

(This Joint Resolution No. 1 was passed for the first time at the Legislative Session of 1978.)

No. 1978-1

A JOINT RESOLUTION

HB 1395

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 initial terms, and further providing for the president judge of the Superior Court.

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

Section 1. The following amendments to the Constitution of the Commonwealth of Pennsylvania are proposed in accordance with the provisions of Article XI thereof:

That section 3 and subsection (b) of section 13 of Article V and section 11 of the Schedule to Article V 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] this Constitution or by the General Assembly. One of its judges shall be the president judge.*

§ 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 a term ending on the first Monday of January following the next municipal election more than ten months after the vacancy occurs or for the remainder of the unexpired term whichever is less, *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 provided by this section for the filling of vacancies in judicial offices.*

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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 the 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 1977. If no such judge exists or is willing to serve as president judge the president judge shall be selected as provided by this article.