

(This Joint Resolution No. 4 was passed for the first time at the Legislative Session of 1976.)

## No. 4

## A JOINT RESOLUTION

HB 2257

Proposing an amendment to the Constitution of the Commonwealth of Pennsylvania by providing for additional judges for the Superior Court, changing certain provisions relating to confirmation and initial terms, and further providing for the president judge of the Superior Court and for the rule making powers of the Supreme Court.

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

Section 1. The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of Article XI thereof.

That section 3, subsection (c) of section 10 and subsection (b) of section 13 of Article V and section 11 of the Schedule to Article V of the Constitution of the Commonwealth of Pennsylvania be amended to read:

ARTICLE V  
THE JUDICIARY

## § 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] *Constitution or statute. One of its judges shall be the president judge.*

## § 10. Judicial Administration.

\* \* \*

(c) The Supreme Court shall have the power to prescribe general rules governing practice, procedure and the conduct of all courts, justices of the peace and all officers serving process or enforcing orders, judgments or decrees of any court or justice of the peace, including the power to provide for assignment and reassignment of classes of actions or classes of appeals among the several courts as the needs of justice shall require, and for admission to the bar and to practice law, and the administration of all courts and supervision of all officers of the Judicial Branch, if such rules are consistent with this Constitution and neither abridge, enlarge nor modify the substantive rights of any litigant, nor affect the right of the General Assembly to determine the jurisdiction of any court or justice of the peace, nor suspend nor alter any statute of limitation or repose. All laws shall be suspended to the extent that they are inconsistent with rules prescribed

under these provisions. *No general rule or rule of court shall be prescribed unless notice of intention to prescribe such a rule shall have been published in the manner provided by the General Assembly for rules and regulations generally and no general rule or rule of court shall take effect until it shall have been published in an official gazette established or designated by the General Assembly.*

\* \* \*

§ 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 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.*

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#### SCHEDULE TO JUDICIARY ARTICLE

§ 11. Selection of president judges.

(a) Except in the City of Philadelphia, section 10 (d) of the article shall become effective upon the expiration of the term of the present president judge, or upon earlier vacancy.

(b) *Notwithstanding section 10 (d) of this article the President Judge of the Superior Court shall be the judge longest in continuous service on such court if such judge was a member of such court on the first Monday of January, 1976. If no such judge exists or is willing to serve as president judge the president judge shall be selected as provided by this article.*

Section 2. This proposed amendment and schedule thereto shall be submitted by the Secretary of the Commonwealth to the qualified electors of the State, at the primary election or election next held after the advertising requirements of Article XI, section 1 of the Constitution of the Commonwealth of Pennsylvania have been satisfied.