 and 10, act of October 27, 1955 (P.L.744), known as the “Pennsylvania Human Relations Act,” in so far as such provisions relate to the Court of Common Pleas of Dauphin County.

(88) Section 502, act of November 30, 1955 (P.L.756), known as the “Gas Operations Well-Drilling Petroleum and Coal Mining Act,” in so far as such provision relates to the Court of Common Pleas of Dauphin County.

(89) Sections 544 and 555, act of March 6, 1956 (P.L.1228), known as the “Tax Act of 1963 for Education.”

(90) Section 4, act of June 21, 1957 (P.L.390), entitled “An act requiring certain records of the Commonwealth and its political subdivisions and of certain authorities and other agencies performing essential governmental functions, to be open for examination and inspection by citizens of the Commonwealth of Pennsylvania; authorizing such citizens under certain conditions to make extracts, copies, photographs or photostats of such records; and providing for appeals to the courts of common pleas,” in so far as such provision relates to the Court of Common Pleas of Dauphin County.

(91) Sections 4, 7.1, 10 and 18, act of December 22, 1959 (P.L.1978), entitled, as amended, “An act providing for and regulating harness racing with pari-mutuel wagering on the results thereof; creating the State Harness Racing Commission as a departmental administrative commission within the Department of Agriculture and defining its powers and duties; providing for the establishment and operation of harness racing plants subject to local option; imposing taxes on revenues of such plants; disposing of all moneys received by the commission and all moneys collected from the taxes; authorizing penalties; and making appropriations.”

(92) Section 6, act of July 17, 1961 (P.L.776), known as the “Pennsylvania Fair Educational Opportunities Act,” in so far as such provision relates to the Court of Common Pleas of Dauphin County.

(93) Section 14, act of July 25, 1961 (P.L.825), known as the “Oil and Gas Conservation Law,” in so far as such provision relates to the Court of Common Pleas of Dauphin County.

(94) Section 4, act of July 25, 1961 (P.L.857), entitled “An act regulating the manufacture of stuffed toys intended for sale, gift, or use in Pennsylvania; providing for registration of such manufacturers, the paying of a fee for such registration, the issuance of a seal of approval to such manufacturers; providing that material used in such toys shall be new and free from dangerous or harmful substances; providing for disinfection of

such material containing products of animal origin; and prescribing penalties.”

(95) Section 16, act of August 23, 1961 (P.L.1068), entitled “An act to provide for the creation and administration of an Anthracite and Bituminous Coal Mine Subsidence Fund within the Department of Mines and Mineral Industries for the insurance of compensation for damages to subscribers thereto; declaring false oaths by the subscribers to be misdemeanors; providing penalties for the violation thereof; and making an appropriation,” in so far as such provision relates to the Court of Common Pleas of Dauphin County.

(96) Section 13, act of September 15, 1961 (P.L.1313), known as “The Minimum Wage Act of 1961.”

(97) Section 7, act of September 20, 1961 (P.L.1548), known as the “Credit Union Act.”

(98) Section 21, act of September 26, 1961 (P.L.1664), known as “The Drug, Device and Cosmetic Act,” in so far as such provision relates to the Court of Common Pleas of Dauphin County.

(99) Sections 21 and 26, act of September 29, 1961 (P.L.1745), known as “The Auctioneers’ License Act,” in so far as such provisions relate to the Court of Common Pleas of Dauphin County.

(100) Section 8, act of August 14, 1963 (P.L.824), known as “The Pennsylvania Cancer Law,” in so far as such provision relates to the Court of Common Pleas of Dauphin County.

(101) Section 502, act of August 14, 1963 (P.L.1082), known as the “Home Improvement Finance Act,” in so far as such provision relates to the Court of Common Pleas of Dauphin County.

(102) Sections 19 and 20, act of June 19, 1964 (P.L.7), known as the “Motor Carriers Road Tax Act.”

(103) Section 10, act of August 17, 1965 (P.L.354), known as “The Pennsylvania Seed Act of 1965.”

(104) Section 10, act of September 1, 1965 (P.L.420), known as “The Ice Cream Law.”

(105) Subsection (e) of section 12, act of September 1, 1965 (P.L.436), known as the “Pennsylvania Commercial Feed Law of 1966.”

(106) Section 13, act of September 2, 1965 (P.L.490), entitled “An act providing for the licensing and regulation of the business of transmitting money or credit for a fee or other consideration by the issuance of money orders, by the sale of checks or by other methods; conferring powers and duties upon the Department of Banking; and imposing penalties.”

(107) Sections 9 and 11, act of November 9, 1965 (P.L.657), known as the “Hazardous Substances Transportation Act,” in so far as such provisions relate to the Court of Common Pleas of Dauphin County.

