

No. 1978-6

AN ACT

SB 236

Amending the act of January 6, 1970 (1969 P.L.434, No.185), entitled "An act relating to the Commonwealth Court, implementing section 4 of Article V of the Constitution of the Commonwealth of Pennsylvania," increasing the number of judges of the court and providing for their appointment.

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

Section 1. Section 2, act of January 6, 1970 (1969 P.L.434, No.185), known as "The Commonwealth Court Act," is amended to read:

Section 2. Establishment and Composition of Commonwealth Court.—*(a)* 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.

(b) **In order to increase the number of judges of the Commonwealth Court so that the court shall hereafter be composed of nine judges, two additional judges are hereby provided for who shall possess the qualifications prescribed in subsection (a) and who shall be appointed and elected as provided in subsection (j) of section 3.**

Section 2. Section 3 of the act is amended by adding a subsection to read:

Section 3. Appointment and Election of Judges; Terms.—* * *

(j) **In order to implement the purposes of this act and upon its effective date, the Governor shall appoint in the manner and for the term prescribed by section 13 of Article V of the Constitution of Pennsylvania pertaining to vacancy in the office of judge, two appointees: Provided, That both appointees shall not be members of the same political party. No judge appointed pursuant to this subsection 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. The election of judges as to these two additional judgeships shall be as prescribed by subsection (i).**

Section 3. This act shall take effect immediately.

APPROVED—The 14th day of March, A. D. 1978.

MILTON J. SHAPP