

No. 1980-189

AN ACT

SB 776

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for jurisdiction of courts, the statute of limitations, for the compensation of district justices for actions on certain instruments, and for State reimbursement of certain juror compensation.

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

Section 1. Sections 761(a)(1) and 762(a)(1) of Title 42, act of November 25, 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated Statutes, amended October, 5, 1980 (No.142), are amended to read:

§ 761. Original jurisdiction.

(a) General rule.—The Commonwealth Court shall have original jurisdiction of all civil actions or proceedings:

(1) Against the Commonwealth government, including any officer thereof, acting in his official capacity, except:

(i) actions or proceedings in the nature of applications for a writ of habeas corpus or post-conviction relief not ancillary to proceedings within the appellate jurisdiction of the court;

(ii) eminent domain proceedings; **[and]**

(iii) actions on claims in which immunity has been waived pursuant to Chapter 85 (relating to matters affecting government units) or the act of May 20, 1937 (P.L.728, No.193), referred to as the Board of Claims Act[.]; *and*

(iv) *actions or proceedings in trespass as to which the Commonwealth government formerly enjoyed sovereign or other immunity.*

* * *

§ 762. Appeals from courts of common pleas.

(a) General rule.—Except as provided in subsection (b), the Commonwealth Court shall have exclusive jurisdiction of appeals from final orders of the courts of common pleas in the following cases:

(1) Commonwealth civil cases.—All civil actions or proceedings **[to which the Commonwealth Government, including any officer or employee thereof, acting in his official capacity or within the scope of his duties, is a party, including actions or claims in which immunity has been waived pursuant to Subchapter B of Chapter 85 (relating to actions against Commonwealth parties)] original jurisdiction of which is vested in another tribunal by virtue of any of the exceptions to section 761(a)(1) (relating to original jurisdiction),**

except actions or proceedings in the nature of applications for a writ of habeas corpus or post-conviction relief not ancillary to proceedings within the appellate jurisdiction of the court.

* * *

Section 2. Section 933(a)(1)(v) of Title 42 is amended to read:

§ 933. Appeals from government agencies.

(a) General rule.—Except as otherwise prescribed by any general rule adopted pursuant to section 503 (relating to reassignment of matters), each court of common pleas shall have jurisdiction of appeals from final orders of government agencies in the following cases:

(1) Appeals from Commonwealth agencies in the following cases:

* * *

(v) Determinations of the Pennsylvania Liquor Control Board appealable under [section 515 of] the act of April 12, 1951 (P.L.90, No.21), known as the "Liquor Code," *except matters appealable under section 433, 444 or 710 of the act.* Except as otherwise prescribed by general rules, the venue of such matters shall be as provided in [section 515 of] the act.

* * *

Section 3. Sections 1503 and 3154 of Title 42 are amended by adding subsections to read:

§ 1503. Reestablishment of districts.

* * *

(d) Compensation of district justice.—When a magisterial district is reestablished the compensation of a district justice serving therein shall not be diminished for any reason during his term or during any term to which he is reelected while serving in such reestablished district.

§ 3154. Compensation of judicial officers.

* * *

(d) Compensation of district justice.—The compensation of a district justice shall not be diminished for any reason during his term or during any term to which he is reelected in the same magisterial district in which he was serving at the time of reelection.

Section 4. Section 4561(b) of Title 42, added June 26, 1980 (No.78), is amended to read:

§ 4561. Compensation of jurors.

* * *

(b) State reimbursement.—The Commonwealth shall reimburse each county 80% of the amount expended by the county for such compensation and mileage beyond the first three days of service if the juror is participating in a trial *or in grand jury proceedings.* Application for reimbursement shall be made by the county to the State Treasurer through the Administrative Office on forms and pursuant to uniform procedures prescribed by said office. *As used in this section,*

trial participation shall include voir dire examination only if such examination shall have commenced prior to the juror's fourth day of service.

Section 5. Sections 5527(2) and 5529 of Title 42 are amended to read:

§ 5527. Six year limitation.

The following actions and proceedings must be commenced within six years:

* * *

(2) An action upon a contract, obligation or liability founded upon a bond, note or other instrument in writing, except an action subject to another limitation specified in this subchapter. *Where an instrument is payable upon demand, the time within which an action or proceeding on it must be commenced shall be computed from the later of either demand or any payment of principal of or interest on the instrument.*

* * *

§ 5529. Twenty year limitation.

(a) *Execution against personal property.*—An execution against personal property must be issued within 20 years after the entry of the judgment upon which the execution is to be issued.

(b) *Instruments under seal.*—

(1) *Notwithstanding section 5527 (relating to six year limitation), an action or proceeding upon an instrument in writing under seal must be commenced within 20 years.*

(2) *This subsection shall expire June 27, 1998.*

Section 6. The prothonotary of the Commonwealth Court shall, except as otherwise ordered by the court in the interest of justice, transfer to the appropriate office of the clerk of the court of common pleas all dockets, records, pleadings and other papers, or certified copies thereof, relating to all pending matters jurisdiction of which is vested in another tribunal by reason of 42 Pa.C.S. § 761(a)(1)(iv) or 933(a)(1)(v), as added or amended by this act.

Section 7. This act shall take effect immediately and the amendments to 42 Pa.C.S. §§ 761(a)(1)(iv), 933(a)(1)(v), 5527(2) (as to instruments under seal) and 5529 effected by this act shall be retroactive to June 27, 1978.

APPROVED—The 5th day of December, A. D. 1980.

DICK THORNBURGH