(108) Sections 806 and 1904, act of November 30, 1965 (P.L.847), known as the “Banking Code of 1965,” in so far as such provisions relate to the Court of Common Pleas of Dauphin County.

(109) Section 6, act of December 15, 1965 (P.L.1077), entitled “An

act relating to and regulating the manufacture, sale, transportation, possession, use, serving and advertising of oleomargarine, margarine, butterine and similar substances; prohibiting the sale, possession or use thereof in certain cases; preventing and punishing fraud and deception in the manufacture, sale, use, serving and advertising thereof; imposing powers and duties on the Department of Agriculture and defining enforcement procedures; requiring notice to patrons of certain eating places which sell or serve any such products; and prescribing penalties.”

(110) Subsection (d) of section 10, act of January 24, 1966 (P.L.1509), entitled “An act relating to, regulating, taxing, supervising and controlling the placing of insurance on risks located in the Commonwealth of Pennsylvania with insurers not licensed to transact insurance business in Pennsylvania, permitting licensed insurers to afford coverage which may be placed with unlicensed insurers, providing fees and penalties, and repealing certain existing laws.”

(111) Section 11, act of January 24, 1966 (P.L.1535), known as the “Pennsylvania Sewage Facilities Act,” in so far as such provision relates to the Court of Common Pleas of Dauphin County.

(112) Section 306, act of January 28, 1966 (P.L.1625), known as “The Atomic Energy Development and Radiation Control Act.”

(113) Sections 4, 12 and 20, act of December 11, 1967 (P.L.707), entitled “An act providing for and regulating thoroughbred horse racing with pari-mutuel wagering on the results thereof, creating the State Horse Racing Commission as an independent administrative commission and defining its powers and duties; providing for the establishment and operation of thoroughbred horse racing plants; imposing taxes on revenues of such plants; disposing of all moneys received by the commission and all moneys collected from the taxes; authorizing penalties; and making appropriations.”

(114) Section 10, act of January 17, 1968 (Act No. 5), known as “The Minimum Wage Act of 1967.”

(115) Section 8, act of January 22, 1968 (Act No. 7), known as “The Pennsylvania Transportation Assistance Authority Act of 1967.”

(116) Section 20, act of July 9, 1968 (Act No. 151), known as the “Pennsylvania Meat and Poultry Hygiene Law of 1968.”

(117) Act of July 23, 1968 (Act No. 226), entitled “An act equalizing trade practices in public works procurement; authorizing the purchase by the Commonwealth, its political subdivisions, and all public agencies, of aluminum and steel products produced in a foreign country, provided the foreign country does not prohibit or discriminate against the importation to, sale or use in the foreign country of supplies, material or equipment manufactured in this Commonwealth; establishing procedures for determining whether foreign countries discriminate against supplies, materials or equipment manufactured in this Commonwealth; and imposing penalties and providing for relief for violation of this act.”

(118) Section 307, act of July 31, 1968 (Act No. 233), known as "The Pennsylvania Fair Plan Act."

(119) Sections 4, 5 and 6, act of December 17, 1968 (Act No. 387), known as the "Unfair Trade Practices and Consumer Protection Law," in so far as such provisions relate to the Court of Common Pleas of Dauphin County sitting as the Commonwealth Court.

(b) For the purposes of subsection (a) of this section:

(1) An act of Assembly relates to the Court of Common Pleas of Dauphin County only to the extent such act refers to the trial court of the seat of government in any form of language or the Court of Common Pleas of Dauphin County *eo nomine*; and

(2) An act of Assembly shall not be deemed to relate to the Court of Common Pleas of Dauphin County to the extent that such act expressly vests jurisdiction in the courts of common pleas generally.

(c) Except as provided in subsection (e) of section 8 of this act, the Commonwealth Court shall also have jurisdiction over every civil action, proceeding or appeal of whatsoever nature or description of the classes or kinds heretofore entered in the "Docket of Commonwealth Cases" established by the act of June 26, 1895 (P.L.315), entitled "An act providing for a separate appearance docket for all cases in which the Attorney General appears officially for the Commonwealth in the courts of the county in which the seat of government is situated."

(d) The reference to the Court of Common Pleas of Dauphin County in section 46, act of June 4, 1945 (P.L.1388), known as the "Administrative Agency Law" shall hereafter be deemed to be a reference to the Commonwealth Court.

(e) All other parts of those acts which are specified in clause (a) of this section of this act and all other acts and parts of acts are repealed in so far as inconsistent with this act.

Section 15. *Effective Date.*—This act shall take effect immediately, except for section 14 which shall take effect immediately upon the Governor issuing his Proclamation stating that the court is organized and ready for the transaction of its judicial functions.

APPROVED—The 6th day of January, A. D. 1970.

RAYMOND P. SHAFER

The foregoing is a true and correct copy of Act of the General Assembly No. 185.


Secretary of the Commonwealth